

The legislative clerk called the roll.

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

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

The result was announced—yeas 98, nays 1, as follows:

[Rollcall Vote No. 171 Leg.]

YEAS—98

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

NAYS—1

Specter

NOT VOTING—1

Rockefeller

The conference report was agreed to.

Mr. FEINGOLD. Madam President, today I voted in favor of the fiscal year 2006 Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery conference report despite my serious reservations about using an emergency supplemental bill to fund ongoing U.S. operations in Iraq and Afghanistan and despite the fact that the bill fails to change the flawed and dangerous policy in Iraq that this administration is pursuing. That policy is taking a tremendous toll on our Nation's resources and our national security, and I will continue to look for every opportunity to force the Senate to debate and vote on changing that policy.

I supported the conference report because it included necessary funding for our troops, along with vital assistance to those communities devastated by Hurricanes Katrina and Rita and to those suffering in war-torn countries and those countries in need of immediate funding for their newly formed democracies. I am particularly pleased to see that \$618 million is being provided for establishing peace in Darfur and \$63 million for supporting the nascent Liberian Government that was recently elected.

Mr. COCHRAN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. COCHRAN. Madam President, I thank all Senators for their patience and support during our deliberations on this conference report. I think the vote reflects strong sentiment that we have reached an agreement that is fair. It reflects respect for the administration's budget request and remaining within that budget request.

I appreciate the cooperation of all members of our Appropriations Committee and the full Senate as well.

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

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

Mr. DURBIN. Mr. President, it is my understanding that the Department of Defense authorization bill is the pending business before the Senate.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2007

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 2766, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2766) to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

Pending:

Santorum amendment No. 4234, to authorize, with an offset, assistance for pro-democracy programs and activities inside and outside Iran, to make clear that the United States supports the ability of the people of Iran to exercise self-determination over their own form of government, and to make enhancements to the Iran-Libya Sanctions Act of 1996.

McCain amendment No. 4241, to name the act after John Warner, a Senator from Virginia.

Mr. DURBIN. Mr. President, is there an amendment pending to the Defense authorization bill?

The PRESIDING OFFICER. The Senator is correct, there are two amendments pending.

Mr. DURBIN. I ask unanimous consent that those amendments be set aside.

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

AMENDMENT NO. 4253

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

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN], for himself, Ms. COLLINS, Mr. INOUE, Ms. MI-

KULSKI, Mr. OBAMA, Mr. REED, Mr. MENENDEZ, and Mr. INHOFE, proposes an amendment numbered 4253.

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

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

The amendment is as follows:

(Purpose: To require a pilot program on troops to nurse teachers)

At the end of subtitle E of title VI, add the following:

SEC. 662. PILOT PROGRAM ON TROOPS TO NURSE TEACHERS.

(a) PILOT PROGRAM REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall, in coordination with the Secretary of Health and Human Services and the Secretary of Education, conduct a pilot program to assess the feasibility and potential benefits of a program to—

(A) assist nurse corps officers described in subsection (c) in achieving necessary qualifications to become nurse educators and in securing employment as nurse educators at accredited schools of nursing;

(B) provide scholarships to nurse corps officers described in subsection (c) in return for continuing service in the Selected Reserve or other forms of public service; and

(C) help alleviate the national shortage of nurse educators and registered nurses.

(2) DURATION.—Except as provided in subsection (h), the pilot program shall be conducted during the period beginning on January 1, 2007, and ending on December 31, 2012. A nurse corps officer may not enter into an agreement to participate in the pilot program after December 31, 2012.

(3) REGULATIONS.—The pilot program shall be conducted under regulations prescribed by the Secretary of Defense in consultation with the Secretary of Health and Human Services and the Secretary of Education.

(b) DESIGNATION.—The pilot program required by subsection (a) shall be known as the "Troops to Nurse Teachers Pilot Program" (in this section referred to as the "Program").

(c) NURSE CORPS OFFICERS.—A nurse corps officer described in this subsection is any commissioned officer of the Armed Forces qualified and designated as an officer in a Nurse Corps of the Armed Forces who is—

(1) serving in a reserve component of the Armed Forces;

(2) honorably discharged from the Armed Forces; or

(3) a retired member of the Armed Forces.

(d) SELECTION OF PARTICIPANTS IN PROGRAM.—

(1) APPLICATION.—An eligible nurse corps officer seeking to participate in the Program shall submit to the Secretary of Defense an application therefor. The application shall be in such form, and contain such information, as the Secretary may require.

(2) SELECTION.—The Secretary shall select participants in the Program from among qualified nurse corps officers submitting applications therefor under paragraph (1).

(e) PARTICIPANT AGREEMENT.—

(1) IN GENERAL.—A nurse corps officer selected under subsection (d) to participate in the Program shall enter into an agreement with the Secretary of Defense relating to participation in the Program.

(2) ELEMENTS.—The agreement of a nurse corps officer under the program shall, at the election of the Secretary for purposes of the Program and as appropriate with respect to that status of such nurse corps officer—

(A) require such nurse corps officer, within such time as the Secretary may require, to accept an offer of full-time employment as a

nurse educator from an accredited school of nursing for a period of not less than one year; or

(B) require such nurse corps officer—

(i) within such time as the Secretary may require, to successfully complete a program leading to a master's degree or doctoral degree in a nursing field from an accredited school of nursing or to a doctoral degree in a related field from an accredited institution of higher education;

(ii) to serve in the Selected Reserve or some other form of public service under terms and conditions established by the Secretary; and

(iii) upon completion of such program and service, to accept an offer of full-time employment as a nurse educator from an accredited school of nursing for a period of not less than 3 years.

(f) ASSISTANCE.—

(1) TRANSITION ASSISTANCE.—The Secretary of Defense may provide a participant in the Program who enters into an agreement described in subsection (e)(2)(A) assistance as follows:

(A) Career placement assistance in securing full-time employment as a nurse educator at an accredited school of nursing.

(B) A stipend in an amount not to exceed \$5,000 for transition to employment referred to in paragraph (1), and for educational training for such employment, for a period not to exceed two years after entry by such participant into an agreement under subsection (e).

(2) SCHOLARSHIP ASSISTANCE.—The Secretary of Defense may provide a participant in the Program who enters into an agreement described in subsection (e)(2)(B) scholarship assistance to pursue a degree described in subsection (e)(2)(B)(i) in an amount not to exceed \$30,000 annually for a period of not more than four years.

(g) TREATMENT OF ASSISTANCE.—A stipend or scholarship provided under subsection (f) shall not be taken into account in determining the eligibility of a participant in the Program for Federal student financial assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

(h) ADMINISTRATION AFTER INITIAL PERIOD.—

(1) IN GENERAL.—The termination of the Program on December 31, 2012, under subsection (a)(2) shall not terminate the entitlement to assistance under the Program of any nurse corps officer entering into an agreement to participate in the Program under subsection (e) that continues in force after that date.

(2) ADMINISTRATION.—The Secretary of Education shall undertake any administration of the Program that is required after December 31, 2012, including responsibility for any funding necessary to provide assistance under the Program after that date.

(i) REPORT.—

(1) IN GENERAL.—Not later than three years after the commencement of the Program, the Secretary of Defense shall, in consultation with the Secretary of Health and Human Services and the Secretary of Education, submit to Congress a report on the Program.

(2) ELEMENTS.—The report shall—

(A) describe the activities undertaken under the Program; and

(B) include an assessment of the effectiveness of the Program in—

(i) facilitating the development of nurse educators;

(ii) encouraging service in the Selected Reserve and other forms of public service; and

(iii) helping alleviate the national shortage of nurse educators and registered nurses.

(j) DEFINITIONS.—In this section:

(1) NURSE EDUCATOR.—The term “nurse educator” means a registered nurse who—

(A) is a member of the nursing faculty at an accredited school of nursing;

(B) holds a graduate degree in nursing from an accredited school of nursing or a doctoral degree in a related field from an accredited institution of higher education;

(C) holds a valid, unrestricted license to practice nursing from a State; and

(D) has successfully completed additional course work in education and demonstrates competency in an advanced practice area of nursing.

(2) SCHOOL OF NURSING.—The term “school of nursing” means a school of nursing (as that term is defined in section 801 of the Public Health Service Act (42 U.S.C. 296)) that is accredited (as that term is defined in section 801(6) of the Public Health Service Act).

(k) FUNDING.—From amounts authorized to be appropriated for the Department of Defense, \$5,000,000 may be available for the Program.

Mr. DURBIN. Mr. President, he is not on the floor, but Senator WARNER and I have been discussing this amendment. I would like to at least leave open the option that he will join me in cosponsoring it. It is a bipartisan amendment which I would like to describe at this point, if I can, and ask the Senator from Oklahoma if I may have a few minutes to describe the amendment.

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

Mr. INHOFE. Yes. Before the Senator from Illinois proceeds, I would like to comment. The Senator has worked very hard on this amendment. There is a problem that the Senator is seeking to correct, and I believe the amendment does correct it. I join him as a cosponsor of this amendment.

Mr. DURBIN. Thank you very much. I am honored that the Senator from Oklahoma would join me as a cosponsor.

