

cars to move the ethanol from the Midwest to the Northeast and down into Texas, where it can be blended into the gasoline.

Since it requires a special base form of gasoline, the ethanol-to-MTBE switch makes it difficult for us to import gasoline from overseas to relieve these price pressures, because outside of Europe there are few foreign refineries that can actually make this base form. So that means tighter fuel supplies that cannot readily be remedied by imported product.

We talk about the cost to us as Americans. According to the Energy Information Administration, we are already paying about twice as much for fuel today as we did in the summer of 2002. On the whole, our country is spending \$212 million more per day for gasoline than we did last year, a half billion dollars more per day than 4 years ago. It is incredible.

What do we do about it? The chairman of the Energy Committee noted some of the steps, and noted some of the steps the President has advanced. But our first effort today is to conserve, to increase our conservation and efficiency efforts.

The PRESIDING OFFICER. The time of the Senator has expired.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent for 1 additional minute.

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

Ms. MURKOWSKI. We must do the simple things first. Conservation, efficiency, make sure the tires are inflated, our cars are in tune, drive less, reduce the air conditioning—those small things that will make a difference. We have to move quickly to increase our fuel efficiency, continue to expand the use of renewables such as wind, geothermal, biomass, oceans, solar—all of those that are available. But we must increase our domestic supplies of oil and natural gas, and the first place we start is up in ANWR. We have the ability to do it. We have demonstrated that we can. Opening ANWR would produce up to 1 million barrels a day of additional oil for 30 years to meet the world demand and drive the prices down.

People are saying it is not going to make a difference today, and they are correct. But we didn't get to this place in 1 day. What we are anticipating is the need down the road. Anyone who thinks in 5 or 10 years there are not going to be anymore hurricanes or supply disruptions or production impediments is fooling himself. So let's plan for the future. Let's plan for our own domestic energy security by doing what we can in this country. The first place to start is by opening ANWR to limited oil exploration and development, and doing it in an environmentally sensitive and balanced manner.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. ALEXANDER. Mr. President, I understand the remaining time on the Democratic side is not needed and may be yielded back.

Mrs. MURRAY. Mr. President, I yield back the remaining time on the Democratic side.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. At this time, morning business is closed.

#### MAKING EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2006

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 4939, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 4939), making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

#### Pending:

Gregg modified amendment No. 3594, to provide, with an offset, emergency funding for border security efforts.

Harkin/Grassley amendment No. 3600, to limit the compensation of employees funded through the Employment and Training Administration.

Reid amendment No. 3604, to provide, with an offset, emergency funding for border security efforts.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, I yield to myself 15 minutes.

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

Mr. ALEXANDER. Mr. President, there will be a rare opportunity about noon on the Senate floor. There will be a chance for the American people to have for themselves a handy list of big spenders, something they can put on their blogs, something they can put in their newsletters, something they can speak about at the dinner table, something they can read to friends. There is always a lot of talk around here about who is responsible for the fact that the Federal Government is spending more money than it ought to. We are about to see a good example of who is responsible for that, if things go true to form, because we will have two amendments before us at noon. One is by the distinguished Senator from New Hampshire, Senator GREGG, and one by the distinguished Democratic leader, Senator

REID. Both of them are border security amendments.

There will not be very many votes in this body, I suspect, against border security. I want to speak about border security because the Gregg amendment takes very important steps to maintain our current level of security on the border, which is a minimum level of security. I am proud to cosponsor that. And the Gregg amendment pays for it by taking money from other parts of the President's budget. That is the Gregg amendment.

The Reid amendment, as I understand it, which we will be voting on side by side, does identically the same thing on border security the Gregg amendment does, except it pretends that money comes out of thin air, that it grows on trees, that it comes from nowhere. It is the thing we see time and time again around here, whereby someone comes up with an essential, good idea but with no way to pay for it. So we print the money, make it up, and the runaway spending goes on and on.

I wish to talk this morning a little bit about those two issues—first, border security, the subject of the Gregg amendment and why I believe it is essential that we adopt it as part of the supplemental appropriations bill that is before us. I also want to talk about the difference between how it is paid for so the American people can get ready to make their handy list of big spenders because those who vote for the Reid amendment will be on a handy list of big spenders because that amendment is not paid for.

Let me start with the Gregg amendment and the condition of border security. Americans are angry about border security, or the lack of it. They have a right to be angry about border security, or the lack of it. That is not the responsibility of the Governor of the State of Arizona or the Governor of Texas or the Governor of California. It is a Federal responsibility. Immigration is our job. Border security is our job. It is a Washington job and it is a job that has been neglected for a long period of time.

At least to the credit of the majority leader, he has forced this Senate to deal with this issue and we are in the middle of it and we ought not rest nor go home again until we deal with the issue of border security. There are a lot of other issues that do not have to deal with immigration. How many temporary students do we want here in the United States? We have 572,000 of them today. They are an important part of our country, contributing to our standard of living. When they go home, they usually spread our values and our good will better than any foreign aid ever has. We have about half a million people who are here each year and we give them new temporary worker status. It is important to have them here as well, because in a vibrant, growing economy, we need more workers. We have an important debate to have about what to do about the 10 to 12 million people

who are illegally here, and what I think is the most important part of the whole immigration debate and that is how do we make sure those who are not citizens of this country are, for the most part, becoming Americans so we do not leave this country a large enclave of people whose allegiance is to some other country.

We are a big country, 300 million people. We have about 30 million people, or 10 percent of us today, who are noncitizens—about two-thirds legally here and one-third of those illegally here. But we need to make sure that for the most part, people who are here who are not citizens are learning English, are learning the saga of American history, are learning about our founding documents and are willing to take the oath which foreswears allegiance to where they came from and adopts allegiance to this country.

There are many important debates about immigration, but there is nothing more important than border security. Border security is the first issue before us because it is based upon the bedrock principle of the American character which is the rule of law. Most families who have come to this country are immigrant families. Almost all of us descend from those. Most of those families, in addition to wanting to make a dollar, wanting to improve their lives, wanting to gain freedom, wanted to come to a country where there is the rule of law. They did not want to live in some other country where some potentate could snatch you out of your bed in the middle of the night and, based on the whim of that ruler, decide your fate. Or where a contract that you made would be decided by some person, not by the rule of law, and where some people are higher than the law and some people lower than the rule of law. They wanted to come to this country, the United States, which honors the rule of law and upholds the rule of law.

Yes, people came here because they wanted freedom. They wanted to be able to drive across State lines, but they expected to have to stop at stop signs. They wanted to come to a country where they were free to make contracts with whomever they wanted, but they expected the contracts would be enforced. They wanted to come to a country where they have second amendment rights to own a gun, but they expected they wouldn't be allowed to shoot people with that gun.

This has been a country with the rule of law, and we have been ignoring that for the last number of years by looking aside while millions and millions of people stream back and forth across our borders illegally while millions of other people patiently wait in line, attesting to their good character, learning at least eighth grade English, passing a test on American history, waiting for 5 years, and preparing themselves to take an oath where they foreswear their allegiance from where they came and pledge allegiance to the United States.

Those people are bypassed by these people running back and forth across the border. It is unfair to them. Principally, it is an offense to the principle of the rule of law. There may not be anyone in this Chamber who does not agree with the principle of the rule of law and that we ought to secure and control our borders. If we believe that, we ought to do it.

I am growing increasingly to think that Senator ISAKSON is right as he suggests that the first thing we ought to do in this immigration debate is secure our borders, perhaps allow the President to certify they are secured, and then begin to deal with temporary workers and other issues that come up.

In any event, we want to secure our borders. That is why the Gregg amendment is so important. Senator GREGG has proposed we provide \$1.9 billion in emergency funding as a critical investment in border security in this supplemental appropriations bill which is now before the Senate. This is an integral component of the war on terror.

Key critical capital improvements that are part of this bill include: No. 1, stemming the tide of illegal aliens entering the country; No. 2, ensuring that terrorists and weapons of mass destruction are not capable of slipping through our arguably porous borders; No. 3, decreasing the illegal drug flow.

The subject matter of the debate, the bill before the Senate, is an emergency appropriation for the war on terror. This is an integral part of the war on terror except that the border is on our southwest border and not somewhere in the Middle East. It is at home. It is part of what we ought to be talking about.

Here are a few examples of exactly what the Gregg amendment, which I am proud to cosponsor along with others, would do. These are improvements necessary to secure our borders. For example, we have an outdated fleet of aircraft. The P-3 fleet which serves as our border security's primary air surveillance is over 40 years old, 20 years beyond the average life of this type of plane. Last month, the entire fleet was grounded due to safety issues uncovered during a routine inspection. The entire fleet needs to be overhauled to extend its service life.

Example No. 2, outdated vehicles. Nearly 1,700 vehicles are virtually unusable due to the wear and tear of the desert, extreme environments and hard use, forcing border patrol agents and investigators to use vehicles with a high breakdown rate.

Example No. 3, lack of sufficient patrol boats. There are not enough patrol boats today, resulting in fewer patrol boat hours now than we had in 1998, about half the number of hours needed to meet the mission requirement.

Next example, lack of sufficient patrol aircraft. We currently detect 3 out of every 10 boats carrying smugglers. Of the boats detected by a patrol aircraft, we stop 75 percent of them. More aircraft are needed to act on intel-

ligence regarding human and drug smuggling activities.

Next, unmanned aerial vehicles. We have only one unmanned aerial vehicle operating along our southwest border. In 7 months it has assisted in the apprehension of over 1,000 aliens. Yesterday morning it crashed while surveying the Arizona border. The department has only begun to grapple with how to replace this surveillance capacity until the next unmanned aerial vehicle is delivered in August. The department indicates that up to 18 are needed.

Armed helicopters is another example. So the \$2 billion increase in border dollars will replace—or repair, when that is sufficient—outdated vehicles, aircraft, helicopters, and boats. The money will also be used to improve law enforcement communications.

The point I am seeking to make is that these essential capital improvements on border security, the \$1.9 billion this year, which is in addition to the amount of money that Senator GREGG and this Congress added to the budget in the last two budgets, will make capital improvements necessary to merely maintain our current capacity to enforce our borders. There is no need to pass any kind of immigration bill unless we have both the authority and the money to secure the borders. We should want to send a clear signal to the American people that before we establish a system of temporary workers and confirm our system of student visas and put into place other applications to help people legally here become American citizens, we should make sure we are doing our job of ensuring that border is secure.

Let me talk about the money. There are a great many urgent ideas expressed in the Senate. That is what we are for: Let ideas percolate, ideas that need resolution, debate them and solve them. It is a wonderful system. The more I travel and see the rest of the world, as I have over my lifetime, the more I admire the system we have, messy as it often is.

The No. 1 issue that might light up the switchboards would be border security. I judge No. 2 would be runaway Federal spending. That is why I say it is important for those paying attention to this debate to be ready to make a list of big spenders. For those who believe in voting for a good idea but then getting the money out of a tree or up off the ground or out of some imaginary printing press to pay for it, that is why we have a big Federal deficit. We vote for a big idea, and then we do not pay for it.

Senator GREGG pays for it. He does it by saying we will take the \$1.9 billion from the 2.775 percent reduction in the \$69 billion in funding provided for the Department of Defense in title I, chapter 3, and title II, excluding military construction money. Senators COCHRAN, STEVENS, and FRIST all believe that leaves the committees with sufficient flexibility to support our needs in Afghanistan, Iraq, as well as our needs along the border.

The President has said he will veto a supplemental appropriations bill that just balloons to the sky, that goes over \$92.2 billion. The letter came last night, and it does not say "advisors predict" or "someone said." It says the President will veto anything over \$92.2 billion. I intend to support the President if he does have to veto. I hope we will be fiscally responsible.

The Democratic amendment takes \$106 billion and adds another \$2 billion to it for this good idea, border security. The Gregg amendment says let's pay for it out of funds we have, keep it within the budget.

At noon today, we will have a chance, No. 1, to vote for border security. That is essential. Both amendments do the same thing. The second thing we have a chance to do is compile for the country a list of big spenders, those who believe in taking the money out of the air somewhere, printing it in a printing press. You can do a lot of talking, but if you do not offset the dollars, you are a big spender and you go on the list.

Perhaps one should be proud of being on such a list, but I would rather vote with Senator GREGG, which is why I am cosponsoring his amendment rather than the Democratic leader's amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. I yield 15 minutes to the Senator from New York and 15 minutes to the Senator from Massachusetts.

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

The Senator from New York is recognized.

Mrs. CLINTON. Mr. President, sitting here listening to my colleague from Tennessee reminds me of that old story about the boy who kills his parents and then stood before the judge and asked for mercy because he was an orphan. This is an unbelievable narration we have just heard.

The other side of the aisle has been expert in running up the largest deficits we have ever had. We had a balanced budget, we had a surplus 5 years ago. We were on the right track economically. We were fiscally responsible. But the combination of this White House and this Republican majority has blown all of that to smithereens.

This President has never vetoed anything and now we finally get a veto threat on an emergency supplemental. This President has used emergency supplementals in order to avoid the budget realities that would confront anyone who knows elementary arithmetic about how much we are spending that we do not have.

With all due respect to my colleague, this is a rather strange argument to be making at this point in time as though none of the history of the previous 5 years had occurred.

The debate between these two amendments is a worthy debate; how-

ever, it is an unnecessary debate. The President sent a budget to this Congress just a few months ago. It could have had much of what is in this emergency supplemental in the budget. They chose not to do so because even they are getting a little embarrassed about the ocean of red ink we are all swimming in these days.

What this supplemental appropriations bill does is provide vital support for our men and women currently serving in Iraq, Afghanistan, and elsewhere. This emergency supplemental provides body armor, tools to defeat improvised explosive devices, the so-called IEDs that are killing and maiming young Americans every single day. This supplemental provides money for training for the Iraqi security forces. Maybe, finally, we will have a government in Iraq that knows how to do that. They certainly need to get the message that we are not there for the long term unless they start defending themselves and providing security for their own people.

These funds are to replenish the money we are spending in our military to make sure our young men and women who are bravely serving us have the resources, the equipment, the tools they need to do the job we sent them to do.

The bill also includes funds to continue the rebuilding from Hurricane Katrina. As we approach yet another month of debris, confused leadership, failure to supervise and monitor expenditures from this administration, we know how much more needs to be done to rebuild New Orleans and the gulf coast region.

Here we are, about to have a vote in a few hours on an amendment—really, two amendments—as to whether we are also going to face up to our responsibilities along our border, and how we are going to pay for that. Both the Gregg amendment and the Reid amendment recognize the critical need for increased border security.

I have long maintained it is unconscionable to think that in our post-September 11 world we still do not know the identities of people who enter our country, stay illegally in our country, and may or may not exit our country. Over the past several weeks, we have seen agreement in the Senate that securing our borders must be a top priority and a major component of whatever immigration reform we consider.

Now, there are those who are, frankly, misguided and demagogic in their claims that all we need is border security. We know that is not the case. Senator KENNEDY, who is in the Chamber at this moment, has been a leader on immigration reform for decades. He knows if you do not have comprehensive immigration reform, you do not deal with the challenges we confront.

We all are in agreement we have to do more to secure our porous borders. The Reid amendment is a step in the right direction because it does provide

\$1.9 billion to strengthen our borders. These funds would be used to replace and upgrade law enforcement communications, provide Border Patrol agents with air and land vehicles, expand air operations for Customs and border protection, invest \$100 million in sensor and surveillance technology that will help our Border Patrol agents be more effective.

If we can succeed in securing our borders, something that we have not yet succeeded in doing, then we can turn our attention as a nation and focus our energies and our resources on other credible threats against our homeland.

I commend Senator REID's efforts to direct resources to strengthening our borders. I know he would agree with me that obtaining these additional funds should not be mistaken for comprehensive immigration reform. We still need comprehensive immigration reform that secures our borders, creates a better set of agreements and understandings with our neighbors to the south as to what they are going to do to stop the flow of illegal immigrants through their countries, particularly Mexico, and imposes and enforces tough sanctions against employers who employ illegal immigrants. After all, these people would not be risking their lives if there wasn't a job waiting for them at the other end of their dangerous journey; make sure we don't disadvantage people who have waited legally for their opportunity to come here to join a family member and to get a job that has been promised.

We need to do something to help alleviate the financial burden on local communities—not just along the border but, frankly, in New York—that are paying health care and education and law enforcement costs because this Federal Government can't figure out how to run an immigration system.

Yes, we need an earned pass to citizenship to bring out of the shadows the 11 or 12 million hard-working immigrants who are here and give them a chance through paying back taxes, going through a background check, learning English, and waiting their turn to become legal. We know what comprehensive reform looks like. And border security is absolutely paramount, but passing the Gregg amendment is not the end of immigration reform. I hope everyone understands that.

My colleague from New Hampshire agrees that we need to increase border security, but he would cut needed funds for our troops in the name of border security. The Gregg amendment would take money from troop pay, body armor, and even from the joint improvised explosive device funds. That is a false choice, and it is a wrong choice.

I do not believe that we should be engage in deficit spending. That is why I have voted against many of the provisions that have come from the other side—tax cuts which we can't afford, spending that should be under control. But it is an odd moment indeed that all

of a sudden my friends have found a conversion experience and they want to take money from our troops to secure our borders. I will take that comparison any time. I will be on any list that says don't take money from our troops; don't cut the research which we finally have as to how we are going to defeat improvised explosive devices because you now decide you want to do border security when you have been presenting budgets for 5 years after 9/11.

We need to get serious about defending this country and the men and women who serve on its behalf. We shouldn't be cutting funds for our troops in the name of border security. It is wrong to cut funds for body armor or for efforts to defeat IEDs. It is wrong to cut money from Iraqi security force training when they are finally about to have an Iraqi Government, something we have all been waiting for. It is wrong to cut the defense health program which provides medical assistance to our troops on the battlefield. And it is wrong to cut the death gratuity which assists the families of fallen soldiers.

If I sound a little passionate about this, it is because I am. I find this a false, cheap choice to score political points. And I think it is wrong.

The most important obligation of our Government is to provide for the security of the American people. Border security is an urgent need. It should and must be addressed by this Congress. But our security and our values are not served by choosing between protecting our troops and protecting our homeland, nor by playing support for our men and women in uniform against our need for border security. The Gregg amendment undermines both. I urge my colleagues to support the Reid amendment.

Do we need to get back to fiscal responsibility? You bet we do. Let us talk about that when it comes to cutting even more taxes for people making more than \$1 million a year. Let us talk about that when we are spending \$10 billion a month in Iraq and Afghanistan. Let us talk about that when we borrow \$60 billion a month from foreign lenders, such as the Governments of China, Japan, South Korea, Saudi Arabia, and India.

How do we protect our security against an increasingly dangerous world? How do we stand up to the threats from unstable regimes and from competition from China and elsewhere for scarce natural resources when we can't even get our own fiscal house in order because the other side of the aisle and the other end of Pennsylvania Avenue are addicted to tax cuts for the wealthy regardless of the costs for anything else, regardless of the costs for our country?

We need an energy policy that moves us toward energy independence. We get rhetoric, we don't get budget priorities. We are living on borrowed time and borrowed money. We are one accident or one terrorist attack away from oil

at \$100 a barrel—not just \$75. We have no leadership. We are not asked to sacrifice anything. The only people who sacrifice on a daily basis are the young men and women wearing our uniform.

Now we are standing up here with a straight face saying we are going to cut funds for body armor, we are going to cut the IED research program, we are going to cut the death gratuity so we can score political points and act all of sudden as if we have become fiscally responsible. I am sorry, I find that a sad commentary about what should be expected from each and every one of us.

I hope we will begin to seek common ground and try to figure out how we get ourselves out of the dangerous situation we are in today. All one has to do is pick up the morning newspapers or turn on the news. It is beyond me why we would want to have a political debate pitting border security against the needs of our men and women in uniform.

There are other ways to pay for this. There is money for construction that could be postponed until a real budget emerges. There are other kinds of options. But, no, we are going to have a debate about two serious, urgent requirements that we should be stepping up to meet.

I hope we will support the Reid amendment and do what is right by our troops and our border needs, and then let's get down to a serious discussion that is long overdue in this Chamber about where this country is headed.

Thank you, Mr. President.

The PRESIDING OFFICER. Who yields time? The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I ask the Chair to let me know when there is 3 minutes remaining.

The PRESIDING OFFICER. The Chair will so notify the Senator.

Mr. KENNEDY. Mr. President, as she is exiting the Chamber, I wish to commend my friend and colleague, the Senator from New York, for an excellent statement and comment about what is really at play here at noontime in the Senate; that is, a choice between meeting our responsibilities to the service men and women who are serving bravely and gallantly in Iraq and Afghanistan and also meeting our responsibilities to protect our country at our border. I have listened to her on many different occasions, and she spelled out the choice as clearly and as passionately as I have ever heard the case made. I thank her for her excellent and eloquent comments.

Mr. President, we are getting close to decision time on this particular amendment. Just to review very briefly where we are on the issues that are before us, I think all of us in this Chamber understand that we are making progress on an extremely difficult and complex issue; that is, the issue on immigration reform.

There are strong emotions, strong feelings, and strong beliefs on a variety

of different aspects of immigration reform, but one which I believe has total support in this body is that what we do need to do is be able to control our borders, and to be able to do that, we have to be able to make the investment which is going to be necessary to secure our borders.

Many of us believe that just in and of itself trying to establish just a border or just a fence in one part of the country is not going to do it.

All we have to really do is look at history. We understand that 10 years ago, about 40,000 illegals were coming into the United States. Since that time, we have spent over \$10 billion on border security, we have increased the number of border guards by 300 percent, and now we have some 400,000 coming into the United States.

It is going to take tough border security, but it is going to take something more in terms of law enforcement in this country for those who are eligible to be able to work and separating out those who are ineligible and also to be able to develop a program of earned citizenship for individuals who are here because they want to provide for their families, to work hard, to play by the rules, and to serve in the Armed Forces. They are prepared to pay a penalty, and they are prepared to go to the back of the line and wait their turn for up to 11 years before they would even be eligible for citizenship.

The immigration debate will continue along, and we will get back to it here in the Senate, but there is broad agreement on doing more in terms of our border security. There is some difference in how that should be shaped, but we ought to recognize that we need the resources, we need the \$2 billion which is before the Senate. What is completely unacceptable is the tradeoff between trying to deal with and seal our borders and to see a reduction in the support for our military and the armed services in both Iraq and Afghanistan. A number of us have worked very hard to increase in more protective humvees and the up-armorings of the humvees over the last 3½ years.

I serve on the Armed Services Committee. We have had 12 different estimates from the Defense Department on the requirement for up-armor humvees, and after each and every time, they have raised the requirement in order to protect troops.

We have added resources, both in the Armed Services Committee and here on the floor, to ensure that we are going to provide the best protection that the humvees can provide when they are up- armored. Now we are faced with an amendment which would reduce the resources for up-armorings humvees, something I believe is completely unacceptable. The tradeoff is completely unacceptable. We need both.

We have read and Americans have understood that we need to do a great deal more on armor for our troops. We are all familiar with the stories of American servicemen going through

dumpsters in Iraq to get strips of steel and metal and strapping those onto their vehicles because we weren't providing sufficient body armor either to individuals or to the trucks that are used in convoys over there. Nonetheless, the proposal that is being offered by the Senator from New Hampshire would reduce the funds available for the kinds of protective armor which is so essential for individuals and for their vehicles.

The IED, as we have heard from General Casey, as we have heard from General Abizaid, and as we have heard from the commanders in the field, is the primary threat to American service men and women. Who of us has not watched the news virtually every single night and not seen the smoking ruins of some vehicle where young, brave, courageous American men have lost their lives? Those are primarily destroyed by IEDs.

We have not done the kind of research into IEDs necessary in order to master the technology so our servicemen will have a defense. In the very beginning, IEDs were being set off with simple signals, but we were unable to jam them because it interfered with our military's communications. We have an opportunity. We have sent men and women to the Moon and brought them back, but we are unable to develop the electronics to set off the IED before it can hurt our troops coming down the road. I don't understand it. But I know that we haven't utilized to the extent we should the entrepreneurship, the ideas, and the innovation in the private sector in terms of electronics to be able to advance this whole area of technology.

We have finally established a very interesting important task force to try to bring in the best minds in defense and the private sector together to solve this problem. But we are going to be cut back on that for border security. What possible sense does that make?

Those are a few of the very top priorities but there other priorities that will be affected, including training the Iraqi security forces to upgrade their skills so they can stand up and Americans can stand down. This amendment would cut that program, as well as training programs in Afghanistan.

Why in the world, if we have made assessments that these programs are justified, are necessary, that are included in the supplemental, is it possibly justified to say: Well, those weren't really accurate, those really didn't reflect the need? We can chip away at any number of those programs because we need border security. It is a bad choice. I would like to take note, particularly of some of the smaller dollar items but, nonetheless, items which are of enormous importance and consequence.

Family support counseling: We have read about the explosion in the number of divorces that have taken place among our service men and women who are returning from Iraq. It is now four

or five times the national average of those in their generation because of the stress experienced by these individuals, both those who go to Iraq and, sadly, those who are left behind. So we provide assistance in terms of family support counseling, which is so important, so necessary.

And all of us are familiar with the stories of children who are missing their father and may have difficulties in school. We also hear of the families who have difficulties in adjusting to the fact that parents are away for a long time, come home for a brief time, and then are sent back to Iraq; come home for a brief time, and then are sent back to Iraq again. This puts enormous pressure on families who see these enormous potential dangers to the lives and well-being of their loved ones. So the resources in here to help with support counseling are very important. This amendment would reduce those services.

This amendment would also reduce the help and assistance, particularly, for patient transportation, medical services, and rehabilitation services, particularly for those severely wounded. The fact is, we have made some progress in the advancement of technology for helmets, so we have less injuries to the brain and to the head than we have seen in previous wars. And we have also made improvements in body armor. But as a result we have seen the extraordinary trauma in the extremities, and many servicemen have lost their limbs—legs and arms. We have some special provisions in this legislation to give greater focus and attention, direction and support, to programs that deal with these injuries.

I do not understand why, if we are talking about getting \$2 billion for border security—which I strongly support—we ought to put at risk any of these programs. That is what this amendment will do. We know we have to do something to protect our borders. We know we need to make the improvements which are outlined in both the amendments of Senator REID and Senator GREGG, which are areas I certainly support, but we should not do it at the cost of these essential programs which are absolutely necessary for those individuals who are fighting on the front line and risking their lives every single day in a dangerous part of the world, and their families.

It is the wrong choice to make, to put any of these programs at risk in order to support the \$2 billion. We ought to be able to support that. We ought to add that and it should be a part of this Nation's obligation for the future.

I just remind ourselves of a recent excellent report by a Nobel laureate, Professor Stiglitz, at Columbia, whose estimate is that this war in Iraq—just in Iraq—is going to cost \$1 trillion—\$1 trillion—before the end of it. A Nobel laureate estimating it will cost \$1 trillion. We are being asked here for just about \$2 billion to provide vital sup-

port services to those men and women who fight this war. It seems to me we have seen extraordinary expenditures already to date. I had my reservations, and I opposed going to this war, and I still believe it has not enhanced our national security or the security of Americans, but, nonetheless, what I am sure of is that it does not make sense for us to see a reduction in these programs that are so vital for our service men and women.

Mr. President, I yield back.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from New Hampshire.

Mr. GREGG. Mr. President, I yield to the Senator from Tennessee 5 minutes.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, I do not suppose there is a row of seats in the U.S. Senate that produces more passion and eloquence than the back row on the other side of the aisle. I enjoyed listening to the Senator from New York and the Senator from Massachusetts on this subject. I was especially struck by the Senator from New York, who spoke about budget deficits and talked about history and talked about an ocean of red ink and made a very impassioned speech. Then, when she got to the end of her speech, she volunteered to be on the list of big spenders that is going to be created at noon, which will be those who vote for the Reid amendment.

The Gregg amendment and the Reid amendment are identical. They are about border security. All the Reid amendment does is they took the Gregg amendment, which is a carefully structured approach to try to help maintain our border security on the southwest border, just at its present level, and they just struck out "Gregg" and they wrote in "Reid" and they did something else: they struck out the way to pay for it. So they are going to pay for it from thin air. They are going to pay for it with cotton candy.

There was talk about a brazen smokescreen. That is a brazen smokescreen. That goes on all the time here. I am on the Budget Committee. The Senator from New Hampshire is the chairman. We sat in the Budget Committee and voted down—I think it was 17 "no" votes—as the Democrats sought to add \$128 billion over the next 5 years. Then the debate moved to the floor, and they tried to add \$273 billion over the next 5 years.