In speaking to this amendment, this morning's Washington Post had a front-page story that should startle and trouble all of us. It is a story about the status of emergency rooms in hospitals across America. The organization that represents the emergency rooms and their physicians across America has issued a troubling report which suggests that many of those emergency rooms are not really adequately staffed or prepared to deal with emergencies. Too often, the men and women who are brought there in terrible medical situations can't find the help they need. As a result, they are shipped off to other hospitals or they wait sometimes up to 2 days before they are admitted to a bed in the regular hospital. It is a serious problem.

You might ask: What does that have to do with the Department of Defense authorization bill? Part of the problem facing the emergency rooms is also facing hospitals and clinics across America, and the problem is this: We don't have enough health care professionals; in particular, we don't have enough nurses in America. We know this is a fact.

Just last week, an administrator of a major hospital in Chicago came to see me. She is a wonderful woman. She is

a Catholic nun who runs a hospital in one of the toughest parts of Chicago—Inglewood—and she has kept that hospital open. I don't know how she has done it. It has been nothing short of a miracle. The biggest single problem that she faces year in and year out is not just coming up with money but finding nurses.

I said to her: What do you pay a nurse?

And she said: About \$50,000 a year. But, she said, if I can't hire that nurse for \$50,000 a year, I have to buy what we call contract nurses. There are companies which, when hospitals don't have enough nurses, will send a nurse in to work for a day, a week, or a month. But the contract nurses cost three times as much, \$150,000 annualized salary.

She said to me: Senator, I don't know if I can keep this hospital open if I can't find nurses.

This isn't just a problem at that hospital. It is a problem across my State and across our Nation. I am from downstate Illinois, a part of our State dominated by smaller towns, rural areas, struggling to keep hospitals open. We know better than most that when one of our neighbors goes into labor, she may not have the time to make it to the big city where there is a big hospital. She is counting on that rural hospital being open. When she gets there, she is counting on finding a nurse and a doctor to help her.

In many places in rural Illinois and across our country, the same challenge that faces the administrator of that hospital in the Inglewood section of Chicago is facing them: inadequate supplies of professionals, health care professionals.

The ongoing conflicts in Iraq and Afghanistan have increased the need for qualified nurses in military medical facilities. Unfortunately, the military faces the same difficulty in recruiting and in the retention of nurses as the civilian medical facilities which I just described. Neither the Army nor the Air Force has met their nurse recruitment goals since the 1990s. In 2004, the Navy nurse core recruitment fell 32 percent below its target, while the Air Force missed its nurse recruitment target by 30 percent.

Have you seen this special on HBO called “Baghdad ER”? I have watched a little bit of it. As you watch it, you realize the heroic efforts that are being made by the men and women in the military who are providing emergency medical care to our soldiers who are shot in Iraq. It is incredible. It is heartbreaking to think about what they go through every day.

Now, put it in the context where the major sources of military nurses are telling us they can't recruit enough nurses fast enough. Last year, the Army experienced a 30-percent shortage of certified registered nurse anesthetists, as one example.

I have talked about civilian hospitals. According to the American College of Health Care Executives, 72 percent of hospitals have been experiencing a nursing shortage since 2004, and it is growing. This chart that I will show you is an indication of the projected shortfalls and shortages in registered nurses. The dark blue indicates the supply of nurses, which continues to decline, and, of course, the lighter blue, the shortage, which continues to increase. As you can see, our need for nurses is growing, and it is no surprise. We have an aging population that needs help: specialized medical care that requires specialized nurses. Time and again we find ourselves relying and counting on those nurses to be there, and we see from this chart as we project forward for the next 15 years that the problem is going to get much worse.

The U.S. Department of Health and Human Services looked at all licensed nurses, both civilian and military. They found that in the year 2000, our country was 110,000 nurses short of the number needed to adequately provide quality health care—110,000 across our Nation. Five years later, that shortage had doubled to 219,000 nurses that we needed and didn't have in America. By the year 2020, we will be more than 1 million nurses short of what is necessary for quality health care.

Now, the National Institutes of Health can engage in medical research to find new cures and treatments for diseases, and God bless them for all the work they do. The best and brightest minds can get together in laboratories and find new pharmaceuticals and new medical devices that give us a new lease on life. But we know that when the moment comes, when we need this help, we need a nurse. And if we find ourselves in a few short years with a million fewer nurses than we actually need, it will compromise the quality and availability of health care in America. It is not just a problem for the military, as I mentioned earlier, it is a nationwide problem.

To avoid the vast shortages the Department of Health and Human Services is projecting, we have to make a significant and substantial increase in the number of nurses graduating and entering the workforce each year. Just to replace the nurses who are retiring, we need to increase student enrollment at nursing schools by 40 percent. This chart is an indication of where we are, starting in the year 2000. This shows the baseline supply of nurses across America, which you can see is declining. This next line, the green line, shows the demand which is going up dramatically for nurses in our society, and this purple line shows what happens if 90 percent—the supply if 90 percent more grads take place. So even increasing graduate nurses by 90 percent over the next 15 years will still leave us short of our national goal.

Clearly, this is an emergency which has to be addressed. The baseline de-

mand for nurses is rising; the supply is falling. If we increase the number of nurses graduating from nursing school by 90 percent by 2020, we are still not going to have enough.

I might add parenthetically, there is another element to this issue. I have been involved in this as long as I have been in public service. Small hospitals, small towns come to you desperate because they have lost their doctor. They need a doctor, and I do my best to find a doctor. But in 9 cases out of 10, the doctor you find comes from a foreign land. Many doctors have come to the United States from India, from Asia, from Africa, and we welcome them. We greet their families warmly as they have come to our country, and they are meeting our needs. And I thank them for making the decision to come and be a part of the solution to America's health care problem. But I have come to learn that there are two sides to this equation. The other side of the equation, of course, is that these doctors and nurses and health care professionals are leaving a land, too.

Last year, and over the last several years, we have taken 20,000 health care professionals out of Africa; doctors and nurses, people who really are essential in the frontline of defense when it comes to medical care. We have attracted them to the United States, to England, to Germany, and to France, and it is no surprise that they want to be here. Doctors in central Africa are paid \$600 a month by the Government, if they are paid. They work in substandard conditions. Despite their education, they struggle to provide even the most basic care. In the area of eastern Congo in Goma, where I visited with Senator BROWNBACK just a few months ago, we learned that there was one doctor for every 160,000 people. Think about that: one doctor for every 160,000 people. What is the number in the United States? We have 549 doctors for every 100,000 people. Also, think about what it means when it comes to specialties like surgery.

I asked them in this hospital in Goma in Congo—where women were lined up in long lines praying that this would be the day or the week or the month when they would finally have the necessary surgery that they had been waiting so long for—I asked them: How many surgeons do you have in this part of Africa? This doctor said to me: We have one surgeon for every 1 million people—one surgeon for every 1 million. What does that mean? It would mean in the United States, three surgeons for the entire city of Chicago. Think about what those poor people face without those medical professionals.

So those who argue that the answer to our need in the United States will be bringing in nurses and doctors and professionals from around the world have to understand that this equation is not a zero sum. We end up bringing in these health care professionals at the expense of other countries and other peo-

ple who face many more medical challenges than in the United States.

Some would say: Well, that is their problem. They ought to pay their doctors more or train more. But it is our problem, too. If an avian flu epidemic, God forbid, should ever start, if there would be a transmission from an animal to a human, it would likely occur in one of these developing nations. If they don't have the capacity to move immediately to contain that crisis to make sure there are public health officials and doctors and nurses present, and if they don't do it within 21 days, that epidemic can circle the world.

Diseases which used to die on immigrant ships coming across the ocean live quite well, unfortunately, on the airliners that crisscross this globe every single day. So if you take away the medical professionals in some of the poorest nations on Earth, you are opening the possibility that the dread diseases in that part of the world will make it to our part of the world. That is part of this shrinking globe on which we live.

The problem, when you look at the United States, is that there are not enough teachers at schools of nursing. Last year, nursing colleges across America denied admission to 35,000 qualified applicants for nursing school simply because they didn't have enough teachers at the nursing schools. Think about that: 35,000 more nurses that we could train and have serving us and others in the military and civilian life.

In my home State of Illinois, schools of nursing are denying qualified students admittance because they don't have enough teachers. Last year, 1,900 qualified student applicants were rejected from Illinois nursing schools because there weren't enough professors. Northern Illinois University in Dekalb, one of our best, was forced to turn down 233 qualified nursing applicants because they didn't have enough teachers and financial resources.

Illinois State University, another top university in our State, increased its enrollment by 50 percent in nursing over the past 5 years by working with health care systems and seeking grants, but last year, ISU was still forced to reject 100 qualified nursing applicants because they didn't have enough faculty and fiscal resources.

Take a look at this chart which is an indication of what we are being told by nursing schools. Sixty-six percent, or two out of three nursing schools across the United States, tell us that they need additional faculty. We find that in some schools there are no vacancies and no additional faculty needed. That is 18 percent. And in 15 percent, almost 16 percent, there are no vacancies, but they could use additional faculty. They could expand. The American Association of Colleges of Nursing surveyed more than 400 schools of nursing last year. As I said, two out of three reported vacancies in their faculty. Fifteen percent said they are fully staffed

but could use more faculty. These statistics paint a bleak picture for the availability of nursing faculties now and into the future.

Take a look at this final chart I will show you which is showing that there is, as in most things in America, a graying of the population that serves us. The median age of doctorally prepared nursing faculty members is 52. The average age of retirement for faculty at nursing institutions is 62. It is expected that 200 to 300 doctorally prepared faculty will be eligible for retirement each year from 2005 to 2012, reducing faculty, even though more than a million are needed. The military recruits nurses.

I want to thank all the men and women who are in nursing in the military and all in our medical professions. But they recruit from the same place that doctors and hospitals also recruit: civilian nursing schools.

Unless we address the lack of faculty, there is going to be a shortage of nurses everywhere. In 1994, the Department of Defense established a program which is a terrific idea. It is called Troops to Teachers. It serves the dual purpose of helping relieve the shortages of math, science, and special education teachers in high-poverty schools and assists military personnel in making transitions from the military to a second career in teaching. It is a terrific idea. As of January 2004—listen to this—more than 6,000 former soldiers have been hired as teachers through the Troops to Teachers Program, and an additional 6,700 are now qualified teachers looking for placements. We need teachers, and the men and women trained and educated in the military who want to serve bring a special quality to this mission.

The amendment which I have before the Senate will set up a pilot program—we call it Troops to Nurse Teachers—to encourage nurses in the Reserves, retiring nurses, or those leaving the military, to pursue a career teaching the future nurse workforce. More than 300 nurses left the Army last year. Historically, about 330 nurses leave the Air Force each year. Between 30 and 40 percent of the nurses in the Navy leave after they fulfill their initial obligation.

The Troops to Nurse Teachers Pilot Program will provide transitional assistance for servicemembers who already hold a master's or Ph.D. in nursing or related field and are qualified to teach. Eligible servicemembers can receive career placement assistance, transitional stipends, and educational training from accredited schools of nursing to expedite their transition. Troops to Nurse Teachers will also establish a pilot scholarship program that will provide financial assistance to officers of the armed services who have been involved in nursing during their military service and help them obtain the education necessary to become nursing educators. Tuition stipends and financing for educational ex-

penses would be provided. Recipients of scholarships must commit to teaching at an accredited school of nursing for at least 3 years in exchange for the educational support they receive. The Secretary of Defense may also require them to continue their service in selected reserve areas or perform other public service in exchange for this program.

The supporters of this amendment include the American Nurses Association, the American Hospital Association, the American Association of Colleges of Nursing, the American Organization of Nurse Executives, the American Health Care Association, and the National League for Nursing.

Let me conclude. We must increase the number of teachers preparing tomorrow's nursing workforce. With the aging of the baby boom generation, long-term needs of growing numbers of wounded veterans and military and civilian health care systems will need qualified nurses more than ever in the years to come. Let's take quality men and women serving in the armed services, who gave so much to this country, and tell them that when they leave the armed services there is an option where they can continue to serve America as professors and teachers in our nursing schools. This will increase the capacity of these nursing schools, provide more nurses for America, which is what we need, and lessen the demand for nurses to come from overseas where they are also desperately needed. I think this is a winning opportunity all across the board, and I encourage my colleagues from both sides of the aisle to support this bipartisan amendment.

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

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, first of all, let me acknowledge to my friend from Illinois he is attempting to, and I believe will successfully, resolve a problem. I happen to be more sensitive to this than most people. Two of my kids are doctors, and they assure me that this nurse shortage is nationwide. It is all out there.

One of the concerns I had when this came up was I would not want this to detract from any of the other programs. Right now I have been one to say our military budget, our Defense authorization bill, is really not quite adequate as it is. It is my understanding the Senator has been very cooperative to make sure this doesn't happen.

I have added my name as a cosponsor, and it is my understanding Senator WARNER is going to be here shortly and wants to add his name. So the amendment would give the discretion to the DOD, working with the Department of Education, to structure a program that would achieve the dual goals of creating more nurse educators and more Reserve officers. I think we have the support of the committee on both sides, and I commend the Senator for bringing up this solution.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I spoke with Senator WARNER about this amendment. I would really appreciate his cosponsorship, but I don't want to ask his name be added until we are certain. If there are any difficulties on this amendment, I stand ready to change it. We want to find a good bipartisan response. There are just a few elements we are still working on.

I don't know if the Senator from Oklahoma thinks this is the time for us to move for passage of the amendment or whether we should wait?

Mr. INHOFE. I respond I personally think it is time to pass it. We have limited time. This is one that enjoys support from both sides of the aisle. I am sure the Senator from Virginia can put his name on this and will make his own expression when he gets here.

Ms. MIKULSKI. Madam President, I rise in support of this amendment to create a pilot program on troops to nurse teachers. America is facing a nursing shortage and it is getting worse. America's nurses are overworked, underpaid, and undervalued yet nursing schools are still forced to turn away qualified students. More than 30,000 qualified applicants were turned away last year. In Maryland, nursing programs turned away more than 2,000 qualified students last year. Why are they turning away all of these qualified applicants? Because there aren't enough teachers to teach them. This is the biggest bottleneck in ending the nursing shortage.

The military is also facing a nursing shortage. Medicine is a 24-hour job. Military medicine is even harder. Our military medical professionals have accomplished something truly remarkable in this war: injured troops who make it to a field hospital have a 96 percent rate of survival. That is a testament to our military doctors and nurses on the front lines.

We need to make sure there are enough military nurses to continue to provide this outstanding care. Neither the Army nor the Air Force have met their nurse recruitment goals since the 1990s. In 2004, Navy Nurse Corps recruitment fell 32 percent below its target. The Air Force and Army are also 30 percent below their targets. All branches of the military are offering incentives for nurses to join the Armed Forces. But there simply aren't enough nurses to fill those jobs because there aren't enough teachers to train them. There is a pool of potential nurse educators in our retired nurse corps. We should take advantage of their experience and their dedication to teach the next generation of military nurses.

This amendment would help to train the next generation of military nurses and help to curb the nursing shortage by encouraging nurse corps officers to become nurse educators. It establishes a "Troops to Nurse Teachers" pilot program which will provide scholarships and other financial assistance to

nurse corps officers so that they can get advanced degrees to become nurse educators. In exchange for these scholarships, they must teach for at least 3 years in a school of nursing and continue service in either the reserves or another form of public service. This is modeled after the "Troops to Teachers" program which gives incentives to people leaving the military to become teachers. Since 1994, more than 8,000 former soldiers have been hired as teachers through this program.

We must make sure our troops have enough nurses to keep them safe. The nursing shortage affects every State, every city, every town. And it affects our troops in Afghanistan and Iraq. There are so many dedicated military nurses that still want to give back to their country. They can do this by teaching the next generation of military nurses. But we must empower them to choose nurse education—making it more affordable, providing opportunities for advancement—so nurses can move up instead of moving on and so our troops get the care that they need. I thank my colleagues for accepting this amendment.

Mr. DURBIN. Madam President, I urge the adoption of the amendment.

The PRESIDING OFFICER. Is there further debate? The question is on agreeing to the amendment.

The amendment (No. 4253) was agreed to.

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

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. MENENDEZ. Madam President, I was outraged this morning when I read a Washington Post article that suggests that the Prime Minister of Iraq is willing to allow an amnesty for those who have taken American lives. In this article, the Prime Minister of Iraq is quoted as saying:

Reconciliation could include an amnesty for those "who weren't involved in the shedding of Iraqi blood. . . ."

That is where his quote ends. Mr. Prime Minister, how about American blood? Are you willing to have reconciliation on the pool of American blood that has been spilled to give your people and your country a chance for freedom?

Then to read on in this article, where a top adviser to Prime Minister Maliki is asked about clemency for those who attack U.S. troops, he is quoted as saying:

"That's an area where we can see a green line. There's some sort of preliminary under-

standing between us and the MNF-I," the U.S.-led Multi-National Force-Iraq, "that there is a patriotic feeling among the Iraqi youth and the belief that those attacks are legitimate acts of resistance and defending their homeland. These people will be pardoned definitely, I believe."

Pardoned definitely? So those who were armed and killed Iraqis, they will not be pardoned. Those who were armed and killed Americans, they will be pardoned? That is outrageous. President Bush, you went to Iraq and you said you wanted to look into the eyes of Prime Minister Maliki to know that he is a man you can trust, a man who will move us forward. I don't know how deep you looked into his soul, but you have to pick up the phone today and tell Prime Minister Maliki that we will not have the ability to pardon anyone with the blood of American soldiers on their hands.

Today we have hit the mark of 2,500 Americans who have given their lives to give the Iraqi people a chance. We have thousands of our young men and women who have returned to America wounded, who have lost their legs, who have lost their limbs, lost their sight, have had half of their faces blown off. Their blood was shed in Iraq. Are we going to stand by and permit an amnesty to be given to those who killed our fellow countrymen?