So I guess it is all right to be fiscally irresponsible, but at least you ought to stand up and say: Yes, I am the one doing it. I am the one who has the good idea and then does not want to pay for it—which is exactly what the Reid amendment does.

The Senator from New York said: Oh, there must be other ways to pay for it. Why doesn't she suggest one? Why doesn't she cut something?

The Gregg amendment does not cut anything. This is a supplemental emergency appropriation for the war on terror. The war on terror is mostly in Iraq

and Afghanistan and in the Middle East, but it is also along our southwest border. I believe the Senator from New Hampshire believes that, and I believe most American people believe that. I believe it is appropriate to include that with the additional money that we are appropriating to support our men and women in uniform.

So the false choice—the false choice—is to stand up and say: We want to support border security, but we have no money to pay for it. That puts you on a list of big spenders. So as it stands today, the Gregg amendment is the responsible amendment. And the Senator, I am sure, will speak, as I have spoken earlier, on exactly what it does to help maintain our current infrastructure.

The Reid amendment is the identical amendment, except it is a smoke-screen. There is no way to pay for it. So as to the list of those on the Reid amendment, those votes will be a handy list of big spenders, which can be taken to your blog, which can be taken to your dinner table. And when somebody says: Who is it in Washington who keeps coming up with these good ideas but then never pays for it with real dollars, and so as a result we have runaway spending, then you will have a list of people who do that.

This is not about the last 5 years. It is not about the next 5 years. It is about today's vote: the Gregg amendment, which is the border security paid for amendment; or the Reid amendment, which is the same amendment not paid for.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I appreciate the very concise and accurate summation of this amendment, its purposes, and how it would affect spending by the Senator from Tennessee. I do think it is appropriate to respond even a little further on this issue.

The purpose of this amendment is to basically give the people who are defending us on our borders—the border security agents, the Customs agents, the Coast Guard—the tools they need to do their job right, which includes the airplanes, the unmanned vehicles, the boats, the cars, and the helicopters. That is clearly a critical element of our national defense in the fight in the war on terrorism. It has to be done. It has to be done now.

For example, the Senator from Tennessee noted that the one unmanned vehicle on the southwest border crashed—it is fairly ironic it would crash this week, but it crashed this week—so we now have none. We need to replace that. We not only need to replace it, we have to add about three or four more. It costs money, and this amendment would accomplish that. We know that has to be done if we are going to get the borders under control. With the proper capital support, with the proper technical support, and with the proper number of people on the bor-

der, we can bring the border under control.

We are on a path to do that. We added 1,500 agents. We are going to add another 1,500 agents this year. We are adding them as fast as we can hire them. But the problem is hiring is a little difficult because they are high-quality people, and we get about 40,000 applicants for every 1,500 we can hire, so it takes a while to ramp up. But with this capital support, we will have to accomplish that, and we will have the border under control, in the near term. But this argument coming from the other side: Well, you should not pay for this initiative, is just plain wrong. We are a country which, if we are going to remain strong and vibrant, has to be fiscally responsible and set priorities.

Now, it was my priority, quite honestly my personal priority, that we pay for this by taking out of the emergency request that came up from the Defense Department a number of items which really are not clearly emergencies. They go more to the core operation of the Defense Department, but I think they were put in the emergency because they thought it was maybe a way to pick up those dollars and not have to worry about them in their basic underlying budget.

I suggested the modernity initiative, which is about \$3.5 billion and would essentially have paid for this initiative in the Border Patrol, be taken out and replaced by the Border Patrol needs which are an emergency. They are an emergency. The planes are not flying. The UAV crashed. We do not have enough boats. The cars aren't running. The facilities are not there. It is an emergency. The Defense modernity is something we need to do, but it should be done and built out over the basic defense budget. There are a couple of other items in this emergency supplemental that also fall into that category, such as the V-22 Osprey purchase.

But I went to the people who understand defense spending around here, and I said: How should we pay for this? I went to Senator STEVENS. My staff talked to Senator WARNER's staff, Senator COCHRAN. And they said they would rather pay for it the way the amendment has been structured with basically an unidentified across-the-board cut—it is not going to even be across the board but an unidentified reduction to the overall number, giving the Defense Department the flexibility to find those dollars within the \$530 billion they will spend, \$2 billion.

So to come down here and allege that these funds are going to come out of the needs of the people who are on the front lines in Iraq or Afghanistan is pure poppycock, pure. And to make that representation is hyperbole and waving a red flag, which is totally inappropriate to this debate because if they read the amendment and they recognize how the amendment was structured, they would know that would

never happen. They do know it would never happen. They are down here just trying to get attention for their position and make an excuse for why they are not willing to pay for their proposal.

The fact that it will not happen is because when you line up Senator STEVENS and Senator WARNER and Senator COCHRAN on one side, and you put the folks who are saying the opposite on the other side, I tend to come down on the side of those three Senators as knowing more about what we are going to do and what we need in defense than necessarily the critics of this amendment. These are the people who have stood by our Defense Department for not only this year but for generations.

When the defense was being cut, savaged basically under the Clinton administration, when it was basically being hollowed out under a Democratic Congress in the early 1990s, it was people like Senator STEVENS and Senator WARNER who stood on this floor and tried to stop it. It is those folks who have built the Defense Department back up so our soldiers have what they need so we have a strong national defense. They came to me and said: We would like to see your amendment done this way rather than the way you proposed. And I said: OK. You are the experts. I am perfectly willing to follow your suggestion.

So this argument that is being thrown out on the other side is a straw dog. The issue is, as Senator ALEXANDER has framed it, a question of whether we are going to set priorities, whether, when we say we are going to do something about the Border Patrol needs, Coast Guard needs, Customs needs in the area of capital assets—such as planes and helicopters, unmanned vehicles—we are going to do that, and whether we are going to prioritize so that goes to the top of the list or close to the top of the list of our national priorities, and so it is paid for and is not put into debt.

So the choice, as Senator ALEXANDER has reflected, is: Are you going to pay for it or aren't you going to pay for it? Are you going to be a big spender or are you going to be somebody who is fiscally responsible?

The amendment I have put forward is a fiscally responsible amendment which will have no negative impact on any soldier who is in the field or on our operational capabilities in Afghanistan or Iraq. That representation clearly is inappropriate and wrong. I take a little bit of umbrage at it.

I yield the floor and reserve the remainder of our time.

The PRESIDING OFFICER. Who yields time?

The Senator from Tennessee.

Mr. ALEXANDER. I wonder if, through the Chair, I might ask the Senator from New Hampshire a question. Typically, a piece of legislation that is paid for has a better chance of making it all the way through to the end than a piece of legislation that is not paid for; is that not correct?

Mr. GREGG. The Senator is absolutely correct. We have attempted in the past to get these capital funds for the Border Patrol without paying for it, and the language has been dropped as it worked its way through the process. This is a priority we should be willing to pay for. As responsible governors of the purse of the American people, we should pay for it rather than just put it on the debt.

Mr. ALEXANDER. There is some talk about a brazen smokescreen on the other side. I suggest the brazen smokescreen might be to first stand up and say we are going to have more border security but we are not going to pay for it, and then turn around 30 seconds later and claim to be the guardians of fiscal responsibility. You can't do that. That is a smokescreen.

Another way to have a brazen smokescreen might be to stand up and make an impassioned speech and say: Let's spend \$2 billion for border security without paying for it, knowing full well that many amendments that are not paid for then get lost somewhere in the process and never are passed. And then the American will people say: What happened over there in the Senate? I saw them say they were for border security, but the money never came through.

The American people want us to maintain the border, pay for it, and do it. The Gregg amendment does it. The amendment offered by the distinguished Democratic leader does not.

Mr. GREGG. I reserve the remainder of the time.

The PRESIDING OFFICER. Who yields time?

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the final 10 minutes of debate before the votes at noon be equally divided between the Democratic leader and the majority leader or their designees, with the final 5 minutes reserved for the majority.

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

Mr. GREGG. I suggest the absence of a quorum and ask unanimous consent that the time be applied to both sides equally.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mrs. HUTCHISON. Mr. President, I wish to speak for 5 minutes on the amendment.

The PRESIDING OFFICER. There is only 3½ minutes remaining.

Mrs. HUTCHISON. If the 3½ minutes is not taken on our side, I will ask unanimous consent for that time.

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

Mrs. HUTCHISON. Mr. President, I rise to speak in favor of Senator

GREGG's amendment. I appreciate the job Senator GREGG has done in his position as chairman of the Appropriations Subcommittee on Homeland Security, which has done so much to try to beef up our borders. Senator GREGG has been a leading proponent of strengthening control of our borders with Mexico and Canada.

I think this amendment is a very positive and productive one, adding \$1.9 billion to homeland security and trying to do the things that would make access through our borders more secure. The US-VISIT Program, which sometimes stifles legitimate commerce on our borders will be provided \$60 million. This will be used to integrate the biometric databases so they will work better and we will know who is in our country and to allow people who are legitimately in our country to be able to go back and forth. It adds funds for Customs and border protection. It adds money for construction of new stations, checkpoints and tactical infrastructure, Immigration and Customs enforcement.

I think this is an issue everyone in America is absolutely behind. We want to have control of our borders. I have had meetings with Hispanic-American leaders, and I have had meetings with small business people who are on the border, as well as throughout our country. Everyone believes that as a sovereign Nation and for the security of our country, we need to control our borders. We had 160,000 other-than-Mexican illegal aliens entering our country from all over the world last year through the Mexican border. This is unacceptable for a sovereign country not to know who is in our country, particularly when al-Qaida puts out the word that if you want to penetrate America, go through the southern border.

It is not good for Mexico. Mexico knows there are people coming through their southern border, all the way through Mexico, sometimes as a criminal element, and they are doing so to get to the United States.

So it is very important that we pass the Gregg amendment. What is different about the Gregg amendment from the Reid amendment is that it is offset, it is an agreed-to offset, with a reduction in spending in other parts of the bill, in order to pay for this effort to secure our borders, and strengthen our national security.

I think it is so important that we are focusing on the Coast Guard to upgrade their patrol aircraft, their ships, and their patrol boats. The whole Gulf of Mexico is a very vulnerable area, and we need to secure the coast, as well as the land border areas.

I urge my colleagues to vote for the fully offset Gregg amendment that will beef up our border security at a time when we all know this is a first priority.

I yield the floor.

Mr. LEAHY. Mr. President, for those of us who have served in the Senate for

the past 5 years, the irony of the amendments before us today is inescapable. Had the Bush administration fulfilled its promises over those years and lived up to its rhetoric about bolstering our Nation's border security, there would be no need for the emergency supplemental spending amendments proposed by the distinguished chairman of the Homeland Security Subcommittee of the Appropriations Committee and the Democratic leader.

The administration's failure on this front has not gone unnoticed. In December of 2005, the 9/11 Commission's Report Card gave the Bush administration a 'D' grade for its efforts on border security, and specifically, for its failures in fostering international collaboration to improve border security. This is particularly disappointing in light of the grandiose statements in February 2001 in which the President heralded a new era of cooperation with President Vicente Fox on immigration and border issues.

For all its talk and swagger about security, the Bush-Cheney administration has not lived up to its public promises. Just last month we heard about nuclear material being successfully smuggled across our borders in a sting operation. Not long after that bombshell, a U.S. Citizenship and Immigration Services employee, Michael Maxwell, testified before a House subcommittee about an astonishing culture of corruption, and misdirected priorities in the agency within the Department of Homeland Security charged with processing immigration applications. For an administration that has regularly touted its commitment to national security, it is incomprehensible that the type of behavior Mr. Maxwell testified about was occurring in one of our most critical border security agencies.

You do not have to take my word for it or read the New York Times to see criticism of this administration's competence when it comes to border security. Take just one day's worth of reports from the Washington Times, one of the most conservative papers in the country. On Tuesday, that paper ran a front page story in which it reported that U.S. law enforcement officials say that "[h]undreds of Mexican nationals who wear government-issued uniforms, carry official identification cards and are authorized to use weapons are helping smugglers move tons of drugs into the United States." This follows numerous reports of uniformed incursions into the United States.

On page 3 we read that the Homeland Security Department's inspector general has completed a 22-month investigation "into Syrian nationals suspected of practicing to hijack a plane during a Detroit-to-Los Angeles flight." The inspector general's public summary says that the Department needs to better coordinate information on suspicious passengers, and on the conflicting jurisdictions of the FBI and Federal Air Marshal Service that can

compromise investigations of in-flight incidents. Because the 40-page inspector general report is classified, its detailed contents have not been made public, but it involves an incident from June 2004. According to the paper, the suspects were traveling under expired visas on one-way tickets bought with cash, but that immigration officials had failed to report to the airport to detain them.

Then on page 13, Tuesday's Washington Times reports about the case of a high-ranking Iranian official travels in and out of the United States on a U.S. green card, even though he carries an Iranian passport and is reported to be "an economics and technology aide to Iran's top nuclear negotiator," and is reported to have "joined the Iranian government last year" and to be a "high-ranking Iranian official."

The three incidents I have just described are all possible border security scandals reported in just one newspaper on just 1 day.

Just as gas prices for American consumers have doubled during the Bush-Cheney administration so, too, have the number of undocumented immigrants within the United States doubled. I do not think that I need to remind the American people that the same Government Department that so mishandled Katrina and its aftermath is in charge of border security. Nor will any of us forget that after 9/11 the immigration authorities were still sending cordial correspondence to dead suicide hijackers.

Here in Congress, we have met the President's calls for increased border enforcement with authorizations across the board. Indeed, we have often acted, as we are now, to provide additional authorities and resources that the administration did not request in order to try to force progress on border security. The administration, however, has not lived up to its end of the bargain. Despite the funding mandates of the intelligence reform bill that provided for 2,000 new Border Patrol agents annually, the President's budget request for 2006 would have provided enough funding to add only 210 Border Patrol agents. That is 10 percent of what Congress mandated, and not a single new agent would have been assigned to help protect our northern border.

What the President has said and what the administration has done couldn't be more different. He has talked about border security, but his priorities in the budget proposals he has sent to Congress shows that his administration values tax cuts for the rich over robust border security.

It is incomprehensible that almost 5 years after the horrific attacks of September 11, only 6 percent of shipping containers entering U.S. ports are screened. Despite the recommendations of the 9/11 Commission and despite Coast Guard recommendations that \$5.4 billion is needed for port security over a 10-year period, the Republican

Congress has appropriated only \$800 million in grants during the last 5 years. I commend Senator BYRD for the port security additions he has made over time and to this bill. Following its failed effort to approve the Dubai Ports deal, the administration has recently made a big show of arrests of undocumented workers at one company. Ironically, those recent raids emphasize how little this administration has done over the last 5 years in terms of interior enforcement and enforcement of prohibitions against employers' illegal hirings. Where is the President's leadership on these critical issues?

I was pleased to see an increase in the President's proposed budget to allow for the hiring of 1,500 or more Border Patrol agents in 2007. The Judiciary Committee reported a bipartisan bill that calls for even more agents and investigators than that. But even the 1,500 new agents proved to be another hollow promise from the Bush administration. On closer scrutiny, it is clear that the funds to pay for these agents do not exist. The administration's budget also fails to specify whether any of these new positions are allocated to the northern border.

The President's budget priorities for fiscal year 2007 raise other serious concerns, including a proposal to eliminate grants dedicated to port security. This short-sighted proposal inexplicably shortchanges what we know is already a critically vulnerable aspect of our border security. It is difficult to reconcile what this President says about border security and what his administration does or does not do.

The lack of effectiveness of this administration is represented for many Americans by the Department of Homeland Security's failures to prepare for and respond to Hurricane Katrina. It was a disgrace and a human tragedy. It has been 6 months since the hurricane hit. We know that 1,604 lives were lost, but approximately 1,840 individuals are still listed as "missing" or "whereabouts unknown." These numbers are astonishing. Is it possible that more lives were taken by Hurricane Katrina—a storm that we knew was coming for several days before it hit—than on September 11, 2001, when we were attacked without warning? What is being done to locate these persons and discover if they are living or if their lives were taken in the storm? It is no surprise that Congress is required to force action on border security when we consider how the Bush administration has performed.

I support the additional funding for border security in these amendments, though I do so with the regret that the Bush administration's lack of leadership on this critical issue has brought us to this point. Many of the items are the types of expenditures that we are now categorizing as "emergency spending" because of more than 5 years of neglect and incompetence in making them part of our regular budget and spending priorities as they should have been.

I conclude by commending the Democratic leader for his amendment. He has recognized a serious concern with the way that the alternative amendment was drafted. Both amendments contain the same funding. Both provide for long overdue law enforcement communications upgrades. Senator GREGG and I have worked on these matters since the tragic Drega incidents that affected our States demonstrated this critical need. Both amendments contain funding for border patrol vehicles and surveillance technology. Years ago it was a Vermont agent who helped develop remote sensors for border patrol purposes. Both contain almost \$800 million for helicopter replacement and other air patrol and surveillance needs. Both contain \$600 million for the Coast Guard vessels, aircraft, and equipment that is needed. Some of the other inclusions are less essential but I will not quibble with the subcommittee chairman or the Democratic leader who both include the same items and dollar amounts.

The difference between the amendments is a significant one, however, as the Democratic leader has explained. He supports, we all support, increased border security. But his amendment ensures that these additions are not paid for by taking funds from the emergency funding recommended for the needs of troops fighting in Iraq and Afghanistan or from the needs of those victimized by Hurricane Katrina in the gulf region. We should not be cutting pay and benefits for our National Guard, Active Duty and Reserve troops. We should not be cutting Iraqi security force training funding. We should not be cutting the Joint Improvised Explosive Device Defeat Fund that is intended to protect our troops from the scourge of deadly IEDs that threaten them in Iraq. We should not be cutting but should be improving health programs for out veterans and, sadly, the death benefits for their families. I agree with Senator REID and will support his amendment to better secure our borders and years of neglect but will do so without shortchanging the needs of the troops whom the President has committed to fighting in Iraq, and that we all authorized be sent to Afghanistan.

Mr. BYRD. Mr. President, the Senate will vote today on two amendments to provide \$1.9 billion of critical resources to enhance our border security. I will vote for both amendments.

Last month, the Senate began debate on immigration and border security legislation, part of which would authorize a whole host of items intended to secure our borders. The legislation would authorize the hiring of additional Border Patrol agents. The legislation would authorize the hiring of additional immigration enforcement agents and detention officers. It would authorize border surveillance technology and unmanned aerial vehicles. However, the immigration bill is just an authorization bill. If you are serious

about border security, you must approve real dollars.

Yesterday, the administration sent Congress a Statement of Administration Policy on the pending emergency supplemental bill. I will ask that the statement be printed in the RECORD. In this statement, the President threatens to veto the bill if it exceeds \$94.5 billion. He opposes providing disaster aid to our farmers impacted by drought and hurricanes. He opposes funding for 31 States to repair highways that were damaged by floods, and other disasters. He fails to endorse critical investments in port security.

By threatening to veto the bill if it exceeds \$94.5 billion, he forces the Congress to make very difficult tradeoffs. By endorsing additional border security funding while capping the bill at \$94.5 billion, the President is supporting cuts in his own request for the Department of Defense, or for aiding the victims of Hurricane Katrina.

I think this tradeoff is unnecessary and unfortunate. That is why I will vote for the Reid amendment. However, Chairman GREGG has done an excellent job in crafting the \$1.9 billion package of border security investments. If the only way to get the additional border security funds is to accept the President's position requiring offsets, then, in this case, I will vote for the Gregg amendment as well.

I ask unanimous consent that the before mentioned statement be printed in the RECORD.

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

#### STATEMENT OF ADMINISTRATION POLICY

H.R. 4939—EMERGENCY SUPPLEMENTAL PROVISIONS ACT FOR DEFENSE, THE GLOBAL WAR ON TERROR, AND HURRICANE RECOVERY, 2006

(Sponsors: Cochran (R), Mississippi; Byrd (D), West Virginia)

The Administration supports expeditious Senate passage of an FY 2006 Emergency Supplemental for the Global War on Terror and Hurricane Relief as requested by the President. The Administration commends the Committee for its continued support for our ongoing military and intelligence operations in the Global War on Terror (GWOT), other international activities, and hurricane relief and reconstruction. The Senate reported bill also included \$2.3 billion in emergency funds for pandemic influenza preparedness and prevention included in the President's Budget for FY 2007. The Administration wants to work with Congress to secure enactment of pandemic influenza funding before October 1, 2006, and believes this is an appropriate vehicle to ensure the funding is available when it is needed.

However, the Senate reported bill substantially exceeds the President's request, primarily for items that are unrelated to the GWOT and hurricane response. The Administration is seriously concerned with the overall funding level and the numerous unrequested items included in the Senate bill that are unrelated to the war or emergency hurricane relief needs. The final version of the legislation must remain focused on addressing urgent national priorities while maintaining fiscal discipline. Accordingly, if the President is ultimately pre-

sented a bill that provides more than \$92.2 billion, exclusive of funding for the President's plan to address pandemic influenza, he will veto the bill.

In addition, today the President sent to Congress a revision to the Administration's pending supplemental request, asking for an additional \$2.2 billion for the U.S. Army Corps of Engineers to heighten and strengthen levees in New Orleans. This additional funding is fully offset by a corresponding reduction to the previous request for the Disaster Relief Fund and assumes a non-Federal share for a portion of the work. The Administration urges the Senate to amend the bill to incorporate this revised request during its consideration of the bill.

The Administration would like to take this opportunity to share additional views regarding the Committee's version of the bill. *Global War on Terror (GWOT)*

The Administration appreciates the Committee's strong commitments to the President's funding request for ongoing military operations in the GWOT. The Administration also commends the Committee for funding the President's request for international funding for counter-insurgency and stabilization activities in Iraq and urgent, unanticipated needs to help relieve human suffering, including in Sudan and other parts of Africa.

The Administration appreciates the Committee's full support for the training of the Iraqi Security Forces, but opposes the \$290 million reduction from the President's request of \$2.2 billion for the Afghan Security Forces Fund (ASFF). This reduction to ASFF would set back efforts to build police forces by denying them the ability to operate from secure, functional, and economical facilities. Such setbacks hamper the effort to build cohesive units able to secure the peace and foster continued democratic transition in Afghanistan.

Similarly, the Administration opposes the reduction of funding for coalition support by more than one-half, or \$760 million. Failure to fund this effort through the end of the calendar year would jeopardize continued coalition partner support and a shared coalition responsibility for success in Iraq and Afghanistan this fall and winter.

The Administration opposes the reduction in requested transfer authority, particularly the failure to increase general transfer authority from \$3.75 billion to \$5 billion. The lack of additional transfer authority and needed flexibility will hamper the Department of Defense's (DOD's) ability to ensure that funding goes to the most pressing requirements.

The Administration appreciates the Committee's support for military pay and allowance programs, but notes that the increase of over \$500 million for these programs should have been appropriated in the base appropriations bill for FY 2006. The Administration opposes the inclusion of unrequested procurement funding while reducing critical funds for supporting combat missions in Iraq and for responding to unanticipated requirements. The Committee reduces \$104 million from the Army's Operation and Maintenance account that is intended to sustain Iraqi military forces operating side-by-side with American units.

The Administration appreciates the Committee's support for the National and Military Intelligence Programs. However, the bill funds the National Intelligence Program at a higher level than requested, particularly for the National Reconnaissance Office. The Administration urges the Senate to redirect this funding to restore other reductions to the President's request.

In addition, the Administration is concerned about the \$13 million rescission to the

Export-Import Bank's subsidy appropriations that are available for tied-aid grants, which help deter or defend against trade distortions caused by government-to-government concessional financing of public sector capital projects in developing countries.

#### *Hurricane Disaster Relief and Recovery*

The Administration appreciates the Committee's support for the request for FEMA's Disaster Relief Fund. However, the Administration is concerned that the additional \$1.2 billion provided far exceeds what is needed for the new "alternative housing pilot program" authorized in the bill. Such a pilot program should maintain the Department of Housing and Urban Development as the lead agency for longer-term and permanent housing initiatives, and focus on cost-effective alternatives that treat severely affected communities equitably.

The Committee provides \$5.2 billion in Community Development Block Grant funds, \$1 billion above the request. The Administration is concerned that the bill would permit funding to all affected States rather than limiting it to Louisiana, as requested, because Louisiana faces unique needs to mitigate future flood risk and address other housing concerns. The Administration also believes that designation of \$1 billion of the total for affordable rental housing is unnecessary and hampers the ability of local communities to prioritize funding based on local needs and citizen input.

The Administration commends the Committee for supporting the President's proposed actions to strengthen the Greater New Orleans hurricane protection system, including providing needed authorization for levee improvements and restoration of wetlands. Today the Administration is transmitting a proposal to Congress to authorize and fund actions needed to certify the majority of the levee system in the New Orleans area and, where needed, replace floodwalls. The Administration requests that Congress support the revised request, which is fully offset by a reduction to the Disaster Relief Fund request.

The Administration urges the Senate to eliminate section 2303, which instructs the Navy to adjust shipbuilding contracts for business disruptions that contractors incurred as a result of the hurricanes in 2005, for several reasons. First, it would require the Navy to cover shipbuilding costs that are routinely borne by private insurance, creating an incentive for insurance companies to deny payments. Expanding the scope of the Navy's liability would also limit flexibility in future contract negotiations because shipbuilders could claim business disruption for years to come. Second, Federal Acquisition Regulations expressly disallow insurable losses and already adequately evaluate the costs at issue in the shipbuilding contracts. Third, the legislation would require the Navy to cover business disruption costs of any affected shipyard—including those completely unrelated to DOD.

The Administration also opposes the \$594 million provided for Federal Highway Emergency Relief for requirements unrelated to the Gulf hurricanes, and the \$200 million provided to the Federal Transit Administration, which was not requested.

The Administration strongly objects to the \$700 million included in the Senate bill to relocate the privately owned rail line that runs along the Mississippi Gulf Coast. The CSX Corporation, using its own resources, has already repaired damage to the line, and trains are now running. Relocating the tracks would represent a substantial investment beyond pre-disaster conditions and would improperly require U.S. taxpayers to pay for private sector infrastructure.

The Senate is also urged to eliminate other unrequested and unnecessary funding and programmatic waivers in the bill, such as that included for the National Aeronautics and Space Administration, private historic residences, USDA debris removal and rural development programs, Job Corps construction, National Civilian Community Corps, Army Corps projects and reprogramming activities, and grants for Federal law enforcement.

#### *Other Items*

The Administration understands that an amendment may be offered to add additional funding for border security efforts. The Administration believes that such funding can significantly complement comprehensive immigration reform that provides enhanced border security and increased interior enforcement efforts and creates a temporary worker program that does not provide amnesty and allows new citizens to fully assimilate into their communities. The Administration looks forward to working with Congress to ensure that any additional funding provided for these purposes is targeted to address enforcement challenges on the Nation's borders most effectively.

The Administration strongly opposes the Committee's agricultural assistance proposal, totaling nearly \$4 billion. The 2002 Farm Bill was designed, when combined with crop insurance, to eliminate the need for ad hoc disaster assistance. In 2005, many crops had record or near-record production, and U.S. farm sector cash receipts were the second highest ever. Furthermore, the proposed level of assistance is excessive and may overcompensate certain producers for their losses.

The Administration appreciates the Committee's support for the President's proposed funding to rebuild a National Oceanic and Atmospheric Administration facility, assess fishery resources, and provide mapping to assist debris removal. However, the Administration strongly objects to the additional \$1.1 billion provided for the Department of Commerce. Providing direct income assistance would constitute preferential treatment for fishing industry participants, who are already eligible for other sources of assistance. In addition, the Committee provides substantial funding for non-emergency needs such as a promotion campaign for seafood.

The Administration urges the Senate to remove a provision prohibiting the use of funds to implement a final rule regarding foreign control of U.S. airlines. The Administration is committed to working with the Congress to address concerns with the rule.

The Administration objects to restrictions on the Bonneville Power Administration's (BPA) ability to use a portion of its secondary revenues to pay down debt owed to the Treasury. The Administration's proposal is consistent with sound business principles and would provide BPA with more financial flexibility to meet its long-term capital investment needs.

The Administration appreciates the Committee's support for the Administration's previous request for pandemic influenza prevention and preparedness activities and looks forward to working with the Congress to ensure this funding is allocated in the most effective manner possible to achieve our preparedness and prevention goals.

#### *Constitutional Concerns*

The language under the heading, "State and Local Law Enforcement, Office of Justice Programs," purports to require that the Attorney General consult with Congress prior to obligating funds. Because this provision would infringe on separation of powers, it should be modified to be permissive.

In addition, Section 2503 of the bill purports to require approval of the Committees prior to the obligation of funds. This provision should be changed to require only notification of Congress, since any other interpretation would contradict the Supreme Court's ruling in *INS v. Chadha*.

Mr. FEINGOLD. Mr. President, I support the increased funding for border security that is provided by the Gregg and Reid amendments. This funding for replacing and upgrading the equipment and vehicles that we need to protect our borders is vital to our security. Of course, border security alone will not solve our immigration problem, and I am committed to working toward comprehensive immigration reform. But providing much needed resources to those who are working to secure our borders is a critical part of guaranteeing our national security and dealing with our broken immigration system.

Although both amendments would provide this funding, only Senator GREGG's was offset. The spending of this Republican-controlled Congress has been out of control, and it is beyond time to rein it in. The Gregg amendment is a start. The 2.75-percent cut to the defense portions of this bill will not come out of important items to protect our troops. I would never consider supporting any measure that threatened their safety. This is supposed to be an emergency funding bill, but there are billions of dollars of non-emergency items in the bloated defense portion of this bill that have nothing to do with protecting our troops and have no business in this supplemental—items that can be cut to pay for the real border security needs funded in both amendments. Some examples include the unrequested funding for V-22 Ospreys and C-17s and the clearly nonemergency Army modularity program. Our spending on our national security is also completely imbalanced, with almost all resources going to the Department of Defense and very little to other important national security priorities such as border security and the U.S. Coast Guard. The Gregg amendment brings back some balance to our spending.

Mrs. BOXER. I rise today to express my opposition to the amendment put forward by Senator GREGG to the emergency supplemental appropriations bill—an amendment to provide additional funding for border security at the expense of the U.S. Armed Forces.

While I certainly support the goal of providing an additional \$1.9 billion to secure our Nation's borders, it is completely unconscionable to cut funding for our military men and women at a time when they are risking their lives in Iraq and Afghanistan.

Let me explain how Senator GREGG's amendment would hurt our military.

The Gregg amendment cuts Department of Defense programs included in this bill. This includes critical funding, such as funding for the military personnel account—which provides pay and benefits for Active-Duty, Guard

and Reserve troops—and the Defense Health Program, which is responsible for providing our troops with medical assistance.

Funding for the training of Iraqi security forces is included, as well. We know this mission is critical to our success in Iraq and the ability to bring home our brave servicemembers.

The bill also includes funding for the Joint Improvised Explosive Device Defeat Fund, which provides assistance to our troops seeking to eliminate IEDs the leading cause of death for U.S. troops in Iraq.

Furthermore, the Death Gratuity Fund, which provides assistance to the families of fallen soldiers, is included in this bill.

Senator GREGG's amendment seeks to secure our borders but does so by reducing much-needed funding for the men and women fighting for our country every day. This is unacceptable.

While I oppose Senator GREGG's amendment, I am pleased to support Senator REID's amendment. The Reid amendment also provides nearly \$2 billion in additional funding for our Nation's border security but without dangerous funding cuts that would harm our troops.

Mr. DURBIN. Mr. President, how much time is remaining on the Democratic side?

The PRESIDING OFFICER. There is 4½ minutes remaining.

Mr. DURBIN. Mr. President, the news this morning tells us Secretary of Defense Donald Rumsfeld is in Iraq. That is a good thing. It is a good thing for the leaders of our Government to be in touch in the field to let them know we are on their side. I am glad the Secretary is there. I know when he visits there, he often learns things—things that help us wage this war more effectively.

Do you remember not so long ago when Secretary of Defense Donald Rumsfeld had an open meeting with the soldiers in Iraq? He invited them to comment on how the war was going. A member of the Tennessee National Guard stood up and said: Mr. Secretary, why as a soldier do I have to dig through a dump to find a piece of metal to put in my humvee to protect me and my fellow soldiers? Why has it come to this?

It was a moment of great embarrassment for the Secretary. It was a moment of embarrassment for our Nation. We ask these young men and women to take an oath to defend this country and risk their lives in uniform for us every day. We stand and sit in the comfort of this Chamber on Capitol Hill with all of the protection around us, and they wake up every morning putting on a uniform knowing it may be their last day on Earth.

Now take a look at this amendment. Take a close look at this amendment. This amendment is designed to give us better control of our borders, and we need it. Our borders are out of control. There are 500,000 illegal people crossing

them every year, at least. We know that has to change, not just because of the immigration issue, a terrible challenge to America to get it right, but because of security. So we all support, on both sides of the aisle, more resources at the borders, more people, more technology, better efforts to stop this illegal flow of immigration.

It is a serious problem, and we should take it seriously. That is why the Democratic leader, Senator REID, has offered this amendment, an amendment which provides the resources for the border. He says it is an emergency; it should be treated as such. I couldn't agree with him more.

But listen to the other side of the aisle. Senator GREGG on the Republican side said we can only pay for border security at the expense of soldiers in the field. He takes the roughly \$2 billion out of the military account to make our borders stronger. That is not fair to the soldiers. It is not fair to the men and women who are risking their lives every day in Iraq and Afghanistan.

We know we have failed them many times. This administration has failed to provide the body armor these troops needed. Senator DODD of Connecticut had to offer an amendment to allow ordinary American families to deduct from their taxes the cost of body armor that they would buy for their soldiers which they sent overseas. I have met them in Illinois, families who said: I got tired of waiting for the Army to give my son protection; my wife and I bought it ourselves.

Another one said: We had a little pot-luck supper at church to raise money for body armor for our soldiers.

Think about that. We know about these humvees. They were death traps for entirely too long. They were not well protected. We know what happened. We had helicopters in the field that didn't have good defense devices, and they were shot down.

Now the Republican side says let's take more money away from the defense of our soldiers so our borders are more secure. What a terrible choice to ask of this Senate, but what an easy choice for many of us.

I am not going to take money away from these soldiers. This Senator voted against this war in Iraq, but I have voted to give this President and this administration every penny they have asked for to wage this war for one basic reason. I thought to myself: What if it were my son or daughter, would I want them to have the best equipment and best supplies, even if I felt the foreign policy was wrong? You bet. And when it comes to this choice in this amendment, it is very clear. We can take the Republican approach of making our borders safer while making our soldiers less safe, or we can take the approach which Senator REID is suggesting: Declare this an emergency at our borders that deserves emergency status.

Isn't it interesting, when it comes down to these choices, so many on the

Republican side of the aisle say: Now we are going to be fiscal conservatives, fiscal conservatives at the expense of our soldiers. It is plain wrong.

I ask my colleagues: Read these amendments carefully. Understand the stark choice we are being given. Support Senator REID's amendment which declares it an emergency to have strong enforcement at the borders but not at the expense of our men and women in uniform who risk their lives while we stand in the safety of this Capitol Building.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. Mr. President, I have the greatest respect for the chairman of the Budget Committee, the distinguished senior Senator from New Hampshire, but he is absolutely wrong on this issue. I heard his impassioned statement that this is no problem; anyone who says this is a problem, they haven't read the bill.

The amendment is written in English. It is very clear:

The aggregate amount provided by . . . chapter 3 of title II of this Act may not exceed \$67,062,188,000.

The amendment takes \$1.9 billion from this bill. It seems rather unusual to me that on an emergency appropriations bill—this bill—everything in it is being paid for, like everything else around here, by the American taxpayers. This, I am sorry to say—like most of what has been paid for in the past 5½ years in the Bush administration—is being paid by my children, their children, their children's children. Deficit spending and suddenly there is a concern about this.

Our concern is that money that should go to our gallant troops in Iraq and Afghanistan will not go to them if the amendment that has been offered by the Senator from New Hampshire is adopted.

What are these cuts? They are cuts to the military personnel account, operations and maintenance, Iraqi security forces training, the improvised explosive device defeat fund, defense health program. What are these programs? No matter what my friend from New Hampshire says, the \$2 billion has to come from someplace, and this is what is in this bill:

Military personnel account: This includes hardship pay for those in the line of fire—I think people in Afghanistan and Iraq who are serving in our military qualify for that—and family separation pay for those who are forced to serve in combat zones away from their families.

Is this what we want, for men and women currently serving in Iraq and Afghanistan not to get this pay I have outlined?

The operations and maintenance accounts provide resources for the day-to-day needs of our military. This money allows our forces to conduct operations against insurgents in Iraq and

Afghanistan. It includes money for nuts-and-bolts activities—the airlifts, the transportation, and other logistical missions. It also provides for the Commander's Emergency Response Program which gives resources to commanders on the front lines to support humanitarian reconstruction projects. If a commander in the streets of Baghdad wants to put up a power line that was knocked down, this account gives them tools to do that. Is this what we want to cut?

As the President has said time and again, as foreign troops stand up, we can stand down. This account is what will help us ensure foreign troops are able to stand up. It is the money that we use to assist the Governments of Iraq and Afghanistan to assume increased responsibility for their Nation's security. Is this what we want to cut? I hope not.

The joint improvised explosive device defeat account: Explosive devices every day are a threat to our forces in Iraq. This account directs money helping our troops to spot these IEDs and defuse them. These people in Iraq are very ingenious. We figure out a way to stop them from using a certain method, and they figure out a way to go around that. We need to stay ahead of them. We are not doing a very good job of that, and cutting money from this account isn't going to help. Our troops need resources so they can keep up with everchanging enemy tactics. This account will help them do that.

Defense health program: This is money for health care for our troops—and their families—who are serving today in Iraq. It is their health care.

The choice here is pretty direct: If the amendment offered by the Senator from New Hampshire is adopted, we will have added border security.

Mr. President, I will use my leader time now.

If the amendment offered by the Senator from New Hampshire is adopted, we will have improved border security, and that is important. If there were ever an emergency, this is it. If my amendment is adopted, we will have increased border protection. But with my amendment, we pay for it as we do everything else in this bill—in this bill. I think it is rather unusual to have the majority coming to the floor now suddenly with qualms of conscience about these deficits that have been run up by President Bush and his administration—trillions of dollars, not billions, trillions.

I am not willing to vote to cut the military personnel account, operations and maintenance, Iraqi security forces training, explosive device defeat fund, the defense health program, or the death gratuity fund. I am not willing to cut those programs. I want border security. It is important. I was 3 weeks ago today on the border. If there ever was an emergency and we need to do something, it is this program. I don't make any apologies for saying this situation on the border is an emergency.

It is an emergency, like other matters in this bill.

I hope that on a bipartisan basis we will vote to give the troops everything they need and also do a better job of protecting our borders.

The PRESIDING OFFICER (Ms. MURKOWSKI). The majority leader.

Mr. FRIST. Madam President, in a few moments we will begin the votes on these two amendments. I wish to say right up front that I applaud and congratulate Senator JUDD GREGG, chairman of the Appropriations Subcommittee on Homeland Security, for having as the very first amendment on the supplemental request an amendment that focuses on border security, on national security, on tightening the borders that we all know are too porous. It shows good leadership. It shows priorities in this being the first amendment to tighten the borders and strong border enforcement.

Actually, the first step was taken last year by Senator GREGG, when we were on this floor, under his leadership, and funded an additional 1,400 border guards, as well as 1,800 detention beds, a strong statement recognizing the importance of addressing border security. This is step two today in addressing more the capital expenditures, the equipment, the infrastructure which we know those border guards require to guard that border.

A key element of our security, of our global war on terrorism, indeed, is securing our Nation's borders, and this amendment takes that next major step in that direction by providing \$1.9 billion for improving that border infrastructure.

The Democratic leader just mentioned he had been on the southern border. I have been on the southern border. It doesn't take long to witness for every one person detained and stopped, there are two or three people who sneak around that border, and that is as many as 2 to 3 million people a year who come to this country. We don't know who they are, why they are here, or what their intentions are. For this particular amendment, there are a number of things we have talked about over the course of the morning. It will provide needed funds to upgrade an outdated P-3 aircraft fleet that is used for surveillance along our borders. When you are there and you look at that 1,900 mile border, you know how important it is to have those surveillance aircraft to be able to look down and identify along that long expanse people coming across illegally. It will provide needed funding for a number of unmanned aerial vehicles operating along our southwest border. As we talked about already today, it is amazing that we only have one UAV, unmanned aerial vehicle, which has worked very effectively, but—I said we have—we had, because literally that aircraft crashed yesterday morning while serving along that Arizona border.

The amendment will provide additional resources for continued con-

struction of the border fence—the fence itself, the physical structure—near San Diego.

This first amendment also sets what is a very important standard framework, a fiscal spending framework as we begin debate on this emergency funding bill. The initiative included in the amendment put forward by our side of the aisle—we initiated this amendment for the tightening of border security—is paid for in the bill itself, and that is a very important framework which I hope we can continue to use for absolutely necessary emergency spending as we look at the rest of this bill.

Securing our borders is the first step for any action we need to take in terms of more comprehensive reform of immigration, an issue we debated for 2 weeks on the floor beginning about a month ago and an issue we will come back to. But border security is first, it is foremost. I feel strongly that we need to look at workplace enforcement and interior enforcement and a temporary worker program as well, and we will come back to that later. But now is the time for us to say forcefully that we are serious about tightening that border, and we will provide the resources, the personnel, and capital infrastructure to do just that.

Madam President, I ask unanimous consent that it now be in order to ask for the yeas and nays on both amendments.

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

Mr. FRIST. Madam President, I now ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The question is on agreeing to amendment No. 3594. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

I also announce that the Senator from Massachusetts (Mr. KERRY) is absent due to illness in family.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "nay."

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

The result was announced—yeas 59, nays 39, as follows:

[Rollcall Vote No. 94 Leg.]

YEAS—59

Alexander	Coburn	Frist
Allard	Cochran	Graham
Allen	Coleman	Grassley
Bennett	Collins	Gregg
Bond	Cornyn	Hagel
Brownback	Craig	Hatch
Bunning	Crapo	Hutchison
Burns	DeMint	Isakson
Burr	Dole	Kyl
Byrd	Domenici	Landrieu
Cantwell	Ensign	Lott
Carper	Enzi	Lugar
Chafee	Feingold	Martinez
Chambliss	Feinstein	McCain

McConnell  
Murkowski  
Murray  
Roberts  
Santorum  
Sessions

Shelby  
Smith  
Snowe  
Specter  
Stevens  
Sununu

Thomas  
Thune  
Vitter  
Voivovich  
Warner

NAYS—39

Akaka  
Baucus  
Bayh  
Biden  
Bingaman  
Boxer  
Clinton  
Conrad  
Dayton  
DeWine  
Dodd  
Dorgan  
Durbin

Harkin  
Inhofe  
Inouye  
Jeffords  
Johnson  
Kennedy  
Kohl  
Lautenberg  
Leahy  
Levin  
Lieberman  
Lincoln  
Menendez

Mikulski  
Nelson (FL)  
Nelson (NE)  
Obama  
Pryor  
Reed  
Reid  
Salazar  
Sarbanes  
Schumer  
Stabenow  
Talent  
Wyden

NOT VOTING—2

Kerry  
Rockefeller

The amendment (No. 3594) was agreed to.

Mr. GREGG. Madam President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 3604

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to amendment No. 3604 offered by the Senator from Nevada, Mr. REID. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent. I also announce that the Senator from Massachusetts (Mr. KERRY) is absent due to illness in the family. I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea."

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

The result was announced—yeas 44, nays 54, as follows:

[Rollcall Vote No. 95 Leg.]

YEAS—44

Akaka  
Baucus  
Bayh  
Biden  
Bingaman  
Boxer  
Byrd  
Cantwell  
Carper  
Clinton  
Conrad  
Dayton  
DeWine  
Dodd  
Dorgan

Durbin  
Feinstein  
Harkin  
Inouye  
Jeffords  
Johnson  
Kennedy  
Kohl  
Landrieu  
Lautenberg  
Leahy  
Levin  
Lieberman  
Lincoln  
Menendez

Mikulski  
Murray  
Nelson (FL)  
Nelson (NE)  
Obama  
Pryor  
Reed  
Reid  
Salazar  
Sarbanes  
Schumer  
Stabenow  
Talent  
Wyden

NAYS—54

Alexander  
Allard  
Allen  
Bennett  
Bond  
Brownback  
Bunning  
Burns  
Burr  
Chafee  
Chambliss  
Coburn  
Cochran  
Coleman  
Collins

Cornyn  
Craig  
Crapo  
DeMint  
Dole  
Domenici  
Ensign  
Enzi  
Feingold  
Frist  
Graham  
Grassley  
Hagel  
Hatch

Hutchison  
Inhofe  
Isakson  
Kyl  
Lott  
Lugar  
Martinez  
McCain  
McConnell  
Murkowski  
Roberts  
Santorum  
Sessions  
Shelby  
Smith

Snowe	Sununu	Vitter
Specter	Thomas	Voinovich
Stevens	Thune	Warner

NOT VOTING—2

Kerry Rockefeller

The amendment (No. 3604) was rejected.

Mr. COCHRAN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 3616, 3617, 3618 AND 3619, EN BLOC

Mr. McCAIN. Madam President, I ask unanimous consent the pending amendment be set aside and I send four amendments to the desk.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. McCAIN] proposes amendments numbered 3616, 3617, 3618, and 3619, en bloc.

The amendments are as follows:

AMENDMENT NO. 3616

(Purpose: To strike a provision that provides \$74.5 million to states based on their production of certain types of crops, livestock and or dairy products, which was not included in the Administration's emergency supplemental request)

On Page 229, strike lines 5 through 14.

AMENDMENT NO. 3617

(Purpose: To strike a provision that provides \$6 million to sugarcane growers in Hawaii, which was not included in the Administration's emergency supplemental request)

Beginning on Page 224, strike line 23 through line 10 on page 225.

AMENDMENT NO. 3618

(Purpose: To strike \$15 million for a seafood promotion strategy that was not included in the Administration's emergency supplemental request)

Beginning on page 138, line 24, strike all after the “:” through “fisheries” on page 139, line 2.

AMENDMENT NO. 3619

(Purpose: To strike the limitation on the use of funds for the issuance or implementation of certain rulemaking decisions related to the interpretation of “actual control” of airlines)

Beginning on page 250, strike line 24 and all that follows through page 251, line 12.

Mr. McCAIN. I thank my colleague from Virginia.

AMENDMENTS NOS. 3620 AND 3621, EN BLOC

Mr. WARNER. I ask that the pending amendments be laid aside and I be allowed to send to the desk two amendments.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] proposes amendments numbered 3620 and 3621, en bloc.

Mr. WARNER. I ask unanimous consent the reading of the amendments be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 3620

(Purpose: To repeal the requirement for 12 operational aircraft carriers within the Navy)

At the appropriate place, insert the following:

SEC. \_\_\_\_ . Section 5062 of title 10, United States Code, is amended—

(1) by striking subsection (b); and  
(2) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

AMENDMENT NO. 3621

(Purpose: To equalize authorities to provide allowances, benefits, and gratuities to civilian personnel of the United States Government in Iraq and Afghanistan)

On page 126, between lines 12 and 13, insert the following:

AUTHORITY TO EQUALIZE ALLOWANCES, BENEFITS, AND GRATUITIES OF PERSONNEL ON OFFICIAL DUTY IN IRAQ AND AFGHANISTAN

SEC. 1405. (a) FINDINGS.—Congress makes the following findings:

(1) As part of the United States effort to bring democracy and freedom to Iraq and Afghanistan, employees of a broad range of Federal agencies are needed to serve in those countries, furnishing expertise to their counterpart agencies in the Government of Iraq and the Government of Afghanistan.

(2) While the heads of a number of Federal agencies already possess authority to provide to their personnel on official duty abroad allowances, benefits, and death gratuities comparable to those provided by the Secretary of State to similarly-situated Foreign Service personnel on official duty abroad, other agency heads do not possess such authority.

(3) In order to assist the United States Government in recruiting personnel to serve in Iraq and Afghanistan, and to avoid inequities in allowances, benefits, and death gratuities among similarly-situated United States Government civilian personnel on official duty in these countries, it is essential that the heads of all agencies that have personnel on official duty in Iraq and Afghanistan have the same basic authority with respect to allowances, benefits, and death gratuities for such personnel.

(b) IN GENERAL.—During any fiscal year, the head of an agency may, in the agency head's discretion, provide to an individual employed by, or assigned or detailed to, such agency allowances, benefits, and gratuities comparable to those provided by the Secretary of State to members of the Foreign Service under section 413 and chapter 9 of title I of the Foreign Service Act of 1980 (22 U.S.C. 3973; 4081 et seq.), if such individual is on official duty in Iraq or Afghanistan.

(c) CONSTRUCTION.—Nothing in this section shall be construed to impair or otherwise affect the authority of the head of an agency under any other provision of law.

(d) APPLICABILITY OF CERTAIN AUTHORITIES.—Section 912(a) of the Internal Revenue Code of 1986 shall apply with respect to amounts received as allowances or otherwise under this section in the same manner as section 912 of the Internal Revenue Code of 1986 applies with respect to amounts received by members of the Foreign Service as allowances or otherwise under chapter 9 of title I of the Foreign Service Act of 1980.

Mr. WARNER. Madam President, the U.S. Navy today very proudly has 12 aircraft carriers on active service. That is a figure that was acted upon by this body and the other body and enacted into law, instructing the Commander in Chief, the President, and the Sec-

retary of Defense to maintain no less than 12 carriers in our fleet.

Subsequent to the legislation by the Congress, and the law enacted, the Navy has determined that the USS *John F. Kennedy*—a ship that bears a name in which every Member of this Chamber takes a deep and abiding pride—that ship is now 38 years old and is, in the judgment of the Chief of Naval Operations, not qualified to perform her primary mission of aviation operations. And she is not deployable without a significant investment of resources. By that I mean to return her to her primary mission would require an inordinate amount of money to go into reconstruction of the launching and arresting gear, the main powerplant, steam-powered plant. She is a conventional as opposed to a nuclear-powered carrier.

It is a decision of the Department of the Navy that those expenditures on a ship 38 years old are simply not prudent, not in the best interests of the Navy, and those funds should be directed towards new ship construction.

As to the risks inherent to naval aviation—and they are very significant risks to all of us who have been aboard those carriers and watched aircraft take off and land—and as to maintaining her at sea, at this point in time she cannot perform that primary mission. Therefore, the purpose of this amendment is to revise the previous legislation such that the Secretary of the Navy can retire this ship.

Now, I recognize to many it is a painful thing to realize this ship can no longer serve. But these are the consequences, if we were not to enact this legislation: Each month there is a delay on a decision—the decision being not acting on this piece of legislation—costs the Navy \$20 million in operations and manpower funds, funds that are sorely needed elsewhere by the Navy.

It puts an extraordinary burden upon the sailors who are proudly attached to this ship and deep in their hearts regret that ship can no longer perform its primary mission. And it puts a burden on their families. There have to be adjustments in their new assignments—moves, transfers, and all the other personnel actions that are essential to maintain our fleets throughout the world.

Madam President, as I said, I rise today to offer an important piece of legislation related to our Navy and national security.

The Department of Defense has submitted its report to the Congress on the Quadrennial Defense Review for 2005 and, as we are all well aware, in the 4 years since the previous Quadrennial Defense Review the global war on terror has dramatically broadened the demands on our naval combat forces. In response, the Navy has implemented fundamental changes to fleet deployment practices that have increased total force availability, and it has fielded advances in ship systems, aircraft, and precision weapons that have

provided appreciably greater combat power than 4 years ago.

However, we must consider that the Navy is at its smallest size in decades, and the threat of emerging naval powers superimposed upon the Navy's broader mission of maintaining global maritime security requires that we modernize and expand our Navy.

The longer view dictated by naval force structure planning requires that we invest today to ensure maritime dominance 15 years and further in the future; investment to modernize our aircraft carrier force, to increase our expeditionary capability, to maintain our undersea superiority, and to develop the ability to penetrate the littorals with the same command we possess today in the open seas.

The 2005 Quadrennial Defense Review impresses these critical requirements against the backdrop of the National Defense Strategy and concludes that the Navy must build a larger fleet. This determination is in whole agreement with concerns raised by Congress as the rate of shipbuilding declined over the past 15 years. Now we must finance this critical modernization, and in doing so we must strike an affordable balance between existing and future force structure.

The centerpiece of the Navy's force structure is the carrier strike group, and the evaluation of current and future aircraft carrier capabilities by the Quadrennial Defense Review has concluded that 11 aircraft carriers provide the decisively superior combat capability required by the National Defense Strategy. Carefully considering this conclusion, we must weigh the risk of reducing the naval force from 12 to 11 aircraft carriers against the risk of failing to modernize the naval force.

Maintaining 12 aircraft carriers would require extending the service life and continuing to operate the USS *John F. Kennedy*, CV-67.

The compelling reality is that today the 38-year-old USS *John F. Kennedy*, CV-67, is not qualified to perform her primary mission of aviation operations, and she is not deployable without a significant investment of resources. Recognizing the great complexity and the risks inherent to naval aviation, there are very real concerns regarding the ability to maintain the *Kennedy* in an operationally safe condition for our sailors at sea.

In the final assessment, the costs to extend the service life and to safely operate and deploy this aging aircraft carrier in the future prove prohibitive when measured against the critical need to invest in modernizing the naval force.

Meanwhile, each month that we delay on this decision costs the Navy \$20 million in operations and manpower costs that are sorely needed to support greater priorities, and it levies an untold burden on the lives of the sailors and their families assigned to the *Kennedy*.

We in the Congress have an obligation to ensure that our brave men and

women in uniform are armed with the right capability when and where called upon to perform their mission in defense of freedom around the world. Previously, we have questioned the steady decline in naval force structure, raising concerns with regard to long-term impacts on operations, force readiness, and the viability of the industrial base that we rely upon to build our Nation's Navy. Accordingly, I am encouraged by and strongly endorse the Navy's vision for a larger, modernized fleet, sized and shaped to remain the world's dominant seapower through the 21st century.

However, to achieve this expansion while managing limited resources, it is necessary to retire the aging conventional carriers that have served this country for so long.

To this end, I offer this amendment which would eliminate the requirement for the naval combat forces of the Navy to include not less than 12 operational aircraft carriers.

Therefore, I urge the Senate to act favorably upon this amendment. At this time I will not seek the yeas and nays. I will defer to the manager that at such time as he believes it is appropriate that this matter be brought up.

Now, Madam President, to the second amendment, I have taken a great interest, along with other Senators—and it came into clear focus on my last trip to Afghanistan and to Iraq—that we simply have insufficient infrastructure in place from those Departments and agencies other than the Department of Defense. We are ever so proud of the courage and the dedication of the men and women in uniform who each day are assuming risks to see that the people of Iraq and Afghanistan have a government of their own choosing and take their place alongside other democracies in our world community.

But they need help, those military people. The Iraqi people need help. The new government which is making considerable progress towards its formation needs help. We need people experienced in agriculture, people experienced in commerce, people who can help them devise a code of military justice, a framework of laws, the whole framework of infrastructure that must be put in place to support these emerging democracies.

I first learned of this need in testimony months ago by General Abizaid, General Casey, Ambassador Khalilzad appearing before the Armed Services Committee and, indeed, in other public appearances. I have talked to them personally.

I subsequently have had two brief meetings with the President of the United States on this subject. I am very pleased to say that he is in full support of this legislation, which legislation devised by the Office of Management and Budget enables the various Cabinet officers to give additional incentives to their employees to accept all of the risks and hardships of being transferred to Iraq to perform missions to support our military, to support the

formation of the new government by the Iraqi people.

Madam President, as I said, I rise today to propose an amendment along with Senators LUGAR and CLINTON that will equalize authorities to provide allowances, benefits, and gratuities to civilian personnel of the U.S. Government serving in Iraq and Afghanistan.

Many civilian agencies and Departments already have provisions to provide pay, allowances, benefits, and gratuities in danger zones. However, others do not. This amendment applies to those currently without such authorities.

Over the past few months, the President has explained candidly and frankly what is at stake in Iraq and Afghanistan. The free nations of the world must be steadfast in helping the people of these nations to attain a level of democracy and freedom of their own choosing.

It is vital to the security of the American people that we help them succeed such that their lands never again become the breeding ground or haven for terrorism as was Afghanistan for Osama bin Laden and al-Qaida.