I intend to, with Senator NELSON, offer a resolution that makes it very clear that the Senate believes the Iraqi Government should not grant amnesty to persons who have attacked, killed, or wounded members of the U.S. Armed Forces serving heroically in Iraq to provide all Iraqis a better future, and that President Bush should immediately notify the Government of Iraq that the U.S. Government opposes granting amnesty in the strongest possible terms. This has to end immediately.

I hope, when we offer that resolution, the Senate will speak with one clear and unequivocal voice that the blood of Americans and the lives of Americans is not subject to any pardoning, and is certainly not part of an offer that can be made that stains the honor and the sacrifices made by Americans.

I yield the floor.

Mr. FEINGOLD. Mr. President, I ask unanimous consent the pending amendment be set aside.

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

AMENDMENT NO. 4192

Mr. FEINGOLD. Mr. President, I call up my amendment numbered 4192.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD] proposes an amendment numbered 4192.

Mr. FEINGOLD. 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 for the redeployment of United States forces from Iraq by December 31, 2006)

At the end of subtitle I of title X, add the following:

SEC. 1084. REDEPLOYMENT OF UNITED STATES FORCES FROM IRAQ.

(a) REDEPLOYMENT.—The United States shall redeploy United States forces from Iraq by not later than December 31, 2006, while maintaining in Iraq only the minimal force necessary for direct participation in targeted counterterrorism activities, training Iraqi security forces, and protecting United States infrastructure and personnel.

(b) REPORT ON REDEPLOYMENT.—

(1) REPORT REQUIRED.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of State, submit to Congress a report that sets forth the strategy for the redeployment of United States forces from Iraq by December 31, 2006.

(2) STRATEGY ELEMENTS.—The strategy required in the report under paragraph (1) shall include the following:

(A) A flexible schedule for redeploying United States forces from Iraq by December 31, 2006.

(B) The number, size, and character of United States military units needed in Iraq after December 31, 2006, for purposes of counterterrorism activities, training Iraqi security forces, and protecting United States infrastructure and personnel.

(C) A strategy for addressing the regional implications for diplomacy, politics, and development of redeploying United States forces from Iraq by December 31, 2006.

(D) A strategy for ensuring the safety and security of United States forces in Iraq during and after the December 31, 2006, redeployment, and a contingency plan for addressing dramatic changes in security conditions that may require a limited number of United States forces to remain in Iraq after that date.

(E) A strategy for redeploying United States forces to effectively engage and defeat global terrorist networks that threaten the United States.

Mr. FEINGOLD. Mr. President, I would like to withdraw that amendment. I had intended to call up another amendment which has to do with the special inspector general for Iraq. Will the Chair tell me what the number of that amendment is? I have to clarify the number of this amendment. In light of that, I yield the floor so Senator SCHUMER can speak.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I read, as many did, in the newspapers this morning that the Prime Minister of Iraq has proposed giving amnesty to those incarcerated by the Iraqi Government who have killed or maimed Americans. It was stated that if Iraqis killed Iraqis they would not be given amnesty, but if Iraqis killed Americans, they would.

That is an outrageous statement. For the Prime Minister of Iraq to offer a "get out of jail free" card to those who have killed American soldiers is an insult to the soldiers, their families, and every American.

Just 2 days ago, the Prime Minister stood with President Bush, and President Bush said he looked in his eyes

and saw that he was a good man. We are urging that President Bush call up the Prime Minister of Iraq immediately and get him to retract this pernicious, nasty statement which basically abdicates the great sacrifices that have been made by American soldiers for the people of Iraq.

It is just mind-boggling to believe that the Iraqi Prime Minister would decide that it would be OK to give amnesty to those who hurt Americans. What kind of ally is this? Will he turn on us in 2 months or 6 months? He seems to be the new hope of the new government, and within 24 hours after President Bush leaves Iraqi soil, he defames the sacrifices of American soldiers and their families.

President Bush, you should call your friend the Prime Minister and get him to retract this evil statement immediately. How can we ask America's young men and women to risk their lives in Iraq if those who seek to shoot at them are then absolved of any blame?

This is a statement which should really go down in infamy, and I hope and plead with the President to urge the Iraqi Prime Minister to withdraw the statement and figure out what consequences should follow if the Prime Minister refuses.

I yield the floor.

AMENDMENT NO. 4192, WITHDRAWN

The PRESIDING OFFICER. For clarification, the amendment No. 4192 offered by the Senator from Wisconsin was withdrawn.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 4256

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

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD] for himself, Mr. LEVIN, and Mr. LEAHY, proposes an amendment numbered 4256.

Mr. FEINGOLD. 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 strengthen the Special Inspector General for Iraq Reconstruction)

At the end of subtitle F of title X, add the following:

SEC. 1054. STRENGTHENING THE SPECIAL INSPECTOR GENERAL FOR IRAQ RECONSTRUCTION.

For purposes of discharging the duties of the Special Inspector General for Iraq Recon-

struction under subsection (f) of section 3001 of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (5 U.S.C. 8G note), and for purposes of determining the date of termination of the Office of the Special Inspector General under subsection (o) of such section, any funds appropriated or otherwise made available for fiscal year 2006 for the reconstruction of Iraq, regardless of how such funds may be designated, shall be treated as amounts appropriated or otherwise made available for the Iraq Relief and Reconstruction Fund.

Mr. FEINGOLD. Mr. President, I thank my colleagues for their patience. I had identified the wrong amendment. I got that clarified.

What I wish to tell my colleagues is that this amendment strengthens the Special Inspector General for Iraq and ensures that U.S. taxpayer dollars will be spent wisely, efficiently, and within the law.

The Special Inspector General for Iraq, known as "SIGIR," was established in 2003. I worked hard with a few of my colleagues in creating this office to monitor, audit, and report on the expenditure of billions of U.S. taxpayer dollars that this body appropriated to the Iraq Relief and Reconstruction Fund.

My amendment is relatively simple. It recognizes the fact that we need to continue to ensure oversight and monitoring of U.S. taxpayer dollars that continue to support reconstruction efforts in Iraq, which includes over \$1.6 billion in the latest supplemental for Iraq reconstruction and in the fiscal year 2006 foreign operations bill. It increases the mandate of the Special Inspector General for Iraq, while also extending the period for which that office will be in existence.

This amendment will strengthen the capabilities of the Special IG to monitor, audit, and inspect funds made available for assistance for Iraq in both the Iraq Relief and Reconstruction Fund—IRRF—and in other important accounts.

I offer this amendment today because it is my firm belief that we should not be pouring tens of billions of dollars into Iraq reconstruction without ensuring there is appropriate oversight and auditing. American taxpayers deserve to know where their money is going in this costly war and that it is being used effectively and efficiently and ending up in the right place.

The SIGIR's work to date has been extremely valuable to the U.S. Government and to Congress. The SIGIR has now completed over 55 audit reports, issued over 165 recommendations for program improvement, and has seized \$13 million in assets. Overall, the SIGIR estimates that its operations have resulted in saving the U.S. Government over \$24 million, in addition to the considerable wasteful or fraudulent spending that office has uncovered.

Throughout 2005, the Iraq IG provided aggressive oversight to prevent waste, fraud and abuse in the at-times lethal

operating environment in Iraq. Its emphasis on real-time auditing—where guidance is provided immediately to management authorities upon the discovery of a need for change—provides for independent assessments while effecting rapid improvements.

In its January report to Congress, the SIGIR concluded that massive unforeseen security costs, administrative overhead, and waste have crippled original reconstruction strategies and have prevented the completion of up to half of the work originally called for in critical sectors such as water, power, and electricity. The Iraq IG's work has resulted in the arrest of five individuals who were defrauding the U.S. Government, and it has shed light on millions of dollars of waste. It is this kind of investigation and reporting that helps shape the direction of reconstruction funding and ensures that the money is being used and allocated as transparently and effectively as possible.

I pushed to create the Special Inspector General for Iraq in order to ensure that there is critical oversight of the Iraq Relief and Reconstruction Fund allocated for Iraq reconstruction projects. Last year I fought to extend the life of this office, and my amendment today will ensure that the SIGIR has the capability and the life-span to finish up work associated with monitoring, evaluating, and reporting on how U.S. taxpayer dollars are being spent in Iraq for reconstruction purposes.

Let me talk briefly about what my amendment actually does. Because current legislation requires that the SIGIR continue its work until 80 percent of the IRRF had been expended, and unless we do something to change this, the SIGIR will cease to exist before U.S. taxpayer dollars going to Iraq reconstruction have been expended. This means that despite the fact that we continue to support Iraq reconstruction efforts, we are removing our ability to oversee billions of taxpayer dollars.

To help avoid this potentially costly and unnecessary challenge, this amendment considers any money going to Iraq reconstruction efforts—regardless of whether or not it is in the IRRF—be subject to the SIGIR's oversight mandate. It will also help determine when we can ask the SIGIR to stand down.

This amendment is common sense. The SIGIR's great work has more than paid for itself, and it has developed a capacity that is unparalleled by either DoD or State's inspector general offices. The SIGIR is doing great work, and I, along with my distinguished colleagues Senator LEVIN and others, believe that this small change in the law will allow us to tell our constituents that we are making every effort to ensure that their hard-earned taxpayer dollars are being used in the most effective way possible. Let's support the SIGIR, and let's give it the time and mandate to monitor Iraq reconstruction funds.

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. WARNER. Mr. President, we should consult with leadership. The yeas and nays having been ordered, I wonder if the Senator would be gracious enough to allow the Senator from Michigan and myself to consult with leadership as to the time for a vote.

Mr. FEINGOLD. Mr. President, if it is all right with the Senator from Virginia, it is my understanding that it will be taken by voice vote.

Mr. WARNER. Is that the intent?

Mr. FEINGOLD. I want to be make sure it has been cleared on the other side.

Mr. LEVIN. Mr. President, it was my understanding that this was either cleared or was going to be supported by the chairman. I did not confirm that with my friend. That is a little bit in limbo. I very much support the Senator's amendment. I hope it can be cleared. If so, apparently the Senator is willing to take a voice vote.

Mr. FEINGOLD. That is correct.

Mr. LEVIN. I wonder if I could proceed with my remarks in support of the amendment while they discuss it.

I support the Feingold amendment to ensure that the Special Inspector General for Iraq Reconstruction has jurisdiction over funds appropriated for the reconstruction of Iraq.

As the Senator from Wisconsin has mentioned, Congress established the Special Inspector General position in a fiscal year 2004 emergency supplemental appropriations bill to ensure effective oversight and audit of relief and reconstruction efforts in Iraq. The Special Inspector General reports jointly to the Secretaries of Defense and State and has responsibility for oversight of operations and programs funded by the Iraq Relief and Reconstruction Fund. The Senator from Wisconsin last year offered an amendment to extend the position. It was very welcome. It was a very useful and important contribution. I commend him for it. It is unfortunate that the most recent emergency supplemental which we just passed today would appropriate funds for Iraq reconstruction without including those funds in the Iraq Relief and Reconstruction Fund. It is important that this amendment be agreed to so as to ensure that this Special Inspector General for Iraq Reconstruction has jurisdiction over all funds appropriated for the reconstruction of Iraq.

Under current law, this funding approach would have the effect of excluding reconstruction projects using these new funds from the jurisdiction of the Special Inspector General.

The State Department says that its Inspector General would be responsible for auditing the use of these funds. However, the State Department IG, unlike the Special Inspector General, does not have a significant presence in Iraq and does not have experience in

auditing contracts and ferreting out fraud in the unique environment of Iraq.

For the last 3 years, the Special Inspector General has been the only source of consistent, independent, on-the-ground review of reconstruction activities in Iraq. As a result, the Special Inspector General has reported case after case of criminal fraud and egregious waste that would otherwise have gone unremedied. Report after report documents cases—at al Hillah General Hospital, Babylon Policy Academy, Karbala Library, Baghdad International Airport and elsewhere—in which we paid contractors millions of dollars for work without making site visits, issuing performance reports, preparing post-award assessments, or taking other steps to ensure that the work we paid for was actually performed. In case after case, the Special Inspector General determined that either the contractor's performance was deficient or the work was not performed at all.

One particularly egregious case reviewed by the Special Inspector involved a \$75 million contract with Kellogg Brown and Root, KBR, to develop a Pipeline River Crossing at Al Fatah, Iraq. The Special Inspector General reported that the project ailed because subsurface geologic conditions made it impossible to carry out the project design. These conditions were identified by a consultant before work commenced, but neither the Army Corps of Engineers nor KBR acted on the consultant's recommendation to perform additional research that would have prevented the failure.

A subject matter expert for the Coalition Provision Authority recognized that KBR had limited experience in this type of project and advised that the project would probably fail because design restrictions provided no flexibility to accommodate site conditions. However, KBR refused to conduct design reviews requested by the subject matter expert.

The Army Corps of Engineers awarded KBR a firm fixed price contract with no performance requirements. As a result, KBR was assured that it would get paid the full contract amount, regardless whether it successfully completed the project.

A KBR subcontractor identified problems with the site conditions at the outset of the project and suggested alternative drilling sites, but was turned down by KBR. KBR prohibited the subcontractor from talking directly to the Army Corps of Engineers and told the Army Corps that detailed cost reports would not be provided, because they were not required by the contract.

As a result, we spent the entire \$75 million allocated to the project, but achieved only 28 percent of the planned pipeline throughput. According to the Inspector General, the lack of pipeline capacity resulted in the loss of more than \$1.5 billion in potential oil revenues to the Iraqi government.

The Special Inspector General is the only U.S. audit and investigative authority with a significant on-the-ground presence in Iraq. He is the only inspector general who has an experienced staff with hands-on knowledge of how things work in Iraq. He is the only inspector general who has shown the capacity and the desire to turn over rocks in Iraq to identify and address problems of fraud and criminal conduct.

If we are serious about protecting the taxpayer and preventing contractor abuses in Iraq, we will adopt this amendment. I urge my colleagues to support the Feingold amendment.

Mr. WARNER. Mr. President, I thank my distinguished colleague.

We are trying to work this out. There is a problem. The problem is not to the generic virtues of Senator FEINGOLD's amendment—which, incidentally, I support—but it is a question of the allocation of some funding in it and how that impacts on other areas of funding. As soon as I can work that out, I will advise the Senate. I am hopeful we can eventually go to a vote.

Mr. LEVIN. Mr. President, while that is being worked on—I hope we can resolve that because this is a very important amendment. We want that Special Inspector General, who is really doing the only significant oversight on the expenditure of these billions of dollars in Iraq, to perform the same oversight functions on the appropriations, for instance, which we just adopted.

I again commend the Senator from Wisconsin. It was at his instigation and his initiative that we extended this Special Inspector General's Office last year, and it was that initiative which has paid off so handsomely for us. This initiative is critically important or else we might, I think inadvertently, not have the same watchdog looking over the most recent appropriations we adopted.

I also believe the Special Inspector General actually testified before the Chair's subcommittee earlier this year, so the Presiding Officer has had the ability to hear firsthand from the Special Inspector General about his operations.

By the way, I commend our Presiding Officer for those hearings. They were very helpful.

Mr. WARNER. Mr. President, we are prepared to go ahead with a voice vote at this time, if it is agreeable. I add my endorsement of the basic thrust of the amendment. Like others, I have had the opportunity to be debriefed by the inspector general, and I am very impressed with his conscientious service on this matter. He periodically goes over to Iraq, that theatre, and Afghanistan, for periods of time. He has accepted the challenges of this post with enormous enthusiasm and skill.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I thank both the ranking member and chairman for their comments and support.

My understanding is the chairman wants to take this by voice vote. Therefore, I ask the yeas and nays be vitiated.

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

The question is on agreeing to the amendment.

The amendment (No. 4256) was agreed to.

Mr. LEVIN. 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.

Mr. WARNER. 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. WARNER. 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. WARNER. Mr. President, the leadership and the managers have reached a recommended unanimous consent request which I now propound.

I ask unanimous consent at 12 noon today the Senate proceed to a vote in relation to Santorum amendment No. 4234, to be followed by a vote in relation to a first-degree amendment to be offered by Senator BIDEN related to the same subject; further, I ask unanimous consent that the time until 12 be equally divided between myself, representing Senator SANTORUM and others, and Senator LEVIN, with no second degrees in order to either amendment prior to the votes; provided there be 2 minutes for debate equally divided between the votes.

The PRESIDING OFFICER. Is there objection?

The Senator from Michigan.

Mr. LEVIN. Mr. President, reserving the right to object, is it my understanding that following the disposition of these two amendments that then a Democratic amendment would be the next in order?

Mr. WARNER. Mr. President, I am not able to answer that question. I believe that would be correct. I would be perfectly willing to have it that way because I know we did Senator DURBIN's this morning.

Mr. LEVIN. With that understanding—and there will be a Senator NELSON of Florida amendment, so you are on notice relative to that—I have no objection.

Mr. WARNER. Fine.

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

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I first want to apologize to the chairman and ranking member that I came to the floor and realized they were in the process of doing this because I certainly would have spoken to them in advance before making this request.

But I hope they will agree to this request.

We have just been informed at the Department of Defense that we have now lost our 2,500th soldier in Iraq. Last October, when we lost our 2,000th, the Senate observed a moment of silence in respect for all of the soldiers and those serving in uniform and their families. I would like to ask if the chairman would consider amending his request so that between the two roll-calls, when Members are on the floor, that they would come to their chairs and we would observe a moment of silence in respect for our troops and for this notification that we have reached this sad milestone.

Mr. WARNER. Mr. President, I so amend the unanimous consent request that there be a time not to exceed whatever is appropriate for this proper recognition by the Senate of the loss of life.

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

Mr. DURBIN. Thank you.

Mr. LEVIN. Mr. President, I thank the Senator from Illinois for this suggestion.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. Mr. President, I think we are ready for the Senator from Delaware.

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

Mr. WARNER. Let it be charged equally.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BIDEN. 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. BIDEN. Mr. President, I rise today for two purposes: one is to speak against the Santorum amendment relating to Iran—the Iran sanctions—and, two, to offer an amendment relating to the negotiations that are now underway by the President of the United States.

Let's cut right to it, if I may. Are we going to stand aside while the President of the United States of America is trying to stop the development of a nuclear bomb in Iran? The President of the United States of America has made a judgment—I would argue, finally, but he has made a judgment—that the best way to keep the worst thing from happening is to cooperate with our friends to put pressure on the bad guy.