We have seen how terrorists and insurgents in Iraq have failed to stop Iraq's democratic progress.

They tried to stop the transfer of sovereignty in June 2004; they tried to stop millions from voting in the January 2005 elections; they tried to stop Sunnis from participating in the October 2005 constitutional referendum; they tried to stop millions from voting in the December 2005 elections to form a permanent government under that constitution; and, in each case, they failed.

Just in the past few days, there have been significant, encouraging developments toward forming a unity government in Iraq. Clearly, the efforts of administration officials and congressional Members in meetings with Iraqi leaders and parliamentarians have contributed to these developments.

In my view, this represents important forward momentum, which has been long awaited. The new leadership in Iraq is making commitments to complete cabinet selection and take other actions to stand up a unity government. This is a pivotal moment in that critical period many of us spoke about after the December elections. We must be steadfast and demonstrate a strong show of support for Iraq's emerging government.

For 3 years now the coalition of military forces have, from the beginning, performed with the highest degree of professionalism, and they and their families have borne the brunt of the loss of life, injury, and separation.

In hearings of the Armed Services Committee this year, with a distinguished group of witnesses, and based on two—and I say this most respectfully and humbly—personal conversations I have had with the President of the United States and, indeed, the Secretary of State, I very forcefully said

to each of them that we need to get the entirety of our Federal Government engaged in our efforts to a greater degree.

The Department of Defense concurs. I was struck by the 2006 QDR that which aptly states that:

Success requires unified statecraft: the ability of the U.S. Government to bring to bear all elements of national power at home and to work in close cooperation with allies and partners abroad.

I would add that General Abizaid, when he appeared before our committee this year, stated in his posture statement:

we need significantly more non-military personnel . . . with expertise in areas such as economic development, civil affairs, agriculture, and law.

I fully agree. I, along with five other Senators, heard the same sentiments from our field commanders and diplomatic officials during a trip to Iraq and Afghanistan last month.

The United States has a talented and magnificent Federal work force whose skills and expertise are in urgent need in Iraq and Afghanistan. We must provide our agency heads with the tools they need to harness these elements of national power at this critical time.

I have spoken about this publicly on previous occasions. I have written to each Cabinet Secretary asking for a review of their current and future programs to support our Nation's goals and objectives in Iraq and Afghanistan, and I have spoken to the President about this.

I will ask to have a copy of one of the letters printed in the RECORD.

The aim of this bill is to assist the U.S. Government in recruiting personnel to serve in Iraq and Afghanistan, and to avoid inequities in allowances, benefits, and gratuities among similarly situated U.S. Government civilian personnel. It is essential that the heads of all agencies who have personnel serving in Iraq and Afghanistan have this authority with respect to allowances, benefits, and gratuities for such personnel.

In my conversations with President Bush and the Cabinet officers and others, there seems to be total support.

The administration, at their initiative, asked OMB to draw up the legislation, which I submit today in the form of an amendment.

I hope this will garner support across the aisle—Senator CLINTON has certainly been active in this area, as have others—and that we can include this on the supplemental appropriations bill. The urgency is now, absolutely now.

Every day it becomes more and more critical that the message of 11 million Iraqi voters in December not be silenced. We want a government, a unified government, stood up and operating. To do that, this emerging Iraqi Government will utilize such assets as we can provide them from across the entire spectrum of our Government. Our troops have done their job with the Coalition Forces.

Now it is time for others in our Federal workforce to step forward and add

their considerable devotion and expertise to make the peace secure in those nations so the lands of Iraq and Afghanistan do not revert to havens for terrorism and destruction. I know many in our exceptional civilian workforce will answer this noble call in the name of free people everywhere.

Madam President, I ask for the consideration of this amendment at such time as the distinguished manager so desires. I will reappear on the floor. Perhaps these amendments can be accepted. If not, I will ask for rollcall votes.

I ask unanimous consent to have printed in the RECORD the before mentioned letter to Cabinet officials regarding interagency support to our operations in Iraq and Afghanistan.

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

U.S. SENATE,  
COMMITTEE ON ARMED SERVICES,  
Washington, DC, March 15, 2006.

Hon. CONDOLEEZZA RICE,  
Secretary of State,  
Washington, DC.

DEAR MADAM SECRETARY: Over the past few months, the President has candidly and frankly explained what is at stake in Iraq. I firmly believe that the success or failure of our efforts in Iraq may ultimately lie at how well the next Iraqi government is prepared to govern. For the past three years, the United States and our coalition partners have helped the Iraqi people prepare for this historic moment of self-governance.

Our mission in Iraq and Afghanistan requires coordinated and integrated action among all federal departments and agencies of our government. This mission has revealed that our government is not adequately organized to conduct interagency operations. I am concerned about the slow pace of organizational reform within our civilian departments and agencies to strengthen our interagency process and build operational readiness.

In recent months, General Peter Pace, USMC, Chairman of the Joint Chiefs of Staff, and General John P. Abizaid, USA, Commander, United States Central Command, have emphasized the importance of interagency coordination in Iraq and Afghanistan. General Abizaid stated in his 2006 posture statement to the Senate Armed Services Committee, "We need significantly more non-military personnel \* \* \* with expertise in areas such as economic development, civil affairs, agriculture, and law."

Strengthening interagency operations has become the foundation for the current Quadrennial Defense Review (QDR). The QDR so aptly states that, "success requires unified statecraft: the ability of the U.S. Government to bring to bear all elements of national power at home and to work in close cooperation with allies and partners abroad." In the years since the passage of the Goldwater-Nichols Act of 1986, "jointness" has promoted more unified direction and action of our Armed Forces. I now believe the time has come for similar changes to take place elsewhere in our federal government.

I commend the President for his leadership in issuing a directive to improve our interagency coordination by signing the National Security Presidential Directive-44, titled "Management of Interagency Efforts Concerning Reconstruction and Stabilization," dated December 7, 2005. I applaud each of the

heads of departments and agencies for working together to develop this important and timely directive. Now that the directive has been issued, I am writing to inquire about the plan for its full implementation. In particular, what steps have each federal department or agency taken to implement this directive?

I ask for your personal review of the level of support being provided by your department or agency in support of our Nation's objectives in Iraq and Afghanistan. Following this review, I request that you submit a report to me no later than April 10, 2006, on your current and projected activities in both theaters of operations, as well as your efforts in implementing the directive and what additional authorities or resources might be necessary to carry out the responsibilities contained in the directive.

I believe it is imperative that we leverage the resident expertise in all federal departments and agencies of our government to address the complex problems facing the emerging democracies in Iraq and Afghanistan. I am prepared to work with the executive branch to sponsor legislation, if necessary, to overcome challenges posed by our current organizational structures and processes that prevent an integrated national response.

I look forward to continued consultation on this important subject.

With kind regards, I am  
Sincerely,

JOHN WARNER,  
Chairman.

Mr. WARNER. Madam President, I yield the floor.

Mr. KENNEDY. Mr. President, I thank the chairman of the Committee on Armed Services for his kind words about aircraft carrier named for my brother. The chairman has long been a friend of my family, and his support is deeply appreciated and reciprocated.

All of us in our family are proud of the USS *John F. Kennedy*, and to her many years of outstanding service to our country. The keel for the carrier was laid on October 22, 1964, in the chairman's home State of Virginia. She was christened on May 27, 1967, by President Kennedy's daughter Caroline, when she was just 9 years old, the carrier came to be affectionately known to her crew as "Big John."

In 1983, the *JFK* was called upon to support U.S. forces during the growing crisis in Beirut. Six years later, at the height of the cold war, F-14 Tomcats assigned to the *Kennedy* shot down two Libyan Mig-23s that were threatening the battle group.

Afterward, the *JFK* returned to the U.S. and visited New York City for Fleet Week and then returned home to Boston for the Fourth of July, to the state that my brother was so proud to represent. Soon after that, she was assigned to the Red Sea, and stayed to support Gulf War I in Operation Desert Storm in 1991.

The following year, she was deployed to the Mediterranean Sea and monitored the turmoil in the former Yugoslavia. Later returning to the U.S. for routine maintenance, she was designated as the Reserve Operational Carrier.

In 1996, the carrier made a dramatic visit to the port of Dublin in Ireland.

More than 10,000 visitors were able to tour the ship and learn about her history. I was honored to be there for that visit and awed by love the Irish people showed her. Before she left, 16 planes from the *JFK* took off from the flight deck and performed a thank-you fly-over of Cork and Dublin, in gratitude for the affection shown by people.

From September 1999 through March 2000, the *JFK* was back in the Mediterranean, and her aircraft patrolled Iraq's southern no-fly-zone. In 2002, in the Mediterranean and in the Arabian Gulf, she supported our troops in Afghanistan and Operation Enduring Freedom. She was called on again in 2004 to support U.S. troops in Operation Iraqi Freedom. She was relieved by the USS *Harry S Truman*. She returned to her homeport in Mayport, FL, that December and last year, she made what may be her final visits to Boston and New York.

It is bittersweet to know she will be retired, but the people of Massachusetts and the Kennedy family are very proud of her service and know she holds a special place in the hearts of the Navy and the Nation.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DAYTON. Mr. President, earlier today, the chairman of the Senate Agriculture Committee, Senator CHAMBLISS, and the ranking member, Senator HARKIN of Iowa, held a very important hearing on the biofuels industry. I hope it will be the first and not the last because biofuels, specifically ethanol and biodiesel, are real, viable, here-and-now alternatives to the ever-increasing cost of gasoline and diesel fuels.

We are in the midst of another price crisis for the gasoline, diesel, and oil upon which our citizens, our industries, and our lifestyles and our entire national economy depend.

Most Americans want their fuel prices to be lower, but they do not want to change their fuels in order to make them so. People say, understandably: Solve our energy problems right now, but don't make us do anything differently. That is why I respectfully disagree with people who say: We do not have a national energy policy. We do. And it is to maintain the status quo for as long as possible.

That is actually a rational policy because our existing energy sources, over 95 percent of which are oil and oil-derived products, coal, natural gas, and nuclear, have been and, in most cases, continue to be cheaper, more available, more convenient, and certainly more familiar than any of their alternatives.

The sources of supplies, their production, transportation, distribution systems, and retail networks are all well established and well protected by everyone who profits from them. Those industries and companies that control and profit from our country's enormous and almost exclusive dependence upon their sources of energy have enormous stakes in preserving their control and protecting their profits by destroying any real competitive threats to their energy monopolies.

Nowhere are the stakes higher than in our Nation's transportation sector. Over 40 percent of total U.S. energy consumption is of oil and petroleum products, and over two-thirds of that oil is used for transportation. Our country now consumes almost 30 percent of all the oil produced in the entire world each year, which means that 20 percent, or one out of every five barrels of oil produced in the entire world, goes into an American car, truck, train, or airplane. Up until recently, oil was the only fuel that those cars, trucks, trains, and airplanes could run on. What a gigantic energy monopoly that is. It is the largest monopoly of any in the world. And like most monopolies, it is hugely profitable for the monopolists and hugely expensive for everyone else. Like every other source of enormous profits and financial power, it is not going to be surrendered voluntarily by the profitable and the powerful.

The huge oil and oil products monopoly is not going to willingly surrender sales or market share or profits, not to a competitor such as the biofuels industry. Like any other established energy monopolies, they may give lip service to those energy alternatives, but they don't really mean it. That was very clear when the Senate considered its energy bill last year. There were full-page ads in the Hill and Roll Call newspapers, run by the American Petroleum Institute, which smeared the biofuels industry with the same misrepresentations, distortions, and fearmongering that they tried to use a decade ago to defeat a 10-percent ethanol mandate in the Minnesota Legislature.

Back then, the oil industry claimed that biofuels, particularly ethanol, would raise the price of every gallon of gasoline, that the supply would be impure and unreliable, and that people's gas tanks would explode or their carburetors would implode or the cars would be damaged or destroyed. None of those occurred. Yet almost 10 years after Minnesota required every gallon of gasoline sold in our State to contain at least 10 percent ethanol, we were still the only State to do so. Nationwide, the use of ethanol is only about 2.5 percent that of gasoline.

It turns out that regular automobile, SUV, and small truck engines not only run very well, with no modifications at all, on 90 percent gasoline and 10 percent ethanol, but they can also, with factory-modified engines, run as well

or even better on a blend of 85 percent ethanol and 15 percent gasoline called E-85 fuel. In Brazil, where I visited 2 weeks ago, automobiles run very effectively on 100 percent ethanol.

This week's U.S. News and World Report magazine contains a two-page ad by General Motors touting its flex fuel engines which could run on either 100 percent regular unleaded gasoline, 85 percent ethanol, or a combination of the two. Yesterday, Daimler-Chrysler announced that in model year 2008, 500,000—or one-fourth of its vehicles—are going to be produced with flex fuel engines.

The flex fuel engine is the key to unlocking the gasoline monopoly. With a flex fuel engine, as I have in both my Minnesota and Washington cars, the consumer has a choice at every service station offering both regular unleaded gasoline and E-85 fuel. It is that price competition which will do more than anything else to stop the price gouging and profiteering by the oil and gasoline companies.

For the past 3 years, I have introduced legislation requiring that every car, truck, and SUV sold in this country have a flex fuel engine, beginning with the model year 2005, 2007, 2009—you can pick the year. Some people say that simply isn't possible, but last year over 70 percent of all automobiles sold in Brazil had flex fuel engines. I met last year in Detroit with General Motors and Ford company engineers. They told me they can design and install flex fuel engines at a production cost of between \$100 and \$300 per vehicle. They are better engines. However, until now, most American consumers haven't known about them or even wanted them.

We in the Federal Government can take one of two positions: We can do nothing and let the markets eventually change manufacturers' and consumers' behaviors, as they are starting to do now, or we can act to accelerate that transition. It seems clear that our constituents are clamoring for us to make available alternatives to the rising cost of gasoline and other fuels. We have before us right now the opportunity to do so—right now, not 10 years from now with hybrid engines, not 20 years from now with hydrogen engines. They may ultimately be more energy efficient and environmentally friendly, but "ultimately" is years away. Right now, we can give Americans a real energy alternative, the first large-scale, readily available alternative to a traditional energy source in many years, because ethanol—and behind it, biodiesel—is not just a substitute for the gasoline additive MTBE, it is a substitute for gasoline. It is not perfect. No energy source yet is. There are transition costs, production and distribution challenges, and similar susceptibilities to supply manipulation, price gouging, and profiteering as with oil, gasoline, or other fossil fuels. The key is the competition, consumers' ability to choose the lower priced, better option.

Last week, traveling around Minnesota, I could choose, with my vehicle with the flex fuel engine, between E-85, which was costing about \$2.39 a gallon, and regular unleaded gasoline, which was costing about \$2.79 a gallon. Both of those prices were significantly higher than they were in Minnesota 6 months or a year ago. Both prices are too high. Americans are being taken advantage of at the gas and the E-85 stations in Minnesota and other places around the country, and this Congress has a choice whether to do something about it or to do nothing.

President Bush said last weekend that his administration would investigate and prosecute price gouging and profiteering at the gasoline pump. I am glad to hear the President say that. I only question whether he really means it because he said the same thing last September when gasoline prices skyrocketed after Hurricane Katrina. Yet as far as I know, there is not a single charge that has been brought against anyone. In fact, the Chairman of the Federal Trade Commission subsequently testified before a Senate committee that no "Federal statute makes it illegal to charge prices that are considered to be too high, as long as companies set those prices independently." She went on in her prepared statement to state that an oil company's "independent decision to increase price is and should be outside the purview of the law."

As my mother used to say to me, actions speak louder than words. Price gouging investigations and prosecutions for now are just words. I urge the President to turn them into actions.

The President yesterday touted his support for biofuels. However, in the last 2 years, he has signed into law cuts of almost 50 percent in bioenergy grants. His fiscal year 2007 budget calls for a 57-percent reduction for renewable energy grants. I urge the President and the Congress to turn their words into actions by increasing Federal funding for biofuels and other renewable energy research and development.

Another important action Congress should take this year is to pass a new energy bill. Some progress toward increasing the supply and use of biofuels such as ethanol and biodiesel was achieved in last year's energy bill but, as a nation, we are tiptoeing when we should be running. A new energy bill should accelerate this transition away from our Nation's increasing dependence on foreign oil which, even after last year's legislation, is projected to increase from 62 percent now to 67 percent in 2012. If we are really serious about reversing our growing energy dependence on oil and its products and not being held captive to rising oil, gasoline, and diesel prices here and around the world, we must act again by passing energy legislation, and we must act this year in doing so.

I yield the floor and suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Ms. STABENOW. Mr. President, I ask unanimous consent that the pending amendment be set aside.

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

AMENDMENT NO. 3633

Ms. STABENOW. Mr. President, I rise today to talk about what is on everybody's mind in my State, and that is what is happening as it relates to gas prices.

First, we all know there are multiple ways in which we need to address this issue. I was in an Agriculture hearing this morning on biofuels. It is very exciting to see colleagues on both sides of the aisle talking about what we can do in the way of policy to build on what was in the Energy bill that was passed last August in terms of ethanol and bio-based fuels.

I know in my home State, we will have five ethanol plants by the end of the year. We already have bio-based diesel being used. There are many exciting opportunities to create jobs, to help our farmers create new markets, to address our environmental issues in a sound way that deal with protecting our environment, protecting the Earth and, at the same time, getting us off foreign oil. I believe very strongly, if we work together—and we need to do this boldly and quickly—we can start buying our fuel from Middle America instead of the Middle East. That should be a goal for all of us. I know colleagues on both sides of the aisle share the excitement about moving forward in this way. We have things happening in all of our States.

From my perspective, not only corn but sugar beets can be used for ethanol. Soybeans are part of what we grow in our multitude of different crops in Michigan, and there are a lot of opportunities, not just for fuel but for us to replace oil-based plastic with corn-by-product-based plastic, and to do a number of other things that will move us off foreign oil, which needs to be one of our major goals as a Congress, and certainly working here in the Senate.

We have some short-term issues we have to deal with as well. While we move boldly—and I believe we need to move very quickly on the question of real competition—we also have to address what is happening right now without competition. We have an oil industry that has been consolidated down to five major companies. There is no real competition. It is not a regulated utility such as electricity and other basic necessities. Yet it is a necessity. Gasoline is not a luxury, it is a necessity. And the fact is, price increases for this necessity are making it harder and harder for people to be able to afford the product they need to get

them to work, to get the kids to school, to be able to till the fields, to be able to do business, or to be able to take that trip up north in beautiful northern Michigan on vacation where tourism is so critical for us.

We also know it directly relates to jobs. GM executives have indicated, for example, that for every \$1 increase in the cost of a barrel of oil, it costs them \$4 million more to operate. So this is a question of jobs. From every angle, this is something that needs our immediate attention while we address where we go long term. Nothing would please me more than to be able to drive my American-made automobile into a service station—and by the way, they use flex fuels and E-85 ethanol and a number of products right now—right now—for our automobiles, and we see GM and Ford and Daimler Chrysler doing wonderfully bold things and advertising alternative fuels, flex fuels right now. But nothing would please me more than to see a pump with E-85 in it that is giving competition to the other pumps where the prices are going through the roof.

It would be one thing if this was just about supply and demand, but it is not. We know there are multiple factors. It is not about an industry hard hit, an oil industry barely being able to make it because of international factors or because of the hurricanes. No, we are talking about an industry that had over \$111 billion in combined profits last year. We are talking about ExxonMobile with the highest profits recorded in the history of the country. And to add insult to injury for people, that same company pays their top executive, we understand, the equivalent of \$110,000 a day in salary—a day. That is more than the average person in Michigan makes in a year, \$110,000 a day. Then, when he announced his retirement, he gets a combined package of \$400 million.

No wonder people are outraged. No wonder they look at us and say: What are you doing? What is going on here? You have the industry with the highest profits ever paying their executives more than the revenue of some cities in my State. Yet, at the same time, the policies continue to support tax break after tax break subsidized by American taxpayers to continue to increase the profits of the oil companies. It makes absolutely no sense whatsoever. It is outrageous that the oil companies are bringing in billions of dollars in profits each year, while families are now paying over \$40 every time they fill up their gas tank, and certainly it could be \$50 or it could be \$60. On average in Michigan right now, it is about \$42. That is up \$4 from last month and \$10 from last year, and we know it is going to be going up and up as the summer goes on.

We also know that, unfortunately, there appears to be no relief in sight. On average, I am told that Michigan families will be paying at least \$500 more in the next year for their gasoline

based on what is happening. Five hundred dollars may not sound like a lot to a lot of people. In fact, Exxon CEO Lee Raymond indicated in an interview with CNN that a single quarter or a single year of profits is "not all that significant," and that what is happening evidently in the oil industry is not all that significant.

Well, it is significant when it comes to what is happening to people who are working hard every day trying to make it. Five hundred dollars is a house payment. It is the rent. It is a car payment. It is paying for food. It is making sure your kids have the opportunity to go to college, maybe pay for the books that are needed for them to be able to go to college for a year. So it is a lot of money for the average person.

I think it is outrageous that somebody who has been earning the equivalent of \$110,000 a day would act like what is happening to average families and the profits that are going to the oil companies is somehow insignificant. People in my State don't know if they are going to have a job tomorrow. There are policies, unfortunately, that have caused manufacturers in our country to believe, I am concerned to say, that maybe we don't need to make things anymore in this country, which of course is what has built our middle class. And those folks who have built our middle class and created our way of life and are the consumers who buy goods so that we can be successful in this country are now feeling that they are getting hit on all sides. They may not have a job.

Health care is going up. They may not have their pension. The cost of college certainly has gone up, based on things that have been happening here, such as taking away \$12 billion as it relates to student loans and other proposals, to have the cost of college go up.

Now, to add insult to injury, we have an industry that is more profitable than it has ever been, with the highest recorded profits by ExxonMobile, the highest of any publicly held company ever, and now the American consumer is being told: You are going to pay again. You are going to pay for all of the excesses that are going on right now by making it harder for you to get to work, to take the kids to school, to be able to do your job, and maybe to take a little vacation this summer. It is absolutely outrageous.

I want to also make the point that this is not about our gas station owners. I met with some terrific people on Monday who talked to me about how they are helping people literally piece together pennies, helping people who have been longtime customers of theirs, a single mom coming in with kids and the gas station owners trying to help her piece together a few dollars so they can put enough gas in the tank so she can go to work, so she can take care of her kids. I was told by one gas station owner that a gentleman came

in with 69 cents trying to figure out how he could get a gallon of gas into his tank. Sixty-nine cents buys a quarter of a gallon. We are now hearing stories about pawn brokers doing great guns right now, their business is going great because people are pawning their watches, their jewelry, their cars, whatever they have, in order to get enough money to be able to drive to work.

This is in America. We can do better than this in our country. People expect us to stand up and fight for them, not an industry that is gouging the American consumer and raking in billions of profits in the meantime.

I am putting forward an amendment that will address this very thing. People say: What can we do about it right now? We need to look long term. When I began speaking, I said I know we need to look long term. This morning, in the Agriculture Committee, we had a wonderful bipartisan discussion, and there is a lot of excitement about a number of things that we can do together to look long term. We know there are ways for us to move off of foreign oil and to move off of oil period, and we can do that. There is the old saying that the first way to get out of a hole is to stop digging. We need to stop digging. Part of that right now is to stop the continuation of tax breaks that Americans, working hard every day and paying their taxes, are subsidizing for the oil companies which then turn around and are so grateful that they raise their price at the pump.

In the conference committee right now there is work being done relating to tax cuts. There is an additional \$5 billion in new tax breaks for the oil companies. Some of it relates to how we subsidize their foreign activity. They do business with the Middle East and somehow we are going to give them favorable treatment through our tax policy. It makes absolutely no sense. It is an insult to the American people. That is on top of \$2 billion that was put into the Energy bill that was passed last year in subsidies. It is unexplainable and unacceptable at a time when there are so many other areas where we need to provide tax relief, when we need to address middle-income people bumping up against the alternative minimum tax or small businesses that are trying to make it, businesses large and small, when we need to deal with health care costs that need a tax credit—and I am more than happy to support that. But instead of that, we have \$5 billion in the conference committee report that subsidizes an industry that is raking in billions and billions of dollars in profits at the expense of the American consumer. I think that is wrong.

My amendment would take that \$5 billion and instead put it right back in the pockets of the folks paying the bill. We know on average there is going to be about \$500 in additional cost for the average family for the next year as a result of these high gas prices. My

amendment will give an immediate \$500 rebate to every individual or family, just as we did with the \$300 rebate. It is the very same process that was done then, where people were given the \$300 rebate when the tax cut was done. We can use that very same mechanism. It is very simple and straightforward. In fact, we can do this if we act quickly, before Labor Day, to help people pay their bills.

My amendment would give \$500 back to each family or each individual filer so that they are able to help pay the price of this outrageously high-price gas. That is a short-term fix while we get our act together on what needs to be happening to create more competition and more alternatives, which I believe we can do, working together in the Senate. But I believe it is an outrageous situation when we are continuing to add \$5 billion in tax breaks to an industry that is causing so much pain for American families.

My amendment is based on a bill of mine called the Oil Company Accountability Act. In total, it would repeal both the \$5 billion in committee plus the \$2.6 billion that was passed in the Energy bill, for a total of \$7.6 billion in tax breaks for oil companies, and provide an immediate \$500 tax rebate to families to offset their energy costs.

I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Michigan [Ms. STABENOW] proposes an amendment numbered 3633.

Ms. STABENOW. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide an immediate Federal income tax rebate to help taxpayers with higher fuel costs, and for other purposes)

On page 253, between lines 19 and 20, insert the following:

#### TITLE VIII—OIL COMPANY ACCOUNTABILITY

##### SEC. 8001. ENERGY TAX REBATE.

(a) IN GENERAL.—Subchapter B of chapter 65 of the Internal Revenue Code of 1986 (relating to rules of special application in the case of abatements, credits, and refunds) is amended by adding at the end the following new section:

##### “SEC. 6430. ENERGY TAX REBATE.

“(a) GENERAL RULE.—Except as otherwise provided in this section, each individual shall be treated as having made a payment against the tax imposed by chapter 1 for the taxable year beginning in 2006 in an amount equal to \$500.

“(b) REMITTANCE OF PAYMENT.—The Secretary shall remit to each taxpayer the payment described in subsection (a) not later than 30 days after the date of the enactment of this section.

“(c) CERTAIN PERSONS NOT ELIGIBLE.—This section shall not apply to—

“(1) any individual who did not have any adjusted gross income for the preceding taxable year or whose adjusted gross income for such preceding taxable year exceeded \$120,000,

“(2) any individual with respect to whom a deduction under section 151 is allowable to another taxpayer for the taxable year beginning in 2006,

“(3) any estate or trust, or

“(4) any nonresident alien individual.”.

(b) CONFORMING AMENDMENT.—Section 1324(b)(2) of title 31, United States Code, is amended by inserting before the period “, or from section 6430 of such Code”.

(c) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 65 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

“Sec. 6430. Energy tax rebate.”.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

#### SEC. 8002. REVALUATION OF LIFO INVENTORIES OF LARGE INTEGRATED OIL COMPANIES.

(a) GENERAL RULE.—Notwithstanding any other provision of law, if a taxpayer is an applicable integrated oil company for its last taxable year ending in calendar year 2005, the taxpayer shall—

(1) increase, effective as of the close of such taxable year, the value of each historic LIFO layer of inventories of crude oil, natural gas, or any other petroleum product (within the meaning of section 4611) by the layer adjustment amount, and

(2) decrease its cost of goods sold for such taxable year by the aggregate amount of the increases under paragraph (1).

If the aggregate amount of the increases under paragraph (1) exceed the taxpayer's cost of goods sold for such taxable year, the taxpayer's gross income for such taxable year shall be increased by the amount of such excess.

(b) LAYER ADJUSTMENT AMOUNT.—For purposes of this section—

(1) IN GENERAL.—The term “layer adjustment amount” means, with respect to any historic LIFO layer, the product of—

(A) \$18.75, and

(B) the number of barrels of crude oil (or in the case of natural gas or other petroleum products, the number of barrel-of-oil equivalents) represented by the layer.

(2) BARREL-OF-OIL EQUIVALENT.—The term “barrel-of-oil equivalent” has the meaning given such term by section 29(d)(5) (as in effect before its redesignation by the Energy Tax Incentives Act of 2005).

(c) APPLICATION OF REQUIREMENT.—

(1) NO CHANGE IN METHOD OF ACCOUNTING.—Any adjustment required by this section shall not be treated as a change in method of accounting.