What do I mean by that? The President of the United States, I assume at the urging of the Secretary of State—although it is not relevant, actually—the President of the United States took a more aggressive course about a month ago in attempting to stop the Iranians from developing a nuclear weapon, a weapon that, if developed in conjunction with a missile, could change, in a material way, the dynam-

ics in the Middle East and particularly relating to our interests, notwithstanding the fact that it might not be able to strike the United States—a development that if it occurred would almost assuredly put great pressure on the Sunni Arabs in the region, who have lots of money, to join with possibly Egypt or another country to develop a Sunni bomb. This is not a good thing.

So the President, in conjunction with France, Germany, and the United Kingdom, our three largest European allies, along with China, and Russia, has agreed to and has been sitting down and making a specific proposal, which the President of the United States has pledged the United States to, in order to both entice as well as dissuade the Iranians from pursuing their course. There are two pieces to it. One, it says to the Iranians: If you cooperate and verifiably cease and desist, we, the United States, the three European countries, China, and Russia, will move forward with the following incentives to move you closer to the family of nations as a responsible nation. And there are a set of very specific incentives that the President of the United States of America has signed on to—quote, an “offer,” if you will, to the Iranian Government.

It also says, as was reported in the New York Times and the Washington Post today, that the Chinese, as well as the Americans and Russians, have communicated a second piece of information to the Iranians: If you do not cease and desist, these bad things are going to happen to you, and we are all jointly—jointly—going to impose them on you.

I think that was a stroke of significant diplomacy on the part of the President, which basically, as I understand it, the Europeans, Russians, and Chinese said: Will you join us in some of the carrots? And the President, as I understand it, said: Yes, if you join me in the strikes. It is carrots and sticks.

I know of no way to avoid one of two alternatives: one is the resignation to the acceptance of an Iranian weapon, and relying upon deterrence; or, two, the use of military force against Iran to prevent the development of that weapon.

My friend from Pennsylvania, as well as all of us on this floor, have received, I expect, the same extensive briefings I have on just how limited those alternatives are at this point militarily.

So I think the President has chosen a very reasonable course here. But even if you disagree with it, one of the things that—and I have been here during seven Presidents, and I have been very critical of this President's foreign policy—but the idea, in the midst of a negotiation, at the point at which the world is expecting and waiting and wondering what Iran's response will be, that the U.S. Senate would go on record as tying the President's hands in this negotiation—I find that amazing, absolutely amazing.

I spoke this morning with the Secretary of State who authorized me to say, unequivocally, the administration opposes this amendment. It limits their flexibility in doing what we all want: preventing the construction of a nuclear weapon in Iran. How much clearer can the administration be? And as my Grandfather Finnegan from my home State of Pennsylvania used to say: Who died and left you boss? Since when do we negotiate for a President? We are in the midst of a negotiation. The only thing we have going for us now, with China, Russia, and Europe all siding with us, we are about to mess up? Folks, I think this is such a tragic mistake—well-intended but tragic. The underlying amendment, Mr. SANTORUM's amendment, in my view, and in the view of the Secretary of State, actually advocates a policy that would jeopardize President Bush's initiative and, I believe, play directly into the hands of Iranian hard-liners.

I think if you read the language, it also has the potential to damage relations with some of the key countries whose cooperation we need to pressure Iran to abandon its nuclear ambitions. If this approach were adopted, we would be in the untenable position of sanctioning companies located in countries that we are asking to impose sanctions on Iran if they fail to accept the offer put forward by Russia, China, Europe, and the United States.

It does not, with all due respect to my friend, because I have joined him in Iran sanctions legislation in the past—I have joined him—but this is a different amendment and it is a fundamentally different time.

I remember going down to see the President when he was making his first trip to Europe. He asked whether I would come down and speak with him and his staff and I did. It was very gracious of him to ask my opinion, which was very nice of him. He said he was going to Germany. And he said—I am paraphrasing—I understand you have been asked to speak to the Bundestag, the German Parliament.

I said: Yes, I have, Mr. President.

He said: I understand you have turned it down.

I said: Yes, I have, Mr. President.

He said: Why?

I said: Mr. President, we only have one President. You are my President. My disagreements with you on foreign policy—at that time it related to the Balkans and some other things—I think it is totally inappropriate, while you are in Europe, while you are in discussions with the very people who invited me to speak, for me to go and publicly affront you in a foreign capital before their—their—Parliament, the very Parliament you are going to be speaking to. I am not President. You are our President. And he pressed: Well, why?

And I said, somewhat facetiously—and I have had this discussion with Newt—I am not Newt Gingrich. I don't go to the Middle East and speak to

Middle Eastern Parliaments while the previous Secretary of State is there negotiating. I think it is inappropriate.

The President of the United States is in the midst of the most important negotiations, absent Korea—and not much is going on there—that we have had since he has been President. And even if everything in here makes sense, why would we now do this?

My plea to my friend from Pennsylvania is: Withhold this amendment. See what happens in the negotiations. If, in fact, they fail—as they have an overwhelming prospect that could happen—then come back to the Senate and the Congress to put on these restrictions.

Mr. President, may I ask how much time the Senator from Delaware has remaining?

The PRESIDING OFFICER. One minute 50 seconds.

Mr. BIDEN. I say to my friend from Pennsylvania—I have not had a chance to speak to him personally—I say to the Senator from Pennsylvania, I have an amendment.

Mr. President, have I sent my amendment to the desk? Is the Biden amendment at the desk?

The PRESIDING OFFICER. It is at the desk but not called up.

AMENDMENT NO. 4257

Mr. BIDEN. Mr. President, I call up my amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Delaware [Mr. BIDEN], for himself, Mr. HAGEL, Mr. DODD, and Mr. LEVIN, proposes an amendment numbered 4257.

Mr. BIDEN. 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:

At the appropriate place, insert the following:

SEC. 1231. UNITED STATE'S POLICY ON THE NUCLEAR PROGRAMS OF IRAN.

(a) FINDINGS.—Congress finds that:

(1) The pursuit by the Iranian regime of a capability to produce nuclear weapons represents a threat to the United States, the Middle East region, and international peace and security.

(2) On May 31, 2006, Secretary of State Rice announced that the United States would join negotiations with Iran, along with the United Kingdom, France, and Germany, provided that Iran fully and verifiably suspends its enrichment and reprocessing activities.

(3) On June 1, 2006, President George W. Bush stated that "Secretary Rice, at my instructions, said to the world that we want to solve the problem of the Iranian nuclear issue diplomatically. And we made it very clear publicly that we're willing to come to the table, so long as the Iranians verifiably suspend their program. In other words, we said to the Iranians [that] the United States of America wants to work with our partners to solve the problem".

(4) On June 1, 2006, the United States, the United Kingdom, France, Germany, the People's Republic of China, and the Russian Federation agreed upon a package of incentives and disincentives, which was subsequently

presented to Iran by the High Representative of the European Union, Javier Solana.

(b) SENSE OF CONGRESS.—Congress—

(1) endorses the policy of the United States, announced May 31, 2006, to achieve a successful diplomatic outcome, in coordination with leading members of the international community, with respect to the threat posed by the efforts of the Iranian regime to acquire a capability to produce nuclear weapons;

(2) calls on Iran to suspend fully and verifiably its enrichment and reprocessing activities, cooperate fully with the International Atomic Energy Agency, and enter into negotiations, including with the United States, pursuant to the package presented to Iran by the High Representative of the European Union; and

(3) urges the President and the Secretary of State to keep Congress fully and currently informed about the progress of this vital diplomatic initiative.

Mr. BIDEN. Mr. President, what my amendment does is speak to and support the President's present negotiation. It gives full support to the President of the United States, because if there was ever a time the President should have the world know the Nation stands behind him, it is now. It is now in this negotiation. I don't have time to read the amendment, but I promise you, it is a rendition of the administration's position on negotiations and compliments him for it and says we support him.

Although Senator HAGEL is in a hearing and on his way, there will probably not be much time for him to speak. But he is a cosponsor, along with Senators LEVIN and DODD. I am sure there are others, and I ask unanimous consent that they be able to be added later.

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

Mr. BIDEN. Mr. President, I also want to point out that the distinguished chairman of the Armed Services Committee, if I am not mistaken, yesterday raised significant concerns with the Santorum amendment as well. As I look at the RECORD, they all are pertinent and accurate.

I will conclude by saying, this is no time to be meddling in the midst of a negotiation on one of the most important issues facing the United States, when the President has newly initiated a specific proposal. I urge my friend from Pennsylvania to withhold his amendment until we see what turns out there. If he thinks it is necessary after the negotiations succeed or fail, then come back.

I thank my friend from Pennsylvania for allowing me to probably run over a minute or so.

I yield the floor.

AMENDMENT NO. 4234

Mr. WARNER. Mr. President, I yield such time as our colleague wishes. I ask unanimous consent that each manager have at least 3 minutes to address this at the conclusion of the remarks by the Senator from Pennsylvania.