(2) UNDERPAYMENTS OF ESTIMATED TAX.—No addition to the tax shall be made under section 6655 of the Internal Revenue Code of 1986 (relating to failure by corporation to pay estimated tax) with respect to any underpayment of an installment required to be paid with respect to the taxable year described in subsection (a) to the extent such underpayment was created or increased by this section.

(d) APPLICABLE INTEGRATED OIL COMPANY.—For purposes of this section, the term “applicable integrated oil company” means an integrated oil company (as defined in section 291(b)(4) of the Internal Revenue Code of 1986) which has an average daily worldwide production of crude oil of at least 500,000 barrels for the taxable year and which had gross receipts in excess of \$1,000,000,000 for its last taxable year ending during calendar year 2005. For purposes of this subsection all persons treated as a single employer under subsections (a) and (b) of section 52 of the Internal Revenue Code of 1986 shall be treated as 1 person and, in the case of a short taxable year, the rule under section 448(c)(3)(B) shall apply.

#### SEC. 8003. MODIFICATIONS OF FOREIGN TAX CREDIT RULES APPLICABLE TO LARGE INTEGRATED OIL COMPANIES WHICH ARE DUAL CAPACITY TAXPAYERS.

(a) IN GENERAL.—Section 901 of the Internal Revenue Code of 1986 (relating to credit for taxes of foreign countries and of possessions of the United States) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

“(m) SPECIAL RULES RELATING TO LARGE INTEGRATED OIL COMPANIES WHICH ARE DUAL CAPACITY TAXPAYERS.—

“(1) GENERAL RULE.—Notwithstanding any other provision of this chapter, any amount paid or accrued by a dual capacity taxpayer which is a large integrated oil company to a foreign country or possession of the United States for any period shall not be considered a tax—

“(A) if, for such period, the foreign country or possession does not impose a generally applicable income tax, or

“(B) to the extent such amount exceeds the amount (determined in accordance with regulations) which—

“(i) is paid by such dual capacity taxpayer pursuant to the generally applicable income tax imposed by the country or possession, or

“(ii) would be paid if the generally applicable income tax imposed by the country or possession were applicable to such dual capacity taxpayer.

Nothing in this paragraph shall be construed to imply the proper treatment of any such amount not in excess of the amount determined under subparagraph (B).

“(2) DUAL CAPACITY TAXPAYER.—For purposes of this subsection, the term ‘dual capacity taxpayer’ means, with respect to any foreign country or possession of the United States, a person who—

“(A) is subject to a levy of such country or possession, and

“(B) receives (or will receive) directly or indirectly a specific economic benefit (as determined in accordance with regulations) from such country or possession.

“(3) GENERALLY APPLICABLE INCOME TAX.—For purposes of this subsection—

“(A) IN GENERAL.—The term ‘generally applicable income tax’ means an income tax (or a series of income taxes) which is generally imposed under the laws of a foreign country or possession on income derived from the conduct of a trade or business within such country or possession.

“(B) EXCEPTIONS.—Such term shall not include a tax unless it has substantial application, by its terms and in practice, to—

“(i) persons who are not dual capacity taxpayers, and

“(ii) persons who are citizens or residents of the foreign country or possession.

“(4) LARGE INTEGRATED OIL COMPANY.—For purposes of this subsection, the term ‘large integrated oil company’ means, with respect to any taxable year, an integrated oil company (as defined in section 291(b)(4) which—

“(A) had gross receipts in excess of \$1,000,000,000 for such taxable year, and

“(B) has an average daily worldwide production of crude oil of at least 500,000 barrels for such taxable year.”

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxes paid or accrued in taxable years beginning after the date of the enactment of this Act.

(2) CONTRARY TREATY OBLIGATIONS UPHELD.—The amendments made by this section shall not apply to the extent contrary to any treaty obligation of the United States.

#### SEC. 8004. NONAPPLICATION OF AMORTIZATION OF GEOLOGICAL AND GEOPHYSICAL EXPENDITURES TO LARGE INTEGRATED OIL COMPANIES.

(a) IN GENERAL.—Section 167(h) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(5) NONAPPLICATION TO LARGE INTEGRATED OIL COMPANIES.—This subsection shall not apply to any expenses paid or incurred during any taxable year by any taxpayer which is an integrated oil company (as defined in section 291(b)(4) of the Internal Revenue Code of 1986) which has gross receipts in excess of \$500,000,000 for such taxable year. For purposes of this subsection all persons treated as a single employer under subsections (a) and (b) of section 52 of the Internal Revenue Code of 1986 shall be treated as 1 person and, in the case of a short taxable year, the rule under section 448(c)(3)(B) shall apply.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

Mr. COCHRAN. Mr. President, I make a point of order that the amendment is not in order under the provisions of rule XVI.

Ms. STABENOW. Mr. President, I ask unanimous consent that the amendment be in order, notwithstanding the point of order.

The PRESIDING OFFICER. Is there objection to the request?

Mr. COCHRAN. I object.

The PRESIDING OFFICER. Objection is heard. The Chair sustains the point of order under rule XVI and the amendment falls.

The Senator from Michigan.

Ms. STABENOW. Mr. President, the people of Michigan and the people of the country deserve better than what we are doing right now. There is a sense of urgency. We can make this in order if we want it to be in order. There is no question about it.

If we come together and we want to act today, if we want to put in place the opportunity for people to have a \$500 rebate before Labor Day to help pay for the high gas prices they are paying right this minute, we can do that. The choice of the majority is not to do that, but we could be doing that if there were agreement. That is very unfortunate because there is a sense of urgency on behalf of every individual, every family right now, trying to figure out what they are going to do, with gas prices that are over \$3, \$3.20, \$3.50—in some parts of the country \$4 a gallon. It is the difference between whether people will be able to pay their bills, go to work, do what they have to do for their families. The American people, certainly the people of my great State, deserve better than inaction.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I ask unanimous consent to set aside the pending amendment to offer an amendment.

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

AMENDMENT NO. 3615

Mr. THOMAS. Mr. President, I call up amendment No. 3615, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Wyoming [Mr. THOMAS] proposes an amendment numbered 3615.

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

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

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

Mr. THOMAS. Mr. President, I bring forward an amendment this afternoon to talk about my concern with the process we are going through. We started out with a request for \$92.2 billion in emergency spending—\$20 billion for hurricane recovery, \$72 billion for the war on terror. Then we added \$14 billion of additional nonemergency spending.

Our constituents simply can't run their households or businesses like this, and I think we should not be running our business here, for the country, in that way either. The money we spend here does not come out of thin air. Of course, it comes out of the pockets of hard-working Americans. We should not take the emergency spending process lightly.

By definition, these are dollars we have not budgeted, and they should be reserved only for the urgent and dire need for which they were intended. There are some examples, very briefly, of nonemergency items. There are a number of them. Regardless of their merit, and they probably have merit, the question is, Do they belong in this bill? Why are we using this bill to provide \$230 million for an Osprey program which is not involved in either Iraq or Afghanistan? We also just enacted a \$286 billion highway bill less than a year ago. Yet this bill will add an additional \$594 million in additional highway spending that really has nothing to do with any emergency. Why is there an emergency to spend \$700 million to move a railroad that, while damaged by Katrina, has already been repaired? It may be a useful thing. Is it an emergency? I think not.

Finally, this is not the right vehicle for spending almost \$4 billion in farm subsidies or increasing the funding for community development block grants.

Again, these may be legitimate priorities. Perhaps they are. But in my view, this is not the right vehicle, nor the right process. Therefore, I have offered this amendment which will pull out all the extraneous spending and get us back to the President's request for emergency funds. I understand the way my amendment is drafted it merely strikes the whole bill and replaces it with the original amount in the President's request and this would vitiate any amendments adopted in the interim. I have also modified my amendment to account for Senator GREGG's

security amendment and the President's revised request with respect to avian flu funding.

It seems to me this is something we ought to consider. Obviously, we have a lot of things to do. But overall, we have a responsibility, a financial responsibility to follow the rules, to go through the processes that are appropriate to do something about holding down spending, not put these items in the budget if they are not emergencies, and we ought not to be using these kinds of vehicles to spend more money when we are in the process of trying to do away with the deficit we have. These issues are out there, and they are out there all the time.

We have all just been home for a couple of weeks. What do we hear about a lot? We have to do something about spending. We have to do something about the deficit.

We do. Still, here we are expanding a request—one, frankly, that the President has threatened to veto. I encourage him to continue to take that position. We ought to deal with those things that are out here that fit this definition of emergency.

I have introduced this amendment, and I hope we give it some consideration at the appropriate time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I thank the distinguished Senator from Wyoming for bringing this amendment to the floor. It does go to some of the points of contention that have been raised in the discussions based on whether the President's request should be exceeded by the Congress.

First of all, the President has threatened to veto the bill, which, of course, he has a right to do. He is setting out another marker that any amount over and above the request of the President would be considered inappropriate and therefore would subject the bill to a veto.

This is very early in the process of considering the bill for the President, in my opinion, to be threatening a veto. We have clear emergencies confronting the country that require the expenditure of funds for the Department of Defense and our military forces which are deployed in Iraq and elsewhere and engaged in the global war on terror to protect the security interests of our country and the lives of our American citizens. That is the major portion of this legislation.

Another very important part of the bill is to replenish some accounts in the Department of State, where agencies and officers of that Department are engaged in the same kind of peace-keeping activity, diplomatic efforts to avoid conflict, to preserve the peace where it can be preserved and protect the security interests of our citizens.

The third request the President submitted was to provide additional disaster assistance for the gulf coast States, primarily in the State of Lou-

isiana but also across the gulf coast. I know that we can disagree on the exact dollar amounts. In the Senate, we are going to have a difference of opinion on some of these issues, but it suits me now to just test the water and see where the Senate is. Do we want to ignore, as a body, the needs that are clear and important and serious, that are addressed by the funding in this legislation? This amendment takes a lot of money out of the bill. It may respond to some concerns that some have that this bill calls for spending more money than is necessary. The Senate Appropriations Committee reported this bill to the Senate and is recommending its passage. I am hopeful that we can get an early reading. If this bill should go back to the committee, we could reconsider it.

But I think the time is now, when we should come to terms with the realities of this legislation. Either the Senate agrees that these needs are real, that they require the funds we recommended be appropriated, or not. We had an open discussion in the committee, in public. Any Senator who serves on that committee could offer an amendment to reduce funding. I don't recall any amendment to reduce funding. There were amendments to add funds to address needs that had either arisen after the President submitted his request and the House had acted early on the legislation or because of information that had come to the attention of the Committee on Appropriations. It was the view of the majority, the vast majority of the members of that committee, that the funding should be included at the amount reported to the Senate.

I am prepared to have a vote. I suggest—I don't know of any reason why we can't have the vote now. I can move to table the amendment and ask for the yeas and nays and we will get a vote. I think that is what we will do.

Mr. President, I move to table the amendment of the Senator from Wyoming, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

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

Mr. President, I will withhold my request until you have made a decision on the vote.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table amendment No.

3615. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

I also announce that the Senator from Massachusetts (Mr. KERRY) is absent due to illness in the family.

I further announce that if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea."

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

The result was announced—yeas 72, nays 26, as follows:

[Rollcall Vote No. 96 Leg.]

YEAS—72

Akaka	Domenici	Murkowski
Baucus	Dorgan	Murray
Bayh	Durbin	Nelson (FL)
Bennett	Feinstein	Nelson (NE)
Biden	Grassley	Obama
Bingaman	Harkin	Pryor
Bond	Hatch	Reed
Boxer	Hutchison	Reid
Burns	Inouye	Roberts
Byrd	Jeffords	Salazar
Cantwell	Johnson	Sarbanes
Carper	Kennedy	Schumer
Chambliss	Kohl	Shelby
Clinton	Landrieu	Smith
Cochran	Lautenberg	Snowe
Coleman	Leahy	Specter
Collins	Levin	Stabenow
Conrad	Lieberman	Stevens
Cornyn	Lincoln	Talent
Craig	Lott	Thune
Crapo	Lugar	Vitter
Dayton	Martinez	Voivovich
DeWine	Menendez	Warner
Dodd	Mikulski	Wyden

NAYS—26

Alexander	Dole	Isakson
Allard	Ensign	Kyl
Allen	Enzi	McCain
Brownback	Feingold	McConnell
Bunning	Frist	Santorum
Burr	Graham	Sessions
Chafee	Gregg	Sununu
Coburn	Hagel	Thomas
DeMint	Inhofe	

NOT VOTING—2

Kerry Rockefeller

The motion was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I ask unanimous consent to speak as in morning business for 10 minutes.

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

The Senator from Idaho.

SOUND ENERGY POLICY

Mr. CRAIG. Mr. President, I speak today of my strong concern over what I believe are troubling movements in the Western Hemisphere in relation to U.S. energy independence, energy security, and competitiveness of the U.S. oil and gas industry in the region and this country's political and economic influence in our own backyard.

For all the right reasons, in the past few years we have been appropriately focused on developments in the greater Middle East as we have engaged in a global war on terror and fought in Afghanistan and Iraq. Again, we are absolutely right to be engaged in conflicts in that region. But it is dangerous for any region to have a monopoly on this country's attention.

At home, in this Senate, we have engaged in many debates regarding U.S. energy independence. This issue was first recognized in World War I, when Winston Churchill stated that the answers to energy security "lie in variety and variety alone."

Energy security is becoming a hot topic, and many Senators—Democrats and Republicans—have been on the floor the last few days talking about tight oil markets, high oil prices, threats of terrorism, instability in some of the exporting nations, nationalistic backlashes in other fiercely competitive areas and supplies, geopolitical rivalries, and all countries' absolute need for energy to power their economic growth.

We have no time to waste to move forward on a sound national energy policy. Many of us in this body have taken the first step. We passed last August a national energy policy. By its action, we agreed to drastically decrease our energy dependence on the Middle East. Now our economy in energy is working in that direction, slowly, because of the phenomenal investment in time it takes to turn something as big as our energy industries of all kinds.

In 2005, the U.S. obtained 41 percent of its total petroleum imports from OPEC countries, which equals 27 percent of total U.S. consumption.

In order to reduce our reliance on Middle East energy sources and strengthen our Nation's energy security, it goes without saying that our energy sector must be doing business elsewhere. No doubt, the closest, therefore the most economically viable, option should be to turn to our own backyard or should I say "yards."

Unfortunately, that is hard to do when we too frequently send our oil and gas companies into international competition hobbled by self-defeating laws and regulations that allow our economic adversaries and our competitors to beat us to the punch right at our doorstep.

I must point out that it is certainly ironic that the same people blocking the American public from obtaining resources in our own country, and in the region, are the same people not offering solutions to the new and very rapidly growing demand across the world.

Frankly, the United States has taken our neighbors in the Western Hemisphere for granted. We have hamstringed the United States energy sector from seeking additional resources in the region while at the same time allowing the likes of China and Canada and Brazil and France and others to freely

seek energy opportunities 50 miles off our coast without competition from state-of-the-art technologies and expertise of our own United States gas and oil industries.

I have here a chart that is phenomenally self-explanatory. As shown, here is the coast of Florida, Alabama, Mississippi, and Louisiana. Of course, here is the great peninsula or the Panhandle of Florida down to the Keys. Here is Cuba. And literally, within the last 2 years, Cuba, within their water, 50 miles off the furthest point of the Keys of Florida, has allowed the nations of China and Canada and Spain to start drilling. It will be possible—or should I say it may be possible—to stand on the furthest Florida Key in the near future and see an oil rig drilling in Cuban water.

Did that happen accidentally? No. Why isn't an American company, with the best technology that could do it the cleanest, there? Because we simply have not allowed that to be.

For example, a February 2005 U.S. Geological Survey reported on a possible deposit in the Northern Cuban Basin—this area shown on the map that is all charted off—estimated at 4.6 billion barrels of oil, and possibly as much as 9.3 billion barrels. I would remind my colleagues these estimates are almost the same as the kind we are talking about on the Coastal Plain of Alaska known as ANWR, and it is simply 50 to 60 miles off our coast.

So the question must be asked: What is the U.S. doing while foreign countries and companies are exploring right off the U.S. coast in the Northern Cuban Basin, which is adjacent to the U.S. Outer Continental Shelf and contiguous to this country's Exclusive Economic Zone?

Well, I can firmly tell my colleagues that we are doing absolutely nothing about it. Not one single U.S. company is exploring in these potentially beneficial waters that extend to within 50 miles off the Florida coast. Oh, we are all angst about Gas Lease Sale 181, and it is at least 120 miles off of any coast. But stand on a high place in the lower Florida Keys someday and you may see an oil rig, and it will not be ours. It could be Red China's, or certainly mainland China's. I guess that is the politically correct thing to say about them now. And, frankly, ladies and gentlemen, it is China, and they are drilling in our backyard.

I am certain the American public would be shocked, as this country is trying to reduce its dependency on Middle East oil, that countries such as China are realizing this energy resource. In my opinion, China is using the area off our coast and in the Cuban national waters as a strategic commodity reserve. It is doing this by acquiring exclusive rights in the emerging Cuban offshore oil sector, thereby forever closing the door on those resources to the United States itself and dramatically impacting our foreign policy in the region.

As the administration recently pointed out in its National Security Strategy, China has quickly become the world's second largest user of petroleum products. Additionally, the administration's most recent National Security Strategy appropriately points out that China is "expanding trade, but acting as if they can somehow lock-up energy supplies around the world or seek to direct markets rather than opening them up."

We will miss the boat—because, folks, this boat will sail only but once—if we continue to deny ourselves the right to allow our companies to engage where they ought to be engaging, where they have the talent, the resources, and the expertise to engage. But, instead we are by our action forcing potentially substandard companies that do not have the talent, the expertise, the environmental know-how, to drill in an area that could be phenomenally damaging to the coast of Florida. That is the reality of today's policy in this country.

Higher oil prices will spur others to turn marginal opportunities into commercial prospects with or without the United States. As we saw last week, since demand for oil is so high, any disruption in small oil production—whether it be in Ecuador or Argentina or the Congo or Egypt or Azerbaijan or Bahrain or Sudan or Yemen or Chad—can have a profound impact on oil prices at the pump anywhere in this country. It is for this reason that we must and should act aggressively to diversify our imports and production and compete with other nations around the world.

On top of the economic competitiveness we are missing out on, we are also allowing the energy security of this country to slip away, to slip away right in our backyard. Simply put, too many unknowns lie in the hands of terrorists, instability, and chaos in the Middle East. Therefore, let us think about and rid ourselves of the vulnerability that we forced ourselves into by the responsible and environmentally sound development of our own resources or resources that are just across the fence in our neighbor's backyard. This is the opportunity we now deny ourselves.

I intend to look at these opportunities to bring about potential legislation that will cause this Senate to look and to act responsibly, as it would allow us to deal with these kinds of opportunities, instead of simply denying them. We think we can build a buffer around us to secure ourselves environmentally, and yet we have denied our backdoor. Our backdoor is open. The southern Florida coast is potentially vulnerable to second-rate drilling capabilities from foreign countries that do not have the kind of deepwater expertise and talent that has resulted in no spills by U.S. companies now for well over a decade.

Therein lies the opportunity. Yet we have some who would say: Oh, my, 50 miles we will turn our back on but 100

miles out, oh, we have a problem there. No, folks, we have a problem here, and we have a problem in Cuba. We ought to be recognizing it instead of denying it.

Here is the reality. Here is the sale area, the opportunity that Cuba is now exploiting by allowing foreign countries to come in our backyard or, can I say, just across the fence in our neighbor's backyard. Is it 50 miles off the coast of Key West? Is it 70? Is it 90? It is all of those. And it is potentially an opportunity for us to work with another government in effectively, responsibly, and environmentally exploiting a very valuable resource. We have denied it. Shame on us.

I yield the floor.

Mr. NELSON of Florida. Will the Senator yield for a question?

Mr. CRAIG. I will be happy to.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. The Senator's point that he makes very well is that foreign governments, such as the Republic of China, drilling off the north coast of Cuba, because of the currents—the currents come up there in the Gulf of Mexico and down around the Florida Keys, what is known as the Straits of Florida, and then northward, as it turns into the gulf stream—the Senator is making the point that illegitimate or unrestrained second-rate drilling that would occur off the north Cuban coast could threaten the delicate environment and ecology of the coral reefs and the Florida coast. Is that one of the points the Senator would make?

Mr. CRAIG. Well, the point I am making is, we have had the expertise in the gulf to do it and do it right without any environmental damage. But we have denied exploration within a certain margin or buffer zone of the coast.

As shown on the map, in this case, here is Lease Sale 181 that is being talked about today. On the average, from Pensacola, it is 100 miles out, approximately. And this is gas.

This is oil and gas. At the closest point, we believe, at least to the line here of the EEZ, it is 50 miles.

I simply offer this as an opportunity for the American people to become aware that in their backyard something is going on we are ignoring at this moment, and that we should not be ignoring.

Mr. NELSON of Florida. If the Senator will further yield, I would point out very respectfully to the Senator that the chart he shows with the oblong green block there—that is the existing lease of Lease Sale 181. What is proposed is an additional 4 million acres to the east.

Mr. CRAIG. Yes.

Mr. NELSON of Florida. Yes, sir. In there is the area that is restricted because it is the largest training and testing area for the U.S. military in the world. It is, as declared by the Pentagon, incompatible to have rigs where we are doing the testing and training of our U.S. military.

I ask the Senator, who is a great supporter of the military, why did all pilot training for the FA-22 come to Tyndall Air Force Base in Panama City, and why, in the realignment, did all pilot training for the new F-35 Joint Strike Fighter come to Eglin Air Force Base, and why did all of the U.S. Navy Atlantic fleet training come to northwest Florida after it was shut down?

Mr. CRAIG. I will reclaim my time, Mr. President, since the Senator has answered for himself. It is obvious, training capability. We also know—and the military will agree—that once a well is drilled, the rig goes away. There is no surface obstruction. We are talking about 3 trillion cubic feet of gas potentially. We may be talking about a whole region that has 6 or 7 billion barrels of oil in it, let alone trillions of cubic feet of gas. We ought to be concerned environmentally, but my guess is we can fly around them a little bit while it is going on and then the rigs go away. But the oil and the gas keep flowing for the security of the economy of this country.

I don't think citizens at the pumps right now are worried too much about flight patterns, but they are worried an awful lot about a flat pocketbook because we have not allowed ourselves the foresight that I am trying to suggest our foreign policy in these instances denied. You and I will debate 181 and beyond. But at our back door, and a heck of a lot closer to the coastline of your State than any sale proposed today out of 181, toward the east, 50 miles off is where the Chinese at this moment are test drilling to determine whether in fact there is a supply of oil. Then the rigs go in place. Then the environmental issues that you and I are concerned about may well come to be. I hope I am wrong. But I know I am right about this. These sales and test drillings are currently going on.

Mr. NELSON of Florida. This Senator, if I might conclude and compliment the Senator from Idaho, certainly has a commonality of interest with the Senator with regard to countries such as China drilling off the north coast of Cuba and the threat not only to U.S. interests that that portends but also to the interests of Florida. We will debate the question of oil drilling out there in the military area of the eastern Gulf of Mexico, particularly at a time that the people recognize that we ought to be independent of oil, not continuing the dependence that we have.

Mr. CRAIG. I thank the Senator for his comments. Before I yield the floor, whether it is the Senator from Florida or Idaho, the American people are saying to us: A foreign policy that allows China to drill in our backyard is not a very good policy.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

AMENDMENT NO. 3632

Mr. DURBIN. I ask unanimous consent to set aside all pending amendments and call up amendment No. 3632.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN], for himself, Ms. MIKULSKI, Mr. ALLEN, Mr. BINGAMAN, Ms. LANDRIEU, Mr. LAUTENBERG, and Mr. BIDEN, proposes an amendment numbered 3632.

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

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

The amendment is as follows:

(Purpose: To ensure that a Federal employee who takes leave without pay in order to perform service as a member of the uniformed services or member of the National Guard shall continue to receive pay in an amount which, when taken together with the pay and allowances such individual is receiving for such service, will be no less than the basic pay such individual would then be receiving if no interruption in employment had occurred)

On page 117, between lines 9 and 10, insert the following:

NONREDUCTION IN PAY WHILE FEDERAL EMPLOYEE IS PERFORMING ACTIVE SERVICE IN THE UNIFORMED SERVICES OR NATIONAL GUARD

SEC. 1312. (a) SHORT TITLE.—This section may be cited as the “Reservists Pay Security Act of 2006”.

(b) IN GENERAL.—Subchapter IV of chapter 55 of title 5, United States Code, is amended by adding at the end the following:

“§ 5538. Nonreduction in pay while serving in the uniformed services or National Guard

“(a) An employee who is absent from a position of employment with the Federal Government in order to perform active duty in the uniformed services pursuant to a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10 shall be entitled, while serving on active duty, to receive, for each pay period described in subsection (b), an amount equal to the amount by which—

“(1) the amount of basic pay which would otherwise have been payable to such employee for such pay period if such employee’s civilian employment with the Government had not been interrupted by that service, exceeds (if at all)

“(2) the amount of pay and allowances which (as determined under subsection (d))—

“(A) is payable to such employee for that service; and

“(B) is allocable to such pay period.

“(b)(1) Amounts under this section shall be payable with respect to each pay period (which would otherwise apply if the employee’s civilian employment had not been interrupted)—

“(A) during which such employee is entitled to reemployment rights under chapter 43 of title 38 with respect to the position from which such employee is absent (as referred to in subsection (a)); and

“(B) for which such employee does not otherwise receive basic pay (including by taking any annual, military, or other paid leave) to which such employee is entitled by virtue of such employee’s civilian employment with the Government.

“(2) For purposes of this section, the period during which an employee is entitled to reemployment rights under chapter 43 of title 38—

“(A) shall be determined disregarding the provisions of section 4312(d) of title 38; and

“(B) shall include any period of time specified in section 4312(e) of title 38 within which

an employee may report or apply for employment or reemployment following completion of service on active duty to which called or ordered as described in subsection (a).

“(c) Any amount payable under this section to an employee shall be paid—

“(1) by such employee’s employing agency;

“(2) from the appropriation or fund which would be used to pay the employee if such employee were in a pay status; and

“(3) to the extent practicable, at the same time and in the same manner as would basic pay if such employee’s civilian employment had not been interrupted.

“(d) The Office of Personnel Management shall, in consultation with Secretary of Defense, prescribe any regulations necessary to carry out the preceding provisions of this section.

“(e)(1) The head of each agency referred to in section 2302(a)(2)(C)(i) shall, in consultation with the Office, prescribe procedures to ensure that the rights under this section apply to the employees of such agency.

“(2) The Administrator of the Federal Aviation Administration shall, in consultation with the Office, prescribe procedures to ensure that the rights under this section apply to the employees of that agency.

“(f) For purposes of this section—

“(1) the terms ‘employee’, ‘Federal Government’, and ‘uniformed services’ have the same respective meanings as given them in section 4303 of title 38;

“(2) the term ‘employing agency’, as used with respect to an employee entitled to any payments under this section, means the agency or other entity of the Government (including an agency referred to in section 2302(a)(2)(C)(ii)) with respect to which such employee has reemployment rights under chapter 43 of title 38; and

“(3) the term ‘basic pay’ includes any amount payable under section 5304.”.

(c) CLERICAL AMENDMENT.—The table of sections for chapter 55 of title 5, United States Code, is amended by inserting after the item relating to section 5537 the following:

“5538. Nonreduction in pay while serving in the uniformed services or National Guard.”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to pay periods (as described in section 5538(b) of title 5, United States Code, as amended by this section) beginning on or after the date of enactment of this Act.

Mr. DURBIN. Mr. President, more than half the men and women serving the United States now in Iraq and Afghanistan are members of Guard and Reserve units. Not that long ago they were working civilian jobs with regular payroll and, of course, performing their responsibilities in the Guard and Reserve on weekends and during summer duty. They understood when they volunteered that they could be activated. They have been. In my State, 80 percent of the Guard units have been activated. They have served this Nation bravely, selflessly. They have done it at great sacrifice to themselves and their families: The pain of separation to be away from your family for a whole year, sometimes longer, to be gone when important family events occur, and an additional hardship that comes with this service.