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

Mr. SANTORUM. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SANTORUM. With respect to the Biden amendment, I was handed a copy of it a couple minutes ago. But having read it, it is a sense of the Senate. I don't see any reason not to support the Biden amendment. I have no problem with the language. It basically says that we hope for a resolution to the diplomatic efforts under way, a positive resolution with respect to Iran not pursuing nuclear weapons. That is no problem for me. But it doesn't do anything other than say we wish you well.

The amendment I have offered is an amendment that is in substance the bill that passed the House of Representatives in April with over 300 votes. At the time it passed, prior to the negotiations that were commenced at the end of May by the administration, as the Senator from Delaware suggested, when it passed in April, the administration opposed it. I suspect, although I will let the Senator from Delaware speak for himself, I know he is not a cosponsor of my bill that is in the Foreign Relations Committee, and, to my knowledge, Senator LUGAR has not supported this legislation. The State Department has not supported my legislation. It is not surprising to me that they don't support this amendment. They don't generally support amendments that have to do with sanctions and forcing them to do things they don't want to do.

We are a coequal branch of Government, and it is vitally important for us at a critical time—and I agree with the Senator from Delaware on this, this is a critical time. I disagree with him on several things. One of the things on which I disagree with him, I think these negotiations are more important than North Korea. I think the threat of Iran and Islamic fascism is more significant than the threat posed by North Korea.

I believe this is a vitally important negotiation. I think it is vitally important during the course of these negotiations to speak to them and to speak in support not only in words but in deeds of what the President is trying to accomplish. The deeds here are very clear. It is twofold. The Senator from Delaware suggested there are not very many good options on the table.

The two options on the table, other than military force, are in this amendment. Those two options are to support prodemocracy efforts within Iran, to try to see if we can get a peaceful transformation of that government. The second is to try to dissuade the Iranians from moving forward and dissuade others, companies and countries, from working with them in development of their nuclear weapons program. Those are the options.

The President is trying to do it through a diplomatic arrangement. I wish him the very best. But I remind everybody here who is going to vote,

this is not going to the President today. It is not going to the President next week. It is not going to the President next month. This is an amendment to the Defense authorization bill. It will be months, I am sure. I would be amazed if we were able to get this done before September or October. This bill is not going to be decided upon, this amendment is not going to be concluded and passed on to the President before these negotiations come to a conclusion. What we do here is put ourselves in a position to have an amendment in conference ready to move if these negotiations do not work.

Putting off this amendment is not such an easy thing to do. Putting off this amendment and finding a vehicle to attach it to, particularly over the next few weeks, is not going to be easy to do, as we bring up appropriations bills. So this may be the last vehicle between now and the summer recess in August and potentially the rest of this Congress to debate this issue. It is important for us to speak to this issue now.

This is not a radical piece of legislation. This is a piece of legislation that has 61 cosponsors that passed with over 300 votes in the House of Representatives. It has broad bipartisan support. I understand it is opposed by the Department of State. Senator WARNER was kind enough to show the letter that came from the Department suggesting their opposition. I remind all Members, they opposed this bill and have consistently, not just because of these negotiations but have opposed this bill, period. They opposed it when the House passed it in April. So this is nothing new.

I suggest that the opportunity we have on the most important national security issue facing this country, the threat of Islamic fascism and the threat of Iran as the principal cog in orchestrating, supporting, financing, and encouraging this type of behavior, is to speak into the moment where we are confronting them right now with our administration in their development of nuclear weapons. For the Congress to remain silent, for the Congress to step back and say: We wish you well, Mr. President, but we are not going to go on record of really supporting you, in deed not just in word, will be interpreted one way, in my opinion, the way words are always interpreted. I think the Senator from Delaware said that this will play into the hardliners in Iran. Let me remind the Senator from Delaware, the hardliners run Iran. The hardliner is the President of Iran. The hardliners are the mullahs who run the country. There are not hardliners and then the governing powers of Iran. The hardliners are the governing powers of Iran. They are the ones making the decision. We are not playing into their hands. We are telling them we are serious, as serious as the President is about doing something about their development of nuclear weapons and their desire and explicit statements

about their willingness to use those weapons on the State of Israel and others.

This is a very serious debate. This is a very serious vote. This is a very serious message that we either will or will not send. Are we going to send a message to the Iranian hardliners that we are going to stand by our President in word and action and that we are not going to let their talk of maybe possibly down the road potentially coming and talking to us, which is all they are talking about right now, dissuade us from acting while they are acting right now in developing nuclear capability, which they are. They are acting right now. They are developing. They are pursuing. They are saying they are going to use it. All we are going to say is: Well, your talk about maybe talking to us in the future will dissuade us from acting? No, it should not. We should act today. We have 61 cosponsors of this legislation. I hope that all 61 and then some stand by and say to the Iranian hardliners/government that we will stand with our President in word and deed and make sure that we do everything we can through peaceful means, and that is what this amendment is about, to stop them from getting nuclear weapons.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. HAGEL. I ask to speak for up to 4 minutes.

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

The Senator is recognized for 4 minutes.

Mr. HAGEL. Mr. President, I appreciate the time from the distinguished chairman of the Armed Services Committee.

I rise to strongly support the Biden amendment. It is the responsible and appropriate position for this body to take on a very serious issue. It is important that we recognize, just as the distinguished Senator from Pennsylvania has noted, that we support our President. I believe President Bush's actions and directions, as they are now playing out, are, in fact, the appropriate, responsible, and relevant actions to take.

I also rise to strongly oppose the Santorum amendment. Again, noting what the distinguished Senator from Pennsylvania said, that we should send a strong message to the world that we are supporting our President, I am not certain how that is accomplished by supporting the Santorum amendment. In fact, as has been noted on the floor this morning, the President's senior foreign policy agent, the Secretary of State, Dr. Rice, is opposed. The Secretary of State of the United States Government is opposed to the Santorum amendment. I am not certain how that connects with what my distinguished colleague from Pennsylvania has noted.

What we are dealing with in the Santorum amendment is a very irresponsible, dangerous direction to take.

Let me remind colleagues that we already are at war in two nations. We have 130,000 American troops engaged now in a war in Iraq. The Middle East is in turmoil. We have 20,000 troops in Afghanistan. NATO is in Afghanistan. Many of our allies are with us in Iraq.

We better be careful here. We better be careful in how we are dealing with this issue. It is a serious issue. It is dangerous. But it is complicated. Iran is not a monolithic government that we can ascribe motives to, agreements to. Our best course of action is exactly where the President is going. And that is, engaging Iran, engaging with our allies, strengthening our alliances. If we are not careful, we will find America isolated in the world at a very dangerous time. That is what the Santorum amendment is about.

This is not helping our President. Our President is opposed to it. He is taking a different direction.

Let's be careful. This is not just some amendment. This is the force of the U.S. Senate that could be put into a law in fact limiting the President's options. Is that what we want to do and is that how we describe supporting the President, limiting the President's options? I don't think so. This is dangerous business, very dangerous business. Before our colleagues vote, they better understand what is going to be required.

Again, I thank my distinguished colleague from Virginia for the time. I hope our colleagues, before they vote, will understand the consequences of a dangerous amendment like this. I shall oppose it.

I yield the floor.

Mr. WARNER. Mr. President, first, I ask the distinguished Senator from Pennsylvania, in fairness, I think he should wrap this debate up. How many minutes does he desire?

Mr. SANTORUM. I understand I have 4 minutes.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator has 4 minutes, and the managers have 3 minutes left.

Mr. WARNER. Mr. President, let us establish the hour of 12:15 for the vote, with 5 minutes at the conclusion for the distinguished Senator from Pennsylvania and 5 minutes under the control of the Senator from Virginia and 5 minutes under the control of Senator LEVIN. I ask unanimous consent that be the case.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WARNER. Mr. President, I say to my distinguished colleagues here that in the course of this debate, I have studied this matter very carefully. I spoke out on it yesterday expressing my concerns. I do believe the actions proposed by the Senator from Pennsylvania are not irresponsible. They are a clear matter of conscience and what he thinks is in our best interest.

My concern, which I think is the Senator's concern, is that the timing is unwise. I support the Senator from Ne-

braska in that observation, as I do the Senator from Delaware, because we have a negotiation of great sensitivity underway at the direction of the President, who, under the Constitution of the United States, has the primary responsibility in the matter of conducting foreign affairs. His chief designee, the Secretary of State, has spoken through Senator BIDEN.

I ask unanimous consent to have printed in the RECORD a letter addressed to me, to which I will refer momentarily, from the Department of State.

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

DEPARTMENT OF STATE,
Washington, DC, June 15, 2006.

Hon. JOHN WARNER,
Chairman, Committee on Armed Services,
U.S. Senate.

DEAR MR. CHAIRMAN: It is our understanding that the Iran Freedom Support Act (S. 333) will soon be offered as an amendment to the National Defense Authorization Act for FY 2007 (S. 2766). The Administration has serious concerns about S. 333, and therefore opposes its inclusion in S. 2766.

As Secretary Rice recently announced, Iran is being offered a choice: either continue to pursue nuclear weapons and face isolation and progressively stronger sanctions, or verifiably abandon uranium enrichment and reprocessing activities and receive civil nuclear energy and economic cooperation from the international community. We are in agreement with our European partners on the elements of the benefits if Iran makes the right choice, and the costs if it does not. More broadly, we have found support from Russia and China for this approach.