Some of these service men and women find that when they are activated in the Guard and Reserve units, they are paid less by the military than

they were receiving in their civilian capacity. So the expenses they incur, the bills they have to pay—whether it is for a mortgage, utility bills, education expenses for their children—continue, even though as they serve our country they receive less money. We are fortunate that many of their civilian employers have stepped up and said: We will protect you. If you will stand up for America, we will stand up for you. We will make up the difference between your pay as you serve our country in the Guard and Reserve and what you would have earned if you would have stayed here.

We appreciate that. As a nation, we should be grateful, thankful that these companies stand by these men and women when they need it most so that as they worry about the pain of separation and coming home safely, they don’t have to worry about whether the bills will be paid. We create Federal Government Web sites paying tribute to these companies that stand by Guard and Reserve Units. Some of the companies and some of the entities involved include Ford Motor Company, IBM, Verizon, Safeway, the State of California, Los Angeles County, and Austin, TX. The list goes on and on. There are some 23 different States that have said: If any of our State employees are activated, we will make up the difference in pay.

So why do I rise today with this amendment? Because the largest single employer of Guard and Reserve members in the United States fails to make up that difference in pay. There is one huge employer that will not say to these activated men and women: We will stand by you. If you are going to lose money, we will make up the difference.

Who could that employer possibly be? The United States Government. The Federal Government does not make up the difference in pay for these Guard and Reserve members. Why? If we value their service, if we praise these private entities and State governments and local governments that stand by these men and women, if we say they are setting a great example for America, why aren’t we setting an example as the Federal Government? Why aren’t we making up the difference in pay?

Some would argue there may be a disparity, that you may have two sergeants serving in the same place: one is in the active military being paid less than one who is having a supplemented salary as a former Federal employee, now activated as a sergeant serving overseas. Think about the current disparity, a disparity where this soldier, in private life a few weeks or months before, incurred expenses for his family which he thought he would be able to pay, and now, because he is serving his country, he cannot. I don’t think the active military soldier will resent this. They will understand it and be glad they have a fellow soldier standing by them, leaving the comfort and security

of a civilian life to serve our country so well.

What this amendment says is that the Federal Government will stand behind its employees activated in the Guard and Reserve to make up the difference in pay for them. It is a reasonable suggestion—in fact, so reasonable it has passed in the Senate several times, last time by an overwhelming vote. More than 90 Senators voted for it. Sadly, when it goes to conference where the House and Senate come together, it doesn't have a good fate. It turns out the Department of Defense and this administration don't care for the idea much, and they usually kill it once it gets to conference.

I am going to give them another chance for this Government to stand behind these soldiers. I hope my colleagues in the Senate will join me, as well as my other colleagues—Senator MIKULSKI of Maryland, who is a cosponsor, Senator ALLEN of Virginia, Senators BIDEN, BINGAMAN, LANDRIEU, and LAUTENBERG. We offer this amendment and hope that it will be adopted.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, this is an amendment, as the Senator points out, which has been before the body before. We have approved it by a substantial margin on a recorded vote. We are prepared to recommend that the amendment be accepted on a voice vote, so we can proceed to that unless there are other Senators who want to be heard on the amendment.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to amendment No. 3632.

The amendment (No. 3632) was agreed to.

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

Mr. DURBIN. 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 Alabama.

#### ENERGY

Mr. SESSIONS. Mr. President, I am concerned about the increase in gasoline prices. They are indicative of other increases in natural gas and diesel fuel. It is an important national issue. A family that may have been paying \$150 for a month for fuel, \$200 a month, may be paying \$50, \$75 dollars more a month than they were several years ago. It is real money out of real working Americans' pockets. It is an issue we need to confront. We have talked about it on the floor for many years. Unfortunately, we have not done enough to confront the problem and deal with it in a way that actually makes a difference.

We did recently pass an energy bill that is better than most people realize, that did a lot of good things. For example, it took us from zero preliminary applications for a nuclear powerplant

to now 18. Since last fall, we have had 18 or 19 applications which would reduce the demand for natural gas that we are using so much now to generate electricity. But we failed in a number of important issues.

It is surprising to me, but the strength of the economy and the increase in productivity of our workforce is such that we haven't seen a surge in inflation across the board as a result of these increasing energy prices. But it could happen. It could begin to happen and could affect our economy adversely. We went through the last spike without serious consequences. But when you absorb this much extra cost, it does have some impact.

Unfortunately, what I have been hearing on the floor is a lot of politics, a lot of blame game from people who oftentimes are the very ones who have blocked key decisions that we should have made that would have made our energy situation far better.

I see my colleague from Idaho. Few people—as a matter of fact, virtually no Senators—have steeped themselves in energy issues more than he. When he speaks on this issue, we should listen. He has historical perspective and knowledge of the issues. I compliment him and will follow up on some of the things he said.

There is some bipartisan work going on. I am part of the energy security caucus that believes we should treat energy as a national security issue and even take steps that might in the short run seem not to be economically as wise but in the long run will be wise and help our economy. I care about this. I believe we should work in a bipartisan way.

I want to push back a little bit and talk about how we got in this fix and what it is going to take to get out of it. A few months ago this bipartisan group and others were invited to the White House. We met with President Bush. He passionately argued and excited all of us, Republicans and Democrats, about his vision for ethanol and hydrogen and biodiesel. It was a good give-and-take session. He heard everybody's ideas. He is moving forward in many different ways. It is good to have the President engaged personally in these issues. He has a lot of things on his plate, but I am glad he has chosen—and has for several months now—to personally push the development of better energy supplies.

How did we get here? A number of things are important to note. I just saw a report about the world economy. The world economy is growing at a great rate, 4 or 5 percent internationally. This is so much better than the downturn that they suffered several years ago. I was recently in Peru and the Dominican Republic. Their growth rate has exceeded ours, although we have had the highest growth rate of any industrialized nation in the world, higher than any single European Nation, at least of the larger economies in Europe. But the Dominican Republic has

exceeded our growth—9 percent growth. You know about China and India's sustained growth, and they are using more oil and gas in all these areas, and we are using more as a result of that economy. It has increased demand, and we do have political instability around the world.

We have had problems in Nigeria and problems with Venezuela. The lines are still open there, but that is an area which causes some problem. There is concern and speculation that we could have a shutoff from any number of areas in the Middle East. So those are things which have curtailed supply while demand has been increased.

I wish to talk about some of the key votes we have cast in the Senate—votes that are very important. I have to say that in the votes I will be talking about, my Democratic colleagues provided the bulk of the votes that blocked decisions that should have been made, some of which I think go beyond the pale. I have said that for years.

Let's talk about ANWR. We have heard that discussed time and time again. It was passed one time. President Clinton vetoed it. We came within a vote or two of passing it several times since. Ninety percent of my colleagues on the other side of the aisle voted against opening up ANWR to exploration. The ANWR region of Alaska is so large, it is as large as the State of South Carolina. The area they want to drill in, propose to drill in, where they have identified huge reserves of oil and gas, is the size of Dulles Airport. That is how small it is. With directional drilling and the scientific skills we have developed, we have a proven track record that oil can be produced safely in these kinds of regions. It is beyond my comprehension that we would deny our Nation these large amounts of oil in the ANWR region.

I will show you what we would have to move CAFE standards to, which is the mileage standards for automobiles, to equal the impact of the ANWR oil and gas. You would have to raise CAFE standards to 39 miles per gallon for cars and 29 miles for light trucks. The amount of oil there is equivalent to the energy that would be generated by a 3.7 million-acre wind farm. It would be the size of the entire States of Connecticut and Rhode Island combined. That is how much energy we are talking about. Or solar energy from 448,000 acres of solar panels. A fifth of America's domestic oil could be produced out of ANWR by 2025.

We should have done this 10 years ago. It should be flowing today. We should hold companies and producers accountable and make sure there will be no spills. We are producing oil and gas so much safer than we ever have. We are not having a problem, frankly, anywhere with oil and gas spills.

I will say one more thing about this issue. It is very offensive to me when you say to those of us who have advocated ANWR drilling and other areas,

like in the gulf: Oh, you are for the oil companies. You are doing this for the oil companies.

Let me make one thing clear. My proposal to drill in ANWR and the gulf and other areas is for the American people. Now, the oil companies which own oil interests around the world—sometimes I think they don't have enough interest in finding new reserves. They have their reserves. They will sell it at whatever the market price is. If the supply is low and demand is high, they will charge every dime they can charge. That is what they have always done, and that is what they will always do. But when we deny our people the ability to produce oil and gas in our own country and keep that money at home—it has been estimated by union groups that support this drilling that 600,000 jobs would be created in America. Why would we not do that? Why would we send our money off to a foreign nation that is hostile to our interests, perhaps, and let them spend it and create jobs in their nation? You tell me why.

This is not a political issue. It has always been about accessibility of oil and gas for the American people. It is not for the oil companies, it is for the American people, to keep our wealth at home. You may say: We care about the environment. Do you care about Lake Maracaibo in Venezuela where they are drilling perhaps thousands of wells or the Persian Gulf—aren't those nice areas for the environment? What about the hundreds and thousands of wells in the Gulf of Mexico off of Alabama, Mississippi, Louisiana, and Texas?

We have to get real here. Ninety percent of the votes cast here. Ninety percent of the votes cast to block the drilling in ANWR came from our Democratic colleagues. They are the very ones in this Chamber right now who are complaining and blaming President Bush because we don't have enough oil and gas and the price is going up. Let's just say that is what it is. That is a plain fact.

Now, Senator LARRY CRAIG really talked about something I know a good bit about, just because of my location. I live in Mobile, on the Gulf of Mexico. This past weekend, I visited my brother-in-law, who has a house on Fort Morgan, out toward the peninsula there on Mobile Bay. Right off of his pier, in the bay, is a producing oil well. Friday, we got up early and went fishing; it was the first day of snapper season. We didn't catch any snapper. We caught some redbfish. Where did we go? We went out a few miles into the gulf and fished around the oil well. There were four boats fishing around that oil well. We caught four nice redbfish. We threw them back. That is where people fish. It provides good structures for fish.

Louisiana, Texas, Mississippi, and Alabama are providing the Nation a tremendous amount of production. Twenty percent of that production was lost as a result of Hurricane Katrina. They have shut off the valves, so if the

rigs are damaged, the shutoff valve doesn't allow oil and gas to spill. Many of the rigs' valves are still shut off. They are not connected. But oil is not being spilled.

My point is that we lost 20 percent of our offshore production, and we have a 5-percent problem still as a result of Katrina's damage to refineries. The Senator from Mississippi knows that so well. So just those factors right there make a demand for oil and gas to exceed the supply. When that happens, the people who have the supplies can manipulate the price and can charge whatever they think they can get. That is what is happening. It has impacted us adversely. That is the way the world works. I am not prepared to try to fix the prices on this. I am willing to look at what has happened and ask tough questions of the oil companies, like: Do you really have enough interest in exploring new reservoirs and finding new reserves and bringing that on line? Maybe you do not have enough interest. Maybe you are happy to not confront the environmentalists or the Democratic obstructionists and sit on what you have, and if the price goes up, charge it. We are not getting enough production, in my view. A big part of the problem is political; it is Congress.

Let me show you a couple of things. ANWR is a big deal. I read off how much ANWR has. If I am not mistaken, ANWR is less than a half billion barrels of oil. The Gulf of Mexico, according to our best estimates, has about 3.65 billion barrels of oil, but they are under moratorium; we cannot drill there. This is a pocketbook issue, not a political issue. Whole regions of the gulf are not available for drilling today. What is happening? Fidel Castro in Cuba is partnering with China and is moving forward with plans that could allow him to drill within 50 miles of Florida, off the Florida coast. He can drill, but we cannot. He can take the money and fund his adventures around South and Central America and complain against the United States. And we are going to buy oil from him? Is that who we pay? And the Chinese company that produces it—is that what people would like to see?

This is reality. That is all I am saying. It is not a pleasant thought. It is unfortunate. I suggest that if we had moved forward out there, we may not be seeing such activities now.

I will show you another chart. This shows what Secretary of the Interior Norton said about Hurricane Katrina, one of the most powerful hurricanes ever to hit the United States:

Despite such intense winds and powerful waves offshore, we experienced no significant spills from any offshore well on the outer continental shelf.

See these dots on the chart? They represent oil platforms. There are hundreds and hundreds of them there, and we are getting a tremendous amount of oil and gas from them. It is important to the American economy. If we weren't buying it there, who would we

be paying for it? Iran, Venezuela, Saudi Arabia, Nigeria? So we have been getting it here in Texas, Louisiana, Mississippi, and Alabama.

Look over at this area of the gulf, where 3.65 billion barrels of reserve is expected to be, and there is a moratorium on that; we cannot drill out there. Why? Because somebody in Florida believes it might impact their coastline adversely. But we have had no impact, and they are drilling a mile off of our shores, in our bay, in little Mobile Bay right here, up in the bay, where there are wells. And there are wells off of the Texas and Louisiana coasts by the hundreds. We are not having oil spills. Do you think you would not see it on television if there were a spill? They would have it on the front pages, whether it was significant or not. We are just not seeing that. They have learned to do this in such a safe way that we have been able to avoid any significant spills.

So, as Senator CRAIG noted, right here on the chart there is a little lease area—some area we can drill in—and we are working on that now. Some are trying to block that. I want to repeat that the votes we have cast on the floor that deal with that issue have fundamentally involved party-line votes on so many of these issues—although not totally. Our Presiding Officer cares about this issue. He is from Florida, and I admire him so much. We just disagree on this issue. I fish around these rigs. I am not so much worried about it. I would like my Florida friends to get more comfortable with the wells, and they would be less concerned about them. So these wells are there, and we have an opportunity to drill a tremendous amount of them, and then that natural wealth will be returned again and again in our own economy so that we can keep it in our Nation instead of sending it to nations around the world, many of which are hostile to our political interests or to our national security interests. It is important. That is why we have a national security caucus, because we are concerned about the transfer of American wealth to nations whose interests are not harmonious with ours.

It is a big deal. I point out a story I told a year or so ago on the floor. My hometown of Mobile produces natural gas offshore, and there is a pipeline there. Our friends in Florida down in Tampa and other places on the beach have nice houses and they have to keep them cool. So they took our natural gas that we produce and put a pipeline all the way to Florida so they could generate electricity to cool their fine houses on the beach where they can have their mint juleps out there in the breeze. It is such a beautiful area down there.

I think they ought to start asking themselves: Would it hurt if we had some wells out in this area of the country? Would it help the American economy? Wouldn't it make us a healthier, stronger nation? I think so.

So we had some debates about this last year with the Energy bill and a modest proposal came up.

I will conclude with this, because I am pushing back a little bit at some of my colleagues who are screaming about the high price of oil and gas. Somebody came out with a proposal to survey the Atlantic Coast where we haven't surveyed to see if there is oil and gas out there. The religious crowd, the anti-oil production religious crowd opposed that. They opposed even doing a survey. Seventy percent of the votes against that amendment were provided by my colleagues on the other side.

I assure you, a good percentage of those who voted against even surveying our coastline to see if there is any more oil and gas available, if we ever decided to drill, are some of the same ones who are yelling the loudest about high oil prices.

I thank the Chair for this time. We need to move away from politics. We need to think through this issue carefully and see what we can do to improve the method of production, to improve conservation, and to deal with the scientific breakthroughs and accelerate those so we can confront the problems we face and reduce these high oil and gas prices.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. I ask unanimous consent that I may be permitted to speak as in morning business for 8 minutes to introduce a measure.

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

The Senator from Missouri is recognized.

Mr. BOND. I thank the Chair.

(The remarks of Mr. BOND pertaining to the introduction of S. 2658 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. COBURN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment?

Mrs. MURRAY. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. COBURN. Mr. President, is there objection to setting aside the pending amendment?

The PRESIDING OFFICER. Yes. There was objection to setting aside the pending amendment.

Mrs. MURRAY. We just want to see what it is.

## AMENDMENT NO. 3641

Mr. COBURN. Mr. President, I send an amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment? Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 3641.

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

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

Mr. COBURN. Mr. President, at this time I ask the amendment be divided in the form which I send to the desk.

The PRESIDING OFFICER. The amendment will be so divided.

The amendment is as follows:

At the appropriate place, add the following:

## DIVISION I

"Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 9 of this Act, for the Federal Railroad Administration under the heading "Capital Grants for Rail Line Relocation Projects" may be available for the Rail Line Relocation Capital Grant program, and the amount made available under such heading is reduced by \$700,000,000.

## DIVISION II

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 2 of this Act, for the National Oceanic and Atmospheric Administration under the heading "Operations, Research, and Facilities" may be available for the National Marine Fisheries Service to implement seafood promotion strategies, and the amount made available under such heading is reduced by \$15,000,000.

## DIVISION III

Notwithstanding any other provision of this Act, Sec. 7030(b) of this Act shall not take effect.

## DIVISION IV

Notwithstanding any other provision of this Act, Sec. 2303 of this Act shall not take effect.

## DIVISION V

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 9 of this Act, for the Federal Highway Administration under the heading "Emergency Relief Program" may be available for the projects listed in the Federal Highway Administration emergency relief backlog table, and the amount made available under such heading is reduced by \$594,000,000.

## DIVISION VI

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 2 of this Act, for the National Oceanic and Atmospheric Administration under the heading "Operations, Research, and Facilities" may be available for the National Marine Fisheries Service to study for three years the profitability of shrimp and reef fish fisheries, and the amount made available under such heading is reduced by \$20,000,000.

## DIVISION VII

Notwithstanding any other provision of this Act, none of the funds appropriated or

otherwise made available in title II, chapter 7 of this Act, for the Corporation for National and Community Service under the heading "National and Community Service Programs, Operating Expenses" may be available for the AmeriCorps National Civilian Community Corps, and the amount made available under such heading is reduced by \$20,000,000.

## DIVISION VIII

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title I, chapter 3 of this Act, for the Navy under the heading "Aircraft Procurement, Navy" may be available for the procurement of V-22 aircraft, and the amount made available under such heading is reduced by \$230,000,000.

## DIVISION IX

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 4 of this Act, for the Army Corps of Engineers under the heading "Construction" may be available for the acceleration of the American River (Common Features) project in California, and the amount made available under such heading is reduced by \$3,300,000.

## DIVISION X

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 2 of this Act, for the National Oceanic and Atmospheric Administration under the heading "Operations, Research, and Facilities" may be available for the National Marine Fisheries Service to equip fishing vessels with logbooks to record haul-by-haul catch data, and the amount made available under such heading is reduced by \$10,000,000.

## DIVISION XI

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 8 of this Act, for the Armed Forces Retirement Home under the heading "Major Construction" may be available for the Armed Forces Retirement Home, and the amount made available under such heading is reduced by \$176,000,000.

## DIVISION XII

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 2 of this Act, for the National Oceanic and Atmospheric Administration under the heading "Operations, Research, and Facilities" may be available for the National Marine Fisheries Service to equip the off-shore shrimp and reef fishery with electronic vessel monitoring systems, and the amount made available under such heading is reduced by \$10,000,000.

## DIVISION XIII

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 2 of this Act, for the National Oceanic and Atmospheric Administration under the heading "Operations, Research, and Facilities" may be available for the National Marine Fisheries Service to assist New England coastal communities that were impacted by a red tide outbreak, and the amount made available under such heading is reduced by \$20,000,000.

## DIVISION XIV

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 4 of this Act, for the Army Corps of Engineers under the heading "Construction" may be available for the acceleration of the

South Sacramento Streams project in California, and the amount made available under such heading is reduced by \$6,250,000.

## DIVISION XV

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 2 of this Act, for the National Oceanic and Atmospheric Administration under the heading "Operations, Research, and Facilities" may be available for the National Marine Fisheries Service to develop temporary marine services centers, and the amount made available under such heading is reduced by \$50,000,000.

## DIVISION XVI

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 2 of this Act, for the National Oceanic and Atmospheric Administration under the heading "Operations, Research, and Facilities" may be available for the National Marine Fisheries Service for replacement of private fisheries infrastructure, and the amount made available under such heading is reduced by \$90,000,000.

## DIVISION XVII

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 2 of this Act, for the National Oceanic and Atmospheric Administration under the heading "Operations, Research, and Facilities" may be available for the National Marine Fisheries Service to employ fishers and vessel owners, and the amount made available under such heading is reduced by \$25,000,000.

## DIVISION XVIII

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 2 of this Act, for the National Oceanic and Atmospheric Administration under the heading "Operations, Research, and Facilities" may be available for the National Marine Fisheries Service to replace damaged fishing gear, and the amount made available under such heading is reduced by \$200,000,000.

## DIVISION XIX

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 4 of this Act, for the Army Corps of Engineers under the heading "Construction" may be available for the acceleration of construction of the Sacramento Riverbank Protection Project in California, and the amount made available under such heading is reduced by \$11,300,000."

Mr. COBURN. Mr. President, I ask that this point, division 1 of the original amendment, be pending, and I will withhold my time until I have noticed both Senators LOTT and COCHRAN—and I see Senator COCHRAN here—because I know they will want to be active on this debate. I would ask their guidance on when I should bring this up for consideration of this first amendment which has to do with the railroad and supplemental moneys for the movement of the CSX railroad in Mississippi.

I ask their advice and desire.

The PRESIDING OFFICER. Division 1 is pending.

Mr. COCHRAN. Mr. President, if the Senator will yield, I have no advice to give him except to withdraw the amendment. I disagree with it, the part I have read, so that would be my advice.

Mr. COBURN. I thank the Senator from Mississippi.

I want to talk first about this. Our country is facing some pretty significant financial difficulties, and we find ourselves with a supplemental bill, as requested by the President. Basically, the whole idea of this supplemental is something the American people should reject. We have been in a war now going into the fourth year. We should have the money for funding this war as part of the regular budget. It should not be in an emergency supplemental. Of what we know about the Katrina results, that should have been budgeted this year as well, but it was not.

It is important for everybody to know why it was not. It is not budgeted because it becomes part and parcel of the debt your children and grandchildren will have to pay, without ever getting on the books of the Federal Government. So when you hear the deficit or the surplus—which it has not been for some time, as a matter of fact not since the early 1970s if you were honest in the accounting—you hear the budget numbers this year, for what the budget will be, and it will not count this money. This money will not be counted, although it will be added to the IOUs that our children and grandchildren will be paying back.

I am thankful for the leadership, in terms of giving us an opportunity this June to talk about budget process reform. Nobody would run their household this way. No business runs this way. This is a gimmicky way under which we can disguise how much we put this country in debt, and it ought not to be that way.

Most people understood that and would agree with it. Yet we find ourselves here. I am not happy we are doing a supplemental emergency bill in that regard.

The second thing is many of the things with Katrina we knew were coming before the budget came through the Senate and the House, and that should not be an emergency. Emergencies are supposed to be reserved for true emergencies, unexpected costs facing the Federal Government. This bill is loaded with things that are not unexpected. We knew the war was going to be expected. We knew some of these costs associated with Katrina and Rita and Wilma were expected. So we need to address the integrity of our process. It is my hope in June we will be able to do that.

I know this amendment will, in fact, not win when it comes to a floor vote on the Senate floor. But I want to give a little background. During Hurricane Katrina, large sections of the CSX railroad along the gulf coast of Mississippi were damaged or destroyed. One 40-mile stretch of track was completely destroyed. The railroad hugs the gulf coast and stretches from New Orleans to Mobile, AL. It is one of only two railroads that reach New Orleans from the east. The other passes over Lake Ponchartrain and runs parallel to the

I-10 Twin Spans Bridge. Three railroads approach New Orleans from the west. Although the CSX railroad was significantly damaged by Katrina, it was repaired; \$250 million in insurance proceeds and I believe somewhere between \$30 million and \$50 million from CSX to repair it and bring it back up to usable and safe status.

Governor Barber, following Hurricane Katrina, created a commission. My hat is off to him. I think he has done a wonderful job for the State of Mississippi and their response to this. This commission was to review and recommend options for recovery and rebuilding in the State of Mississippi. The report released by the Governor's commission recommended purchase of the CSX right-of-way in order to create a new east-west thoroughfare, relieve congestion on US 90, and to provide for light rail or rapid transport through Gulfport. The report also proposes to transform US 90, which runs directly along the gulf coast, into a scenic, pedestrian, friendly beach boulevard. One of the Commission's reports also states:

For many years, planners and local leaders have called for the removal of freight traffic on the CSX railway, which runs east-west through the region, roughly 800 feet from the coast.

I actually went to Mississippi and visited this area after the hurricane. You can see the hurricane damage, you can see this road, and then you can see the rail.

Numerous news outlets, including the Washington Post and ABC, have stated local developers and planners have wanted this railway relocated for years. I agree with that. I think this is a great development plan for the State of Mississippi to enhance the value of their beaches, their waterfront, and the wonderful coastal assets they have. I do not object to the plans behind this. I think it is very good from a developmental standpoint.

What is unknown at this point is where the existing CSX freight traffic will be transferred. While the Governor's commission recommends in some areas the relocation of the railroad somewhere north of I-10, which is 3 to 6 miles from the coast, the Commission's final report pegs the cost of that proposal at \$795 million and states the idea is no longer seen as practical. If the entire railroad right-of-way of Mississippi is purchased by the State, rail traffic heading west from Alabama would have to be rerouted northwest from Mobile to Hattiesburg, into Mississippi, and then southwest into New Orleans and Lake Ponchartrain. The additional distance of this route relative to the CSX line along the coast is approximately 100 miles. There is currently a railroad that runs from Hattiesburg into Gulfport, but if the CSX right-of-way is surrendered, it would not be possible for a freight train traveling along that line to go from Gulfport to New Orleans.

There are a lot of other things I will not go into. I think the principles that

we ought to be asking about are, is this a bad idea? No, it is not a bad idea. It is a good idea.

No. 2, is it an emergency? I would contend that this is not an emergency, especially on the fact that this has been planned and advocated for years in Mississippi in terms of the development—some for safety. Some will argue the railroad line now has 70-plus crossings. But the statistics on safety are that they are at a 5-year low in terms of injury. For 30 years it has been a declining number. It is not an emergency.

The railroad is vulnerable, where it currently lies, to hurricanes. There is no question about that. But so will a five- to seven-lane highway that is going to be put in its place be vulnerable.

The current budget resolution for 2006 explicitly defines what constitutes an emergency, and it should be noted that all of the following five criteria must be satisfied in order for something to be considered an emergency: necessary, essential, and violent; sudden, quickly coming into being and not building up over time; an urgent, pressing, and compelling need requiring immediate action; unforeseen, unpredictable, and unanticipated; and not permanent, temporary in nature.

The proposal to move this railroad does not meet the definition of emergency as defined by the Congress. The permanent removal of a railroad to make way for permanent construction of a highway does not qualify as an emergency either, as well. While the railroad may indeed be vulnerable to hurricanes because of its proximity to the coast, it makes no sense to replace it with a highway that is going to be just as vulnerable in its proximity to the coast.

Despite the vulnerability of the railroad, CSX and its insurers quickly repaired the lines such that it was fully operational within months of its destruction.

There is no desire, I believe, by CSX to move this line, and it would be good business sense if CSX thought it was vulnerable to the point it should make a business decision to move the line interior to the State of Mississippi.

According to Gary Sease, a spokesperson for CSX:

We rebuilt that line across the gulf coast as quickly as possible because it is a critical artery for us. It serves our purposes. It meets our customers' needs. There is absolutely nothing wrong with it.

Furthermore, at a time when it is important more than ever to have freight quickly delivered to devastated regions in New Orleans along the gulf coast, it is inadvisable to remove one of the only railroads into New Orleans from the east, one of two, thus forcing the remaining freight over Lake Pontchartrain.

Within the emergency spending bill, the railroad funding is provided through the Rail Line Relocation Capital Grant Program which was created

in the 2005 highway bill. That program requires the Secretary of Transportation to analyze the effects of the railroad relocation on motor vehicle, pedestrian traffic, safety, community, quality of life, and area commerce. However, the language providing money for the railroad specifically prohibits the Secretary of Transportation from considering those factors as they apply to the CSX relocation.

If safety is a sufficient reason to relocate the rail, it is incredibly odd that the Secretary of Transportation would be prohibited from making judgments as to the effects of the railroad relocation on safety and traffic. We will hear today that hurricane evacuation is a reason to relocate the railroad so it will relieve congestion along U.S. 90 and allow for a better evacuation route in the potential of future hurricanes. They will also say at the same time that the railroad's current location is too vulnerable to future hurricanes. These claims are mutually exclusive and cannot be both true at the same time.

If the current location is too vulnerable to future damage, it makes no sense to build a brand new highway in exactly the same place. It will be wiped out in the next massive hurricane as well.

Both the railroad and the proposed new east-west thoroughfare are located half a mile from U.S. 90 and the gulf coast. A major interstate highway, I-10, is located only 3 to 6 miles farther to the north. Given that the railroad was completely destroyed by Katrina at least over a 40-mile section, the argument that a new road in its place would be safe is hard to fathom.

I have great respect for the Senators from Mississippi. They are great advocates for their State. They are accomplished legislators. They are experienced beyond all means in the operations of the Senate and how to accomplish the best goal that they perceive for their State and our country.

I have to say that at some point it has to stop. Americans have to ask the question:

No. 1, is something truly an emergency?

No. 2, is it truly the responsibility of the rest of the country to do an economical development project that was on the drawing table long before Katrina and to use Katrina as the justification to have the rest of us pay for it?

I don't believe that is fair for future generations of this country. I don't think it is fair for the process.

I think you can see in the wording of this bill that the very definition of emergency is not met. I think you can also see very clearly that blocking the Secretary of Transportation from making an evaluation on safety was designed because they may in fact not pass that test. It has to stop. Our children and grandchildren deserve for us to preserve the opportunities we have had. We cannot continue to borrow

money from their future standard of living so we can do what we want to do today. The heritage of our country is one of sacrifice in the present generation to create opportunity for the future.

This is a good plan for Mississippi; it is just not a plan that the people of the rest of the country—especially on an emergency basis—ought to be asked to do.

If in fact it is brought back through the proper process and channels and looked at by the full committee and this body feels it should be done in a prudent and thoughtful way, that would be far better than putting it into this bill. Mississippi will win if this happens. But the future of our country loses if this kind of thing continues to happen.

This is called an earmark. It is placed in a bill to benefit one specific area at the expense of everyone else. It has legitimate value for the State of Mississippi. It is not an emergency. And it certainly will be paid for through lost opportunities for our kids and our grandkids. Think about what \$700 million could do for everybody else in Katrina. How many classrooms can be rebuilt? How many hospitals to serve the poor and helpless can be made available? How much education can we offer up that will create future opportunities and earnings?

The progress we seek to secure for the future is being limited by our own inability to make the hard decisions that aren't pleasing, aren't fun, but that are necessary to secure that future.

If you assume an interest rate on our debt—which is going to be very soon 6 percent—this \$700 million relocation will balloon to more than \$4 billion by the time we start paying it back. The net present value of this isn't \$700 million, it is \$4 billion. That is what your grandchildren will have to pay back for what we are proposing to do today.

I respect a great deal the chairman of the Appropriations Committee. He has a very difficult job. Everybody asks and nobody wants to give when they come to see Chairman COCHRAN. Everybody has a need. He has the job to find the best way to get a bill out of his committee. This particular project just happens to lie within his home State, and he advised me that his best recommendation would be for me to withdraw the amendment. I understand why. But I cannot in good conscience withdraw what I perceive to be and many are willing to debate on the floor something that is truly not an emergency, and truly even though it will offer great benefits for Mississippi in terms of economic development is not something the rest of us in the country should be paying for.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. AKAKA. 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. I ask unanimous consent the pending amendment be set aside so the Senator from Hawaii can proceed to offer an amendment.

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

AMENDMENT NO. 3642

Mr. AKAKA. I thank the Senator from Mississippi for permitting me to discuss my amendment. I send my amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Hawaii [Mr. AKAKA], for himself, Mrs. MURRAY, Mr. KERRY, Mr. DAYTON, Ms. STABENOW, Mr. MENENDEZ, Mr. OBAMA, Mr. SCHUMER, Mr. DORGAN, Mrs. LANDRIEU, Ms. MIKULSKI, Mrs. LINCOLN, Mr. BIDEN, Mr. ROCKEFELLER, Mrs. BOXER, Mr. REED, Mrs. CLINTON, Mr. LAUTENBERG, Mr. PRYOR, and Mr. JOHNSON, proposes an amendment numbered 3642.

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

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

The amendment is as follows:

(Purpose: To provide an additional \$430,000,000 for the Department of Veteran Affairs for Medical Services for outpatient and inpatient care and treatment for veterans)

On page 128, between lines 10 and 11, insert the following:

DEPARTMENT OF VETERANS AFFAIRS  
VETERANS HEALTH ADMINISTRATION  
MEDICAL SERVICES

For an additional amount for "Medical Services" for necessary expenses for furnishing, as authorized by law, outpatient and inpatient care and treatment to beneficiaries of the Department of Veterans Affairs and veterans as described in paragraphs (1) through (8) of section 1705(a) of title 38, United States Code, including care and treatment in facilities not under the jurisdiction of the department and including medical supplies and equipment and salaries and expenses of healthcare employees hired under title 38, United States Code, and to aid State homes as authorized under section 1741 of title 38, United States Code, \$430,000,000 plus reimbursements: *Provided*, That of the amount under this heading, \$168,000,000 shall be available to address the needs of servicemembers in need of mental health care, including post-traumatic stress disorder: *Provided further*, That of the amount under this heading, \$80,000,000 shall be available for the provision of readjustment counseling under section 1712A of title 38, United States Code (commonly referred to as "Vet Centers"): *Provided further*, That of the amount under this heading \$182,000,000 shall be available to meet current and pending care and treatment requirements: *Provided further*, That the amount under this heading shall remain available until expended: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concur-

rent resolution on the budget for fiscal year 2006.

Mr. AKAKA. Mr. President, I ask unanimous consent I be yielded 10 minutes.

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

Mr. AKAKA. Mr. President, I rise today with the Senator from Washington, Senator MURRAY, and the Senator from Massachusetts, Senator KERRY, to offer an amendment to address the costs of providing health care to veterans. I am proud that 16 of our colleagues have joined us in this effort.

Last year, we all recognized the need to provide supplemental funds to VA. We did this to allow VA to absorb an influx of new patients from Operations Iraqi and Enduring Freedom. It is time to act once again.

This amendment we offer today allows VA to provide care for returning troops without displacing those veterans currently using the system. It provides VA with more tools to deal with those mental health issues faced by returning veterans.

The amount of this amendment, \$430 million, is largely directed toward mental health needs, coupled with a modest level of funding to eradicate waiting lists and existing shortfalls. Eighty million dollars is directed to Vet Centers, readjustment counseling, and outreach. For returning veterans who have suffered psychological wounds, the stigma surrounding these types of injuries creates a barrier that oftentimes prevents them from seeking the care they need. Vet Centers provide a means to overcome this barrier because of the location in the community and because veteran staff members can relate to the experiences of veterans seeking services.

We are receiving information that our Vet Centers maintenance funding is being depleted. We learned also that resources for equipment that is needed by the centers cannot be bought because funds are not available. In the year 2005, Vet Centers cared for 36,000 veterans. So far this year, Vet Centers have seen more than 70,000 such veterans.

This chart shows in 2003 there were 1,936 veterans; in 2004 there were 9,611 veterans; in the year 2005, 36,717. It is projected to be 70,547. Therefore, the need for assistance is there.

When we close the books on 2006, Vet Centers will have ended up seeing nearly 140,000. That is a projection. Yet the budget for the program has remained virtually stagnant.

Another component of our amendment aggressively targets the more debilitating mental health issues of servicemembers. The experts predict as many as 30 percent of those returning servicemembers may need psychiatric care. Yet we are told that the system is nowhere near ready to handle this type of workload.

Steady budget cuts over the years have diminished VA mental health care capacity. GAO found VA has lagged in

the implementation of recommendations made by its own advisory committee on PTSD to improve treatment of veterans who suffer from this very serious mental illness. The GAO has questioned whether VA can keep pace with the demand for mental health treatment from veterans of Operations Iraqi and Enduring Freedom. In order to provide the VA health care system for these needs, we believe \$168 million should be sent to VA. The VA developed its own comprehensive plan to reach all veterans in clinics or in VA hospitals. This is the administration's plan, but we need to find a way to fund it.

In addition to mental health needs, our amendment addresses the existing shortfalls in the system. We know right now waiting lists have begun to creep up. VA hospitals are running deficits. Yes, we are back here again.

Let me share some specifics. In Phoenix, the supplemental funds provided last year went almost entirely to help with the backlog of patients and nary a dime was used for equipment purchases or maintenance which was delayed previously.

In Network 22, they are still relying on management efficiencies to balance the budget. These same efficiencies were decry by the GAO as being fictitious.

In Texas, the VA is again using maintenance and equipment funds to cover its current deficit.

Health care provider positions also remain open all across the country, resulting in shortages of doctors, nurses, and medical technicians, to name a few. We know we can do better.

I close by taking my colleagues back a year when we offered a similar amendment to the last war supplemental. Armed with evidence that VA facilities were operating in the red, we came before our colleagues and asked that VA be given the funds necessary to care for returning servicemembers. We had VA's own documentation which showed that higher numbers of patients were seeking care than were expected.

The Bush administration, at the same time, assured all Members that sufficient funds were available. Our amendment was rejected. Many were led to believe VA could handle the unexpected workload. It took 4 months for the VA to come clean and admit help was needed from Congress. With swift bipartisan action, the VA finally ended up with more funding.

Let's be upfront about the fact that the costs of the war we are fighting today will continue to add up long after the final shot is fired, mainly in the form of veterans' health care and veterans' benefits.

I urge my colleagues to join in this effort to see that servicemembers are provided the care they are currently earning.

I yield to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I am very proud to be in the Senate today to support the Senator from Hawaii, Senator AKAKA, in offering this amendment, the current pending business regarding adding additional funds for our veterans who have served us so honorably overseas every day in Iraq and Afghanistan.

Mr. MCCAIN. Mr. President, parliamentary inquiry: Can the Senator yield to another Senator?

The PRESIDING OFFICER. He cannot yield, but the Senator can be recognized on her own and she was recognized.

Mrs. MURRAY. Mr. President, every day in Iraq and Afghanistan the men and women of our Armed Forces make us very proud. Last year, I had the honor of visiting our troops in Baghdad and Kuwait. I was personally impressed with their commitment and their professionalism. We in this Senate all agree that we support them and we stand with them as they carry out the mission they have been asked to do.

However, they also deserve our support when they come home, when they come home as veterans. We need to make sure they have the health care they were promised, job training, and transition assistance. They deserve all the things our country promised them when they signed up to serve us.

Unfortunately, today our country is still falling short of meeting those needs. We all have known for years that the demands on the VA have grown considerably, but funding just has not kept pace. Senator AKAKA talked about what happened last year with the funding shortfall we got into. We had to get back in place emergency funds to meet the needs last year.

We are again offering this amendment to increase funding for America's veterans, frankly, because they were there for us and now it is up to us to be there for them.

We need this amendment this year again because veterans are still facing tremendous shortages and delays in getting the care they need. Veterans today coming back from Iraq and Afghanistan are able to get an appointment initially with the VA, but then they have to wait up to 6 months for a consultation and another 7 months for surgery. So, as a result, we are seeing veterans today take over a year before they get the care they are seeking at our veteran services. A lot of our veterans coming back from Iraq have to wait 18 months to get their disability claims processed. Imagine returning from Iraq and waiting a year and a half before you get the services you have been promised.

We all have met with veterans who have returned. We know many of them are coming back with severe injuries. Many of them are facing tremendous mental health hurdles. Today, the VA is operating on a bare-bones funding. It is doing more and more with less and less. As the war in Iraq continues, our heavy reliance on the Guard and Re-

serve has affected the VA and utilization rates in our ability to keep our promises to them for their health care and their services when they return.

Last month, the Secretary of the VA came in front of the MilCon VA Subcommittee and told us that OIF and OEF veterans accessing VA care was 38 percent higher than expected halfway through this fiscal year—38 percent higher than they predicted, than they had requested funds for.

We have to make sure the VA has the funds it needs to care for our veterans. I personally can think of no better way to honor those who have made the ultimate sacrifice in Iraq and Afghanistan and their families than by taking care of them when they return.

All Senate Members have met with our veterans, their families and spouses, those who serve them. We know the mental health care of our veterans is not being met today. Recent reports have verified that 30 percent of OIF and OEF veterans are accessing mental health services. That is much higher than anyone predicted.

We need to make sure those mental health care services are available. That is why Senator AKAKA is in the Senate today offering this amendment to provide the VA with \$430 million to enhance readjustment counseling and outreach to returning servicemembers, to shore up the VA's capacity to provide mental health services to veterans who need them, and to address the current shortfalls we are facing across the system.

Our amendment simply recognizes that caring for our veterans is and should be part of the ongoing cost of war. The bulk of the VA's readjustment counseling is provided through our Vet Centers, as many Members know. These are storefront facilities that operate independently of the rest of the VA health care system. That separation from the institutional VA care makes them an invaluable resource in reaching many of our returning servicemembers who today may be wary of the VA system or in very remote locations.

Our amendment provides \$80 million for these Vet Centers so they can meet the needs they are seeing today. We know in the budget these Vet Centers have been flatlined. Over the years, these centers have provided services to a total of 118,811 OIF and OEF veterans. So far this year, these Vet centers have provided services to 70,547 OIF and OEF veterans. And these vet center services include outreach to our returning servicemembers at their demobilization sites. So they are very critical services, and we need to make sure they are funded.

I mentioned mental health a minute ago. I think we all know that men and women who are returning from Iraq and Afghanistan are suffering serious mental health problems. So our amendment addresses that by providing \$168 million toward the implementation of the VA's own mental health strategic

plan. That will help serve our veterans who are suffering from PTSD and other debilitating conditions.

We all know, and as I know from talking to our soldiers in Iraq and Afghanistan, many of these soldiers are literally on the front line 24-7, and we know the cost of that in returning. We have to make sure they get the services they need for PTSD and other mental health conditions because not only should we provide that for them because they need it but because we need to make sure when they come home they get the help they need so they can remain valuable members of our communities.

Finally, the amendment secures an additional \$182 million for the various regions in the country that are once again suffering from shortfalls. Despite all of our work last year, and despite our efforts on the floor last year, evidence has continued to mount that demonstrates there is still a need for supplemental funds. The VA medical centers are still millions of dollars in debt. We need to make sure we provide the dollars within the supplemental to take care of that.

So I am proud to stand with Senator AKAKA as we offer this amendment. I hope every Senator recognizes that part of the cost of war is paying for the care of our men and women when they return home. I can think of no more important promise to keep. I urge all Senators to join us in supporting this critical amendment.

Thank you, Mr. President.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. KERRY. Mr. President, I am proud to be a cosponsor of the Akaka amendment to increase funding for the Department of Veterans Affairs by \$430 million dollars.

We are offering this amendment on this emergency legislation composed primarily of war funding for two simple reasons. In the first place, this funding is needed urgently to meet the needs of America's veterans. Second, caring for America's veterans is a continuing cost of war.

Sadly, the Department of Veterans Affairs continues to have to tighten its belt to meet the needs of its patients. Last year, after warnings from Democrats, the administration was compelled by the gravity of events to admit a shortage of more than \$1 billion for veterans health care. Congress made an emergency supplemental appropriation of the needed dollars, but we know now that the Department is still \$182 million short. I don't believe that the VA should have to squeeze budgets to provide patient care. So this amendment rightfully provides \$182 million to cover unmet needs.

Not all the wounds of war are physical. In July of 2004, the New England Journal of Medicine reported that one in six combat veterans in Iraq and Afghanistan showed symptoms of major depression, anxiety, or posttraumatic

stress disorder. A more recent study in the Journal of the American Medical Association found that 19.1 percent of returning veterans from Iraq and 11.3 percent of veterans returning from Afghanistan reported mental health problems. We know from historic experience that soldiers will return from war having to navigate a range of emotional issues, regardless of whether they are diagnosed with PTSD.

So this amendment will provide \$248 million dollars to fund expanded screening and treatment of posttraumatic stress disorder and other mental health conditions. It will enable the VA to make use of community-based outpatient clinics for PTSD screening and treatment. It will expand innovative programs that link the work of Vet Centers with National Guard units returning from combat.

We must never forget the veteran—that young American who stood up to be counted when their country needed them. Now they need our assistance, and it is our turn to stand with them. I urge my colleagues to stand up and be counted on this important amendment.●

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

● Mr. ROCKEFELLER. Mr. President, I want to indicate my strong support for the amendment by Senators AKAKA, MURRAY and others to provide an additional \$430 million for the Department of Veterans Affairs as part of the supplemental appropriations. I have asked to be included as a cosponsor of this crucial amendment.

While I am recovering from recent surgery and unable to cast my vote on the floor, I continue to monitor the work of the Senate and I want to signal my continuous support for better funding for VA care. We should make it a priority to care for all our veterans, the young soldiers returning from Iraq and Afghanistan and the aging veterans from previous conflicts including our WWII veterans.

This amendment is a strategic investment. It would provide \$80 million for our vet centers that provide vital readjustment counseling. The budget for vet centers has been flat for too long. In recent years, the centers and staff have struggled to meet the needs of our returning veterans from Iraq and Afghanistan. Since 2001, over 118,811 veterans, including Guards and Reservists, have sought services and support from our vet centers. I have visited vet centers in West Virginia and privately met with returning veterans so I am very aware of the care and support our centers provide. The work of our centers is truly important for our veterans and their families throughout West Virginia and our country.

This amendment also includes \$168 million for a comprehensive VA Mental Health Plan. Many studies indicate that as many as one out of every three returning veterans will need some type of mental health care, and many veterans will struggle with posttraumatic stress disorder. Rumors persist throughout my state about delays in testing and care for mental health

issues for veterans after their initial health care appointment. Every veteran who has served in combat deserves the full range of health care in a timely manner, including mental health care.

Another concern is a variety of shortfalls that our VA hospitals and networks are reporting. Some areas need specialty doctors, while other hospitals face nursing shortages. This important amendment would provide \$182 million to deal with current shortfalls in the system based on local needs and problems.

For West Virginia veterans, and veterans across our country, this amendment states that we fully support their service to our country, and their return home and successful readjustment to civilian life.●

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, it is my understanding that the distinguished Senator from Texas has an amendment to the Akaka amendment which she intends to offer. And I was going to be sure she had that opportunity at this time. I am happy to yield to her for that purpose.

The PRESIDING OFFICER. The Senator from Texas.

Mr. ENSIGN addressed the Chair. The PRESIDING OFFICER. The Senator from Nevada.

Mrs. HUTCHISON addressed the Chair.

Mr. ENSIGN. Mr. President, do I have the floor?

Mrs. HUTCHISON. Mr. President, I send a second-degree amendment to the desk.

The PRESIDING OFFICER. Will the Senator withhold for a moment?

The Chair is corrected. The Senator cannot yield the floor to another Senator.

The Senator from Nevada is recognized.

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

Mr. ENSIGN. Mr. President, I have the floor.

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

Mr. ENSIGN. Thank you, Mr. President.

#### MOTION TO RECOMMIT

Mr. President, I want to thank Senators MCCAIN, GRAHAM, DEMINT, SUNUNU, and COBURN for joining me in a motion to commit that I will raise in a minute. I believe the Appropriations Committee needs to go back to the drawing board to come up with a bill that does not exceed the President's request of \$94.5 billion in emergency spending. Let me be clear—I don't agree with everything in the President's request—I do believe that we should not spend above the total level of his request.

The emergency supplemental appropriations bill we are considering today provides funds necessary to support our troops who are fighting to make our nation more secure. This bill provides \$72 billion for defense. Much of this funding is absolutely critical. It will ensure that our troops have the safest and most up-to-date equipment, as

they serve in harm's way, in order to protect each of us.

That is why I support many of the provisions of this supplemental appropriations bill. I am, however, disappointed that this bill includes so much unnecessary, and in fact wasteful, spending. Spending that is not related to the emergency needs of the military. Spending that was not requested by the President, the Commander-in-Chief of our Nation's military.

In my opinion, this bill abuses the spending process. Certain provisions in this bill clearly reflect that the Senate is using our troops to push wasteful spending through Congress. That is simply wrong.

Congressional spending is out of control. So much spending in Washington is simply wasteful. We are running huge deficits as a result of too much spending. The American public understands all of this. What I can't understand is why Congress does not.

This bill has questionable and unnecessary spending. The purpose of an "emergency supplemental" is to provide spending to address national emergencies. Last year's budget contained a comprehensive explanation of what constitutes an emergency. The budget states that an emergency addresses a situation that is "necessary, essential, or vital." Much of the spending included in this emergency supplemental appropriations bill does not meet the budget's definition of an emergency. This bill shows that the Senate has no concept of what an "emergency" is.

Congress has a responsibility to ensure that taxpayer dollars are being spent wisely. We should not, in good conscience, continue to pass off trillions of dollars in debt to our children and grandchildren in order to fund extraneous nondefense spending. If we enact this bill, Congress will not be acting as good stewards. I agree with the President when he says "taxpayer dollars should be spent wisely, or not at all." Sadly, there is a great deal of spending in this bill that should not be spent at all.

I make a motion to recommit the underlying bill to the Committee on Appropriations with instructions that it be reported back with total net spending not to exceed \$94.5 billion.

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

Mr. ENSIGN. Mr. President, I will yield to the Senator from Arizona for a question without losing my right to the floor.

Mr. MCCAIN. Will the Senator from Nevada explain exactly what his motion is?

Mr. ENSIGN. I thank my colleague from Arizona for his question. It is important for my colleagues to understand the substance of this motion. This motion only sets the spending ceiling for this bill. We are not singling out anyone's projects with this motion. We are not stripping funding for any provision.

This motion sends the bill back to the Appropriations Committee for further consideration. It preserves the rights of the committee to determine the level of spending for each program.

We are not taking anything away from the committee's jurisdiction. The motion lets the committee make their decisions but within the top line number that the President called for yesterday.

If the Appropriations Committee wants to fund items in this bill that were not requested by the President, they can do so. But they must pay for it. They must find offsets. That is what this motion does. We were sent here to make decisions, sometimes hard ones. This motion ensures that this Congress makes tough decisions today rather than heaping debt on to the backs of our children and grandchildren.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. ENSIGN] moves to recommit the underlying bill to the Committee on Appropriations with instructions that it be reported back with total net spending not exceeding \$94.5 billion.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I move to table the motion to recommit, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

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

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New Mexico (Mr. BINGAMAN), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

I also announce that the Senator from Massachusetts (Mr. KERRY) is absent due to family illness.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea."

The result was announced—yeas 68, nays 28, as follows:

[Rollcall Vote No. 97 Leg.]

YEAS—68

Akaka	Feinstein	Nelson (FL)
Baucus	Frist	Nelson (NE)
Bayh	Harkin	Obama
Bennett	Hatch	Pryor
Bond	Hutchison	Reed
Boxer	Inouye	Reid
Burns	Jeffords	Roberts
Byrd	Johnson	Salazar
Cantwell	Kennedy	Sarbanes
Carper	Kohl	Schumer
Clinton	Landrieu	Shelby
Cochran	Lautenberg	Smith
Coleman	Leahy	Snowe
Collins	Levin	Specter
Conrad	Lieberman	Stabenow
Craig	Lincoln	Stevens
Crapo	Lott	Talent
Dayton	Lugar	Thune
DeWine	Martinez	Vitter
Dodd	Menendez	Voivovich
Domenici	Mikulski	Warner
Dorgan	Murkowski	Wyden
Durbin	Murray	

NAYS—28

Alexander	Brownback	Chafee
Allard	Bunning	Chambliss
Allen	Burr	Coburn

Cornyn	Grassley	McConnell
DeMint	Gregg	Santorum
Dole	Hagel	Sessions
Ensign	Inhofe	Sununu
Enzi	Isakson	Thomas
Feingold	Kyl	
Graham	McCain	

NOT VOTING—4

Biden	Kerry
Bingaman	Rockefeller

The motion was agreed to.

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

AMENDMENT NO. 3647 TO AMENDMENT NO. 3642

Mrs. HUTCHISON. Mr. President, I send a second-degree amendment to the Akaka amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON] proposes an amendment numbered 3647 to amendment No. 3642.

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

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

The amendment is as follows:

(Purpose: To clarify the availability of funds)

Before the period at the end of the amendment insert the following:

"*Provided further*, That these amounts shall be available only to the extent that an official budget request for the entire amount is submitted to the Congress by the President that includes designation of the entire amount of the request as an emergency requirement."

Mrs. HUTCHISON. Mr. President, the amendment is on behalf of myself and Senator BURNS. This second-degree amendment basically says that the funds available in the Akaka amendment would only be expended if the President requests of Congress such an emergency expenditure.

I certainly understand that the veterans need to have all of the money that would cover their legitimate health care costs. That is exactly what we have done in the underlying appropriations bills from last year and this year. In fact, the Veterans' Administration, after we put \$1.5 billion in emergency spending in the health care account last year, is 4.3 percent below last year's spending level. That is because they now have better modeling for what is forecast to be needed in the medical care-medical service area.

In the mental health area that is covered by the Akaka amendment, there is already \$2.8 billion from the 2006 budget which is \$386 million over the 2005 level. The 2006 medical care account has \$31 billion, and that is \$1.1 billion over the 2005 level. We have also added supplemental expenditures over the 2006 budget.

I think the prudent thing for us to do is to allow this money to be made available only if the President and the Veterans' Administration request it, and that is exactly what my amendment does.

I ask for support of the amendment. The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Mr. President, I want the Senator from Texas to know that I do appreciate the changes made by her. I believe it is an approach with which we can all live.

A letter was circulated last year to Senators in which the VA assured Senators "that the VA does not need emergency supplemental funds in FY 2005 to continue to provide the timely quality service that is always our goal. But certainly for the remainder of this year, I do not foresee any challenges that are not solvable within our own management decision capability."

We know that in the end, however, emergency funds were needed. With this modification in my amendment, I expect the President to come forward expeditiously and will not tolerate forestalling and suppression of the facts. Our men and women are depending on us. We will be watching.

I express my appreciation for the second-degree amendment. Following the adoption of that amendment, I will ask for the yeas and nays on my amendment, as amended by the Senator from Texas.

Mrs. HUTCHISON. Mr. President, let me answer the Senator from Hawaii by saying I commend the President and Secretary Nicholson for coming forward after the letter that had been written during our regular appropriations process and saying they did need extra money. And, Congress stepped right up to the plate. We worked together with the Senator from Hawaii, the Senator from Washington, and my colleague Senator FEINSTEIN to provide that money. We always will do that. We will never skimp on veterans' care and, in fact, it is now acknowledged that it is the best health care system in America.

This money Senator AKAKA has proposed will be available, if needed, if the President asks for it. It will certainly be there. I ask for the adoption of my amendment.

The PRESIDING OFFICER. Is there further debate on the second-degree amendment? If not, the question is on agreeing to amendment No. 3647.

The amendment (No. 3647) was agreed to.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. CRAIG. Mr. President, let me speak briefly on what we have done and why I suggest we do not need to do it. I have the great privilege of being the chairman of the authorizing Veterans Affairs Committee. The Senator from Texas has done the right thing to shape the Akaka amendment that calls for, in an emergency spending bill, an emergency of \$430 million in this fiscal year, and yet, did you hear what the Senator from Texas said?

Because of what I demanded last year, because of what she demanded, because of what Senator MURRAY demanded, because of what Senator

AKAKA demanded, we now have a much more accurate accounting system, a quarterly reporting system of the Veterans' Administration. Right now, based on the money we gave them for the 2006 budget, they are 4.3 percent under their spending levels as projected.

What does that mean? It means that over \$600 million they thought they would spend they are now not spending. So where is the emergency? It doesn't exist. Why are we doing this? How can you spend more in a program in the last half of the year than the whole program was designed to spend in 12 months? And yet in three of the four programs that the Akaka amendment deals with, it does just that.

It doesn't make any sense. Well, any fiscal sense. It may make political sense. But the reality is this is simply wrong. In the 2007 budget, we increased their spending. It is the largest increase in a single department spending than any of our Government. Why? Because Congress—Democrats and Republicans—are phenomenally sensitive to the needs of our veterans, and I am extremely proud of that.

In no way do I suggest that the Senator from Hawaii is less sensitive. It is why he is on the floor and cares deeply about our veterans and our veterans' needs, and we work closely together. But I must tell my colleagues, how can we increase budgets halfway through the year by 75 or 80 percent and spend them wisely, responsibly? We cannot.

This money, if it were allocated, will not get spent. That is why the Senator from Texas, who is the chairman of the Appropriations Subcommittee on VA, said only if an emergency occurs.