The amendment runs counter to our efforts and those of the international community to present Iran with a clear choice regarding their nuclear ambitions. This amendment, if enacted, would shift unified international attention away from Iran's nuclear activities and create a rift between the U.S. and our closest international partners. Moreover, it would limit our diplomatic flexibility.

By contrast, we endorse the concept of providing support for democracy and human rights in Iran. The Administration has worked closely with the Congress to include funding in the Emergency Supplemental Appropriations Act of 2006 (H.R. 4939) to increase our support for democracy and improve radio broadcasting, expand satellite television broadcasting, and increase contacts through expanded fellowships and scholarships for Iranian students.

The Office of Management and Budget advises that there is no objection to the presentation of this letter from the standpoint of the Administration's Program.

Sincerely,

JEFFREY T. BERGNER,
Assistant Secretary,
Legislative Affairs.

Mr. WARNER. I strongly believe the Senator from Pennsylvania is of clear conscience on this matter.

Regarding the fact that he had these cosponsors and the fact that the House spoke on this in April, since the April timeframe—and I believe his earlier amendment had 60 cosponsors—much has transpired. That has been addressed here today, the sensitivity of these negotiations between our Nation and other nations in line for the inter-

ests of the United States and the Government of Iran. Therefore, my concern about this amendment is the timing of it.

I now would like to refer to the letter forwarded to me as chairman, dated today, which was printed in the RECORD. One paragraph reads:

The amendment runs counter to our efforts and those of the international community to present Iran with a clear choice regarding their nuclear ambitions. The amendment, if enacted, would shift unified international attention away from Iran's nuclear activities and create a rift between the U.S. and our closest international partners. Moreover, it would limit our diplomatic flexibility.

Mr. President, I have to accept the good faith of the Secretary of State on this matter and as communicated to this Chamber.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I am one who has cosponsored a version of the Iranian sanctions amendment which Senator SANTORUM offered now over a year ago. I believed then and I believe now that it may well be necessary for sanctions to be imposed on Iran.

However, I cannot support the amendment that has been offered by Senator SANTORUM for two reasons. One is the fact that it is significantly broader than the other amendment that was introduced by Senator SANTORUM, the Iran Freedom and Support Act of 2005. In many ways, it is broader and it interjects an unrelated issue with respect to Russian pricing for nuclear reactor fuel. It removes the requirement that a person have actual knowledge of the actions for which he is going to be sanctioned. There is a direction here to a United Nations representative, which was not present in the amendment I cosponsored. It changes the threshold which makes it more difficult for the President to waive sanctions. So there are a number of significant differences between this and an amendment I cosponsored.

The other difference is that, of course, there has been significant change which occurred since that time. Senator WARNER has outlined that point. That change is now the decision of the administration—which I support—to engage or participate in direct talks with Iran under specified circumstances. I think that is a policy which should be given a chance to work, and if the policy doesn't succeed and Iran does not work out a negotiation and agreement with all the countries with which there are discussions going on, at that point, it seems to me there is a greater chance we will get those other countries, including Russia, to support sanctions if, in fact, the negotiations and discussions with Iran do not succeed.

So those discussions the President has decided to engage upon are actually a prelude to a much stronger chance to succeed with sanctions down the road because countries that might support us on sanctions, and whose

support would be extremely helpful, would then realize we had gone through the negotiation and discussion route with Iran. I believe that policy is wise. It will strengthen our position in getting sanctions, should that be necessary. Also, it is the best chance of having the solution here, which will avoid greater and greater conflict down the road. While it is with some reluctance that I cannot support a sanction amendment relating to Iran, nonetheless, because this is broader than the one that previously I cosponsored, and mainly because of the ongoing negotiations which will strengthen our position if they do not lead to a good resolution, I cannot support the Santorum amendment. I will support the Biden amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I will address the comments made by my colleagues. I appreciate their thoughtful comments.

First, this is not just a sanctions amendment. This is a sanctions amendment which imposes additional sanctions, but it also has a large prodemocracy component to support prodemocracy efforts and public diplomacy with Iran.

Second, with respect to the sanctions, I agree with some of the criticisms leveled by Senator LEVIN that it adds things which were not in the previous versions. One thing it adds is a nuclear components provision, which says that if you are going to be a company that is doing business with Iran in the development of their nuclear weapons capability, you cannot do business with us in America. If that is objectionable to folks, I find it somewhat remarkable that we would want companies doing business in Iran doing business here. But that is a new sanction; he is correct.

What he is not correct about is that we make it more difficult to waive these sanctions. In fact, we have made it easier to waive sanctions. We have given the President more time to waive sanctions. In fact, the big difference between the House bill and ours is we are much more liberal with respect to the waiver authority of the President. In that respect, the House bill passed—I have the exact vote—by a vote of 397 to 21. That is the bill which passed in the House of Representatives just 2 months ago. It has, with the exception of what I have said, a more liberal waiver authority component that deals with nuclear technology because of, obviously, this concern about the major difference between the two. I suspect that both the increased flexibility and the nuclear component provision would have very strong support in the Senate.

The other thing I wish to talk about is what Senator WARNER referred to in the letter from the Secretary of State. I remind everybody that the Secretary and the State Department have opposed this legislation from the day I have introduced it.

No. 2, I have had discussions with the Secretary personally over at the State Department, and we have had ongoing discussions. They support aspects of this bill. They don't like some of the sanction provisions, specifically the codification of Executive orders. I understand that. That has been sort of an intractable problem we have had during these negotiations.

I also remind everybody here that I bet I could pull out a letter identical to the letter just read by the Senator from Virginia on the issue of the Syrian Accountability Act, which passed here after about 3½ years or 2½ years of work, to try to get the administration on board with that legislation. The State Department opposed it, opposed it, opposed it. The President opposed it. They thought it was the wrong time, something we shouldn't do.

I had three conversations with the President on the Syrian Accountability Act. The first two times, he about tore my head off, saying how inappropriate it was for Congress to act in this regard and try to impose sanctions and mess around with foreign policy. The third conversation I had with him was a conversation where he said he would sign it. Six months later, he gave the State of the Union Address and took credit for the Syrian Accountability Act as one of the great accomplishments of his administration in foreign policy.

I believe the impact of the Syrian Accountability Act is pretty discernible—what happened with the withdrawal of Syrian troops from Lebanon. The Congress, when we act and do so in a responsible fashion, can make a difference. I believe this is an appropriate time and appropriate subject for us to make a difference.

Iran is the great threat before us. If anyone believes that by being weak, by not acting, by not stepping forward, and by not getting involved and saying we are going to hold those who cooperate with the Iranians accountable for their cooperation, if we think that by backing off on that somehow or another we will create some good will with the hardliners who control Iran, you have not been watching how the Iranians behave. They respect one thing and one thing only—we are about to give it to them, I hope—and that is action, deeds, and a credible threat that we will impose sanctions and we will hurt their capability if they do not change their course. That is what we have an opportunity to do here in about 2 minutes. I hope we take that opportunity and do not simply say that we like what the President is doing and we are all for negotiation and we hope everything goes well. It will be interpreted as stepping back, as weakness. We cannot afford that.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. WARNER. Have the yeas and nays been ordered?

The PRESIDING OFFICER. Yes.

Mr. LEVIN. Mr. President, I ask for the yeas and nays on the Biden amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. LEVIN. Also, I ask unanimous consent, I believe with the agreement of the chairman, that Senator LAUTENBERG, who has been promised 3 minutes, be given those 3 minutes, and that if Senator SANTORUM needs a minute or two to respond to Senator LAUTENBERG, he be given it.

Mr. WARNER. Yes, 3 minutes to the Senator from New Jersey, with an additional 3 minutes to the Senator from Pennsylvania, and then the vote.

Mr. LEVIN. Yes.

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

Mr. LAUTENBERG. Mr. President, I will try to be quick. I listened with interest to the Senator from Pennsylvania and his presentation. I also looked at the amendment he has produced. In that amendment, we are going to administer sanctions against companies doing business with Iran.

Now, the surprise here is that three times before, when I had an amendment, the Senator from Pennsylvania voted against it, would not include it, didn't want to discriminate against firms that do business with Iran and that provide revenues that kill our kids in Iraq. And now we have a flimsy aspect. We say we are going to impose sanctions; however, it will be out of reach of American jurisdiction. It, therefore, will not apply to the company that owns it—in this case it happens to be a Halliburton—that has a sham corporation operating in Dubai based originally in the Cayman Islands. That should not be allowed, that the grasp of the U.S. Government cannot reach these perpetrators of the kind of indecency that places our soldiers at risk because they are doing business with an avowed enemy of the United States that is providing funds that are lethal to our troops over there.

I hope everybody will take a good close look at this amendment and vote "no."

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, this goes under the old rubric of no good deed goes unpunished. We have attempted in this amendment to meet the Senator from New Jersey halfway. The Senator's amendment has consistently been voted on. I have opposed it and so has most of the Senate, which suggests that those who are currently doing business and have invested should be penalized