Right now there is almost \$600 million in unspent money that was designated for the timeframe, and there is a \$430 million contingency fund already built into the VA, and we know that. That is a fact. It is operated that way. Do the numbers, folks.

If there were an emergency, we have over \$1 billion worth of resources to assure that our veterans have what they need.

I will argue all the time for our veterans, but I do believe our veterans expect us to be fiscally responsible, along with meeting their needs. I cannot imagine that there is a veteran out there today who would suggest that in most instances we are not meeting their needs. We brought one of the finest health care systems in the world to the forefront again. We have expended phenomenal amounts of money on it. And this year, the VA budget is bigger than any other budget in our Federal Government, including Defense during wartime. I am talking about rates of increase, not total dollars.

Those are the realities with which we are dealing. I don't mind standing up and talking about it. Why? Because I can go home to my veterans and say we have been fair and we have been responsible, and I am not willing to listen to the VSOs that "you gotta, gotta,

gotta spend more." Is there a limit to how much we should spend? No, there isn't, apparently.

I hope in the end, even though it has been effectively shaped so it won't get spent and it won't get spent because it isn't needed, that the President, as he should, and the Secretary of the Veterans' Administration, as he should, will have the opportunity to declare an emergency if it happens and this Congress will know it now because of what we in a bipartisan way did to make sure what happened a year ago never happens again. We are now reported to quarterly for the first time in the history of the VA. By the last report, they are 4.3 percent under their spending proposal and that \$600 million—do the numbers, folks. At a time of major deficits in this country, we are going to spend more of this kind of money? No, we are just going to put it on the books now.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Mr. President, I ask unanimous consent that Senator DURBIN be added as a cosponsor to my amendment.

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

Mr. AKAKA. Mr. President, I ask for the yeas and nays on my amendment, as amended.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

Is there further debate? If not, the question is on agreeing to the amendment No. 3642, as amended. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

I also announce that the Senator from Massachusetts (Mr. KERRY) is absent due to family illness.

I further announce that, if present and voting, the Senator from Delaware (Mr. BIDEN) and the Senator from Massachusetts (Mr. KERRY) would each vote "yea."

The result was announced—yeas 84, nays 13, as follows:

[Rollcall Vote No. 98 Leg.]

YEAS—84

Akaka	Coleman	Hutchison
Alexander	Collins	Inouye
Allard	Conrad	Isakson
Allen	Cornyn	Jeffords
Baucus	Dayton	Johnson
Bayh	DeMint	Kennedy
Bennett	DeWine	Kohl
Bingaman	Dodd	Kyl
Bond	Dole	Landrieu
Boxer	Domenici	Lautenberg
Bunning	Dorgan	Leahy
Burns	Durbin	Levin
Burr	Feingold	Lieberman
Byrd	Feinstein	Lincoln
Cantwell	Frist	Lott
Carper	Graham	Lugar
Chafee	Grassley	Martinez
Chambliss	Hagel	McConnell
Clinton	Harkin	Menendez
Cochran	Hatch	Mikulski

Murkowski	Roberts	Specter
Murray	Salazar	Stabenow
Nelson (FL)	Santorum	Stevens
Nelson (NE)	Sarbanes	Talent
Obama	Schumer	Thune
Pryor	Shelby	Voivovich
Reed	Smith	Warner
Reid	Snowe	Wyden

NAYS—13

Brownback	Enzi	Sununu
Coburn	Gregg	Thomas
Craig	Inhofe	Vitter
Crapo	McCain	
Ensign	Sessions	

NOT VOTING—3

Biden	Kerry	Rockefeller
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The amendment (No. 3642), as amended, was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. LOTT. Mr. President, now we are back on the pending amendment, the Coburn amendment; is that correct?

The PRESIDING OFFICER (Mr. THUNE). The first division.

Mr. LOTT. Mr. President, for some time now public officials in Mississippi have been concerned about the vulnerability and safety of the CSX rail line long the Mississippi Coast. These discussions have taken on a sense of urgency as part of the overall dialogue about how to rebuild the gulf coast region after Hurricane Katrina.

Transportation is the lifeblood of our economy, and making it less vulnerable to future destruction while also making it safer should be a priority. I am an unabashed advocate of safer roads, bridges and yes, railroads—most recently lending my support to a \$700 million plan to move the Mississippi gulf coast's CSX railroad line north to higher ground, away from people and storm surges.

In the aftermath of the worst natural disaster in American history, any good post-Katrina reconstruction plan should consider moving these tracks. Given the tracks' proximity to the Gulf of Mexico and to motor traffic and flood waters, gulf coast residents and leaders would be irresponsible if we did not consider a safer place for the railroad. At some point we must move these tracks from the middle of busy, growing communities like Biloxi, Gulfport, and Pascagoula.

Let me briefly discuss the rail safety problem in the 3 Mississippi counties along the gulf coast. There are 185 highway-rail crossings on the CSX line in those counties. That is more than 2 crossings per mile. In some cases, there are more than 2 crossings in 1 mile of rail track.

In the last 10 years, 40 people have been killed in collisions between vehicles and trains. In other words someone is killed every 3 months in a rail accident along the gulf coast. Another 68 people have been injured. There have been 147 accidents over those 10 years. That's more than 1 accident per month.

This is an authorized national program. The funds for this project would

be appropriated under the Rail Line Relocation and Improvement Program. I was a long time champion of the legislation to create this program, and last year Congress finally passed it. This program was designed to alleviate the adverse effects of rail traffic on safety and on communities. Now that funds are available for projects that can save lives, such as this one in Mississippi, the program should be utilized.

Many have asked why this qualifies as an emergency project when the rail lines have already been rebuilt. They are oblivious to the fact that this strategic railroad—actually spans the length of our Nation between California and Florida, handling vital cargo.

The simple answer is that this project is needed to prevent future emergencies. There was no way that CSX could have waited on the Federal Government to relocate the line. This project will not be completed until 2008 at the very earliest. Therefore, there was never serious consideration given to not rebuilding the line. The urgency to restore rail operations for the benefit of customers along the corridor was paramount. That is why CSX spent private dollars to rebuild the line as quickly as possible. To be clear, no Federal money has been spent to repair the existing line, as press reports lead you to believe.

It ultimately took CSX 143 days to get the line back in condition to serve customers. Six major bridges and 40 miles of track had to be rebuilt or repaired. During that time hundreds of businesses were without service, 300 CSX employees were affected. Millions of citizens, and numerous seaports depend on this critical rail artery for freight and passenger services. The gulf coast corridor serves as the Southeast's primary gateway for freight being shipped to the western United States. Even with the new construction and rebuilt infrastructure built to the best possible standards, this line would still be significantly damaged in another storm given the proximity to the storm surge.

It is also important to mention, there are significant national security and energy security benefits to moving the current line away from the Nation's highest density of defense—for example, Ingalls, Keesler, Coast Guard, CBC Gulfport, CRTC Gulfport, Stennis Space Center Federal Reservation, and energy—for example, Chevron refinery, fuel transfer pipelines—infrastructure.

The fact is this is not solely a Mississippi project. Remember, the CSX line runs from Jacksonville, FL, to the Port of New Orleans before continuing on to Los Angeles. The Federal investment required to relocate the line will benefit Georgia, Alabama, Mississippi, and Louisiana by upgrading tracks within those states. Factually, this is a Southeast United States project, not a Mississippi project.

Our State has not asked for anything that is unreasonable or that the people

in this devastated region do not deserve.

Mr. President, I know the hour is getting late and Senators have commitments. This is an issue which I feel very strongly about. It is one we have to address. These are the problems which have been created by the CSX transportation rail line across the Mississippi gulf coast. I thank Senator COCHRAN, the chairman of the Appropriations Committee, for taking the initiative to address this issue.

I would like to correct several misunderstandings. First, this would provide the funds to relocate the railroad track from right along the coastline, including crossing significant bodies of water in three different places, and it would then be relocated to an area north of there, connecting several railroad tracks. It would run like this, to New Orleans, instead of all the way along the gulf coast. Keep in mind, this is a major corridor that runs from Jacksonville, in Florida, all the way to California. This issue needs to be addressed.

Senator COCHRAN and I and our Governor and our officials in Mississippi have tried to be restrained and responsible and conservative in the requests we have made. This Congress has been very helpful, the Senate has been very helpful to meet a lot of our needs, but we need to come to terms with this issue. That is why Senator COCHRAN has chosen to put it in the supplemental.

Let me make sure you understand that this is Katrina related, No. 1. Some people will say: Look, the old railroad tracks were rebuilt after Hurricane Katrina at the cost of \$250 million. But it was not one nickel of Federal dollars in it. It was done by the rail company and was done with insurance money, because this is a major thoroughfare that serves a lot of companies that had to get back in business. If we make this move, it will be 2008 at the earliest before it can possibly happen. I wanted that corrected.

There has been some suggestion that it relates to the gaming industry along the gulf coast. It does not, not at all. In fact, they would probably like for it to stay in this area, which forces traffic along Highway 90, along this coastline, instead of moving it off of the coast. By moving, then, the highway which runs right along the coast, it will be north of where the gaming area is. So there is no connection there.

Why do we need this? Let me make it real clear. There are several very good reasons. No. 1, it is exposed. It does run right along the water and has been blown out several times in the past—three times. It is there because it has been there for a hundred-and-something years.

This shows what happens every time we have a major blow. This is the track. It is built in marshes and on sand. It cannot stand. It will not stand. So we are going to have to do this repeatedly.

This shows the strength of the hurricane. This is a railroad bridge. Look at how the railroad track is actually bent.

This is going to be repeated. It causes economic dislocation. They shut down for 134 days just after this hurricane. That is one factor.

The second thing is, it is a major thoroughfare. We do not have evacuation capability with the current location, where it is now. We do not have east-west rails where people can get to the north-south lines. We just do not have enough room to do that. We will take a railroad bed and turn that into a five- or six-lane road across the major county that is involved, Harrison County, MS.

It is also about safety. People are killed and injured here every year. On this chart, the circles show deaths and injuries that have occurred. I will just give you the numbers we are talking about. Over a period of 10 years, there have been 147 accidents along this trackage. There have been 40 people killed in the last 10 years. There are 185 highway and rail crossings that are involved here.

Some people say you should do it through the authorization process. That has been done. Last year, as part of the highway bill, we passed for the first time the National Rail Relocation Act. This sort of thing needs to be done in a lot of places in America, from State to State. We have an authorization in place, so it is authorized. This provides the funds through the authorization. But this is about hurricanes, it is about evacuation, it is about safety, and it is about getting track out right along the coastline and moving it north so we do not have this repeated problem.

I ask my colleagues to look at it seriously. There are also going to be some 18 amendments to follow that will knock out various and sundry things in the bill. This is an important part of the Katrina recovery. We are still going to be able to get into New Orleans with the trackage coming north and move that transportation traffic on farther to the west coast. But I just wanted to rise and speak briefly in support of what is in the bill and against the motion to strike.

I thank Senator COCHRAN for his leadership in providing this opportunity.

Mr. COCHRAN. Mr. President, the Senator has very ably explained the challenge that is faced to restore and rebuild and recover in terms of transportation assets on the Mississippi coast, but this applies and will have an effect across the breadth of the area of the gulf coast that was damaged, including Louisiana, Mississippi, as well as Alabama.

Somebody cavalierly noted the other day that this is like the bridge to nowhere—this is the railroad to nowhere.

It is a transportation corridor that links New Orleans; Bay St. Louis, MS; Pass Christian; Gulfport, MS; Biloxi, MS; Pascagoula, MS; Mobile, AL, and

beyond—as the Senator said—all the way to California on the west side. This is a very important part of the transportation system across the southern United States, and on this line of transportation facilities the Stennis Space Center, where our rockets are tested for the space program, and many other military activities in that part of the gulf coast area—the ship yards at Pascagoula, the Keesler Air Force Base along U.S. Highway 90 in the Biloxi, MS, area, and on and on and on. The Coast Guard facilities and the former naval station at Pascagoula have other activities there.

There are national security consequences for the failure to rebuild and recover and restore these important transportation facilities. That is why it is appropriate to do it now.

This is authorization. The committee recommended \$700 million for the Rail Line Relocation Capital Grant Program. That is the entity where the money goes, and through that money to mitigate damages and restore transportation under the provisions of that authorization, the funds will be used to relocate.

This is what our committee report says:

To relocate tracks that are currently located along the coast of Mississippi, the damaged railroad line—

These are findings of a committee of Congress—

is a major east and west freight corridor adjacent to the Mississippi gulf coast.

It is vitally important to numerous Mississippi, Louisiana, and Alabama industries, and essential to the successful operations of major Gulf of Mexico ports.

The rail line sustained major damage and total destruction in some areas as a result of Hurricane Katrina's winds and water surges. Eleven bridges were destroyed. More than 38 miles of track were completely lost. Signaling and safety systems were demolished and many track beds were completely washed out along the rail corridor. The rail line has been out of commission for 143 days.

Progress is being made, but these funds will be used to accelerate the reconstruction and the recovery that is essential for that area of the gulf coast of the United States.

We have made a case for it in committee. The committee agreed to provide these funds. The Senator from Mississippi, my colleague, has adequately and impressively described the consequences to the gulf coast area. This amendment should be defeated. It would strike all of these funds that have been approved by the committee.

I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. COBURN. Mr. President, I would like to speak a few moments discussing why we are all here.

The PRESIDING OFFICER. The Senator from Oklahoma should be informed that the motion to table is not debatable. Is the Senator seeking consent to debate?

Mr. COBURN. I ask unanimous consent to answer the questions raised in the debate by the Senator from Mississippi.

The PRESIDING OFFICER. Is there objection?

Mr. COCHRAN. Mr. President, I never asked any questions. The Senator has had an opportunity to describe his amendment. He did that earlier in the day. He used information that I presume he will present all over again. I don't have any objection to his proceeding, but I don't want him to talk too long. We have Members who are waiting to vote. They have read comments in the paper and the debate that has been carried throughout the press for the last 2 weeks while the Senate wasn't in session. I think the Senate has heard enough about it and is ready to vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. COBURN. Mr. President, I will do this quickly.

First of all, what is the definition of "emergency" by our own budget rules? Necessary, essential, vital, suddenly, quickly coming into being, not building over time, urgent, pressing, compelling need, requiring immediate action, unforeseen, unpredictable, and unanticipated, not permanent, temporary in nature.

That is the first point I would make.

The second point is the committee's own report says:

Even prior to Katrina, Presidents, business leaders and local and State officials seriously considered relocating the rail line from its present location to alleviate burgeoning traffic which continually worsened as the region's tourism industry grew.

This is \$700 million. It is a great project for Mississippi. I agree. It is probably something that should be done. The question is, Is it an emergency and should everybody else in this country pay for it?

I could go into all the details. I will not do it in deference to the chairman's request that I be brief.

But Mississippi people have spoken. This was planned long before this hurricane. The fact is, if we are going to replace this rail line with Federal money which is going to come in and build a new road, that is going to be susceptible to the same hurricane damage. We have to figure out how we should go through a regular process.

The final point I would make is the committee report eliminates the ability of the Department of Transportation to say whether it is a safety issue. They specifically take it out so they cannot stop it.

The point is, we are leaving the regular process to do something which is maybe a great idea, but our grandchildren shouldn't be paying for it. If

we continue to do this, this is going to be costly. This \$700 million will cost \$4 billion by the time we start paying it back, if we want to sacrifice the next generation—not in terms of trying to take it away from Mississippi but setting a standard of which we can behave in a manner that secures the future. That is what I am asking for.

I am sorry it is against two Senators I really like. I want Mississippi to be a hit. This is not the way for us to conduct business in the Senate.

I yield the floor.

The PRESIDING OFFICER (Mr. COBURN). The question is on agreeing to the motion to table amendment No. 3641, division I.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

I also announce that the Senator from Massachusetts (Mr. KERRY) is absent due to family illness.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "nay."

The result was announced—yeas 49, nays 48, as follows:

[Rollcall Vote No. 99 Leg.]

YEAS—49

Akaka	Dorgan	Martinez
Alexander	Feinstein	McConnell
Allard	Frist	Menendez
Baucus	Grassley	Mikulski
Bennett	Gregg	Murkowski
Bond	Harkin	Pryor
Burns	Hatch	Roberts
Byrd	Hutchison	Sarbanes
Clinton	Inouye	Schumer
Cochran	Jeffords	Smith
Coleman	Johnson	Snowe
Collins	Kennedy	Specter
Craig	Landrieu	Stevens
Crapo	Lautenberg	Vitter
Dayton	Leahy	Warner
DeWine	Lincoln	
Domenici	Lott	

NAYS—48

Allen	Dole	Nelson (FL)
Bayh	Durbin	Nelson (NE)
Bingaman	Ensign	Obama
Boxer	Enzi	Reed
Brownback	Feingold	Reid
Bunning	Graham	Salazar
Burr	Hagel	Santorum
Cantwell	Inhofe	Sessions
Carper	Isakson	Shelby
Chafee	Kohl	Stabenow
Chambliss	Kyl	Sununu
Coburn	Levin	Talent
Conrad	Lieberman	Thomas
Cornyn	Lugar	Thune
DeMint	McCain	Voinovich
Dodd	Murray	Wyden

NOT VOTING—3

Biden	Kerry	Rockefeller
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The motion was agreed to.

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

Mr. LOTT. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from Louisiana is recognized.

Mr. VITTER. Mr. President, I seek recognition to ask unanimous consent to lay aside the pending amendments so that I may call up four rather minor amendments, outline them very briefly, and basically put them in order for consideration on the floor.

The PRESIDING OFFICER. Is there objection?

The Senator from Washington.

Mrs. MURRAY. Mr. President, I object only because we have not seen the amendment. If we can see it fairly quickly, then I am sure we can proceed with it. So I would just call for a quorum.

The PRESIDING OFFICER. Objection is heard.

The Senator from Louisiana retains the floor.

Mr. VITTER. Mr. President, I will be happy to send copies over to the Senator. I will resume consideration in a few minutes when she has a time to peruse them.

The PRESIDING OFFICER. Will the Senator suggest the absence of a quorum?

Mr. VITTER. In the meantime, 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. VITTER. 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. VITTER. Thank you, Mr. President. Again, I rise seeking consideration of four specific amendments. All of them are hurricane related very directly, and none of them add to the cost of the bill.

AMENDMENT NO. 3627

Mr. President, the first amendment I call up and ask for its consideration is amendment No. 3627, which has been filed at the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER] proposes an amendment numbered 3627.

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

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

The amendment is as follows:

(Purpose: To designate the areas affected by Hurricane Katrina or Hurricane Rita as HUBZones and to waive the Small Business Competitive Demonstration Program Act of 1988 for the areas affected by Hurricane Katrina or Hurricane Rita)

On page 253, between lines 19 and 20, insert the following:

SMALL BUSINESS RELIEF FROM HURRICANE KATRINA AND HURRICANE RITA

SEC. 7032. (a) Section 3(p)(1) of the Small Business Act (15 U.S.C. 632(p)(1)) is amended—

- (1) in subparagraph (D), by striking “or”;
- (2) in subparagraph (E), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(F) an area in which the President has declared a major disaster (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) as a result of Hurricane Katrina of August 2005 or Hurricane Rita of September 2005.”.

(b) Section 711(d) of the Small Business Competitive Demonstration Program Act of 1988 (15 U.S.C. 644 note) is amended—

(1) by striking “The Program” and inserting the following:

“(1) IN GENERAL.—Except as provided in paragraph (2), the Program”; and

(2) by adding at the end the following:

“(2) EXCEPTION.—The Program shall not apply to any contract related to relief or reconstruction from Hurricane Katrina of 2005 or Hurricane Rita of 2005.”.

Mr. VITTER. Mr. President, this amendment would do something very specific, very narrow, but also very important in terms of making sure that small business, including local business, gets a full opportunity to participate in the recovery throughout the gulf coast region. This would designate the areas affected by Hurricane Katrina or Hurricane Rita as HUBZones and would waive the Small Business Competitive Demonstration Program Act of 1988 for those specific areas.

This idea has been fully vetted in the committee of jurisdiction, the Small Business Committee, on which I serve. It was an important element of a larger small business package that was reported out of the committee to the floor, to the full Senate. However, because of other unrelated matters in that bill package, that overall package has some objection and has not passed through the Senate. So I simply chose to remove out of the full package these narrower HUBZone provisions to include in the supplemental bill.

I would also note that the leadership of the Small Business Committee supports this move in terms of this legislation and has no objection to the amendment.

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

AMENDMENT NO. 3626

Mr. VITTER. Mr. President, I now call up amendment No. 3626 and ask for its consideration.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER], for himself and Ms. LANDRIEU, proposes an amendment numbered 3626.

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

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

The amendment is as follows:

(Purpose: To increase the limits on community disaster loans)

On page 166, line 12, insert before the colon the following: “, and may be equal to not more than 50 percent of the annual operating budget of the local government”.

Mr. VITTER. Mr. President, this amendment has to do with the Community Disaster Loan Program. That is a preexisting program that existed well before these hurricane events that in particular situations loans money to communities in dire straits that have major disasters and therefore revenue problems.

Obviously, in this hurricane, there are many communities in that situation—the city of New Orleans, St. Bernard Parish, and others. The community disaster loan program has been utilized to help them through this very difficult time. Already in the supplemental appropriations bill is \$300 million for this program, additional dollars to use in the disaster area. My amendment would simply tweak certain language that would say rather than the upper limit of a jurisdiction, which jurisdiction is subject to be able to borrow being 25 percent of its annual operating budget, my language would raise that upper limit to 50 percent, so it would change language. It would not add money to the bill. The appropriations and the money are already in the bill.

This is very important for the hardest hit communities, such as St. Bernard Parish, such as the city of New Orleans, because they have virtually no revenue for the foreseeable future. This is absolutely necessary to help them get through these very difficult times for the next several months.

AMENDMENT NO. 3628

Mr. VITTER. With that, Mr. President, I call up amendment No. 3628.

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

The clerk will report.

The legislative clerk read as follows: The Senator from Louisiana [Mr. VITTER] proposes an amendment numbered 3628.

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

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

The amendment is as follows:

(Purpose: To base the allocation of hurricane disaster relief and recovery funds to States on need and physical damages, and for other purposes)

On page 253, insert between lines 19 and 20, the following:

ALLOCATION OF HURRICANE DISASTER RELIEF AND RECOVERY FUNDS TO STATES

SEC. 7032. (a) In this section the term “covered funds” means any funds that—

(1) are made available to a department or agency under title II of this Act for hurricane disaster relief and recovery; and

(2) are allocated by that department or agency for use by the States.

(b) Notwithstanding any other provision of law (including title II of this Act)—

(1) before making covered funds available to any State, the head of the department or agency administering such funds shall apply an allocation formula for all States based on critical need and physical damages; and

(2) not later than 5 days before making such covered funds available to any State, submit a report to the Committees on Appropriations of the Senate and the House of Representatives on the allocation formula that is being used.

Mr. VITTER. Mr. President, this amendment is language only. It does not add dollars or cost to the bill. It is important language to make sure that all of our activity and all of our spending in the disaster area goes to important needs. This language would base the allocation of hurricane disaster relief and recovery funds to States on need and physical damages rather than by other arbitrary allocation formulas. This is specifically in the situation where Congress, in a particular issue area, allocates a fund for the entire disaster area and leaves it to the administration to disburse those funds between the various localities and States affected. This language would simply say that when you do that, the administration has to think about a fair formula that is based on actual objective criteria that is based on actual objective need or statistics that make sense and then would have to publish that formula with regard to the specific funds we are talking about several days in advance of the money being disbursed. This would make sure that the money is used appropriately in the disaster area and is not allocated in an arbitrary or purely political way.

That explains this amendment. Again, it is language. It does not add any additional cost to the bill.

AMENDMENT NO. 3648

Mr. VITTER. Mr. President, I ask unanimous consent to call up amendment No. 3648 which is at the desk.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER] proposes an amendment numbered 3648.

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

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

The amendment is as follows:

(Purpose: To provide assistance to damaged fishery vessels in Hurricanes Katrina and Rita)

On Page 139, line 8, insert after "and" the following: "replace or". On Page 139, line 17, insert after "docks" the following: "vessels". On Page 140, line 22, after "repairing" add "vessels and"

Mr. VITTER. Mr. President, this has to do with the fisheries component of the bill. Thanks to the leadership of the chairman of the committee, a fisheries component was included in this supplemental appropriations bill because the fisheries industry was truly devastated along the gulf coast. Before this general fisheries provision was added, I believe this is the first instance in U.S. history where an administration has made a declaration regarding fisheries losses but has not followed that declaration of loss with a request for funds.

The chairman's committee action would, in a general sense, remedy that. My amendment No. 3648 would tweak the language—again, not add or increase any dollars—so that that money

could be used in part for the repairing of vessels in situations where those repair costs go beyond insurance proceeds available and other available funds.

This is a very large component of the need that exists in the fisheries of the gulf coast. Passing this fisheries aid package without making any of that money available under the proper circumstances for repairing vessels would leave a huge hole in our attempt to get that industry up and running once again.

To reiterate, this is language that would not change or increase the spending level of the bill.

I have explained my four pending amendments. I look forward to any further discussion on them as well as votes, hopefully tomorrow.

I yield the floor.

Mr. WYDEN. Mr. President, I suggest the absence of a quorum. The distinguished Senator from Kentucky is on his way. He wishes to present wrap-up, and then I have an amendment to offer.

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

The legislative clerk proceeded to call the roll.

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

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

#### MORNING BUSINESS

Mr. McCONNELL. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

Mr. WYDEN. Reserving the right to object—and I have no intention to object—my understanding was that I was going to be able to offer an amendment to the bill. I want to make sure that that amendment will be able to go first prior to morning business.

Mr. McCONNELL. I say to my friend from Oregon that all I am doing is putting wrap-up on automatic, after which the Senator from Oregon will be recognized to offer his amendment.

Mr. WYDEN. I withdraw my reservation.

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

#### HONORING DR. DWAIN PRESTON

Mr. DURBIN. Mr. President, I rise today to honor an outstanding Illinoisan, Dr. Dwain "Doc" Preston, one of our State's finest educators, and congratulate him on his upcoming retirement.

Doc Preston began his teaching career in 1961, after serving in the Air Force, at Quincy Junior High School in Quincy, IL. Since then, he has taught high school and college students in a variety of fields including American history, English, and speech.

Doc Preston is retiring from his position at Quincy Notre Dame High

School, QND, where he has educated and inspired his students for more than 25 years. He has also taught at the University of Illinois in Urbana-Champaign, Western Illinois University in Macomb, and John Wood Community College in Quincy. Doc has taught his mother, mother-in-law, wife, and all four of his daughters at some point in time. He also takes great pride in teaching senior citizens how to tell their life stories through writing.

Doc has served as a mentor and role model to so many students in western Illinois, including current and former members of my Senate staff. He has emphasized the importance of writing and public speaking in all fields and careers and gently encouraged even the quietest students to express themselves.

In addition to his many successes as an educator, including winning the prestigious Golden Apple and Rush Memorial Awards, Doc Preston is a prolific author and photographer as well as a professional storyteller. He possesses a lifetime love of politics and has been active in his community. He is a sage political observer and adviser, whether helping students on the Quincy Notre Dame Student Council or lending a hand in writing announcement speeches for candidates.

Doc is supported in all his endeavors by his wonderful wife, Regina, also a QND faculty member, and their 4 daughters—Carolyn, Cheryl, Deborah, and Teresa—and 11 grandchildren. He has shown his devotion to his family by writing poems and books to mark the births and birthdays of his grandchildren as well as the weddings and birthdays of his daughters and wife.

Mr. President, I congratulate Dr. Dwain Preston on his many accomplishments throughout his long and distinguished career. I am sure his retirement will give him more time to spend with his family, write, and cheer on the St. Louis Cardinals.

I thank him for his service and wish him all the best.

#### EQUAL PAY DAY

Mr. KENNEDY. Mr. President, today, is Equal Pay Day, which means that 115 days into 2006, an average American woman will finally have earned enough in 2005 and 2006 together to equal what a man doing similar work earned by the end of 2005. Equal Pay Day is a sad reminder that gender discrimination is still very much a part of our country.

In America today, women earn only 77 cents for every dollar earned by men. The wage gap exists in every segment of our society. Women of every race and national origin earn less than their male counterparts. African-American women earn just 68 percent of the average earnings of African-American men. Latinas earn only 57 percent of the average Latino male wage. Asian-American women earn 88 cents for every dollar earned by Asian-American men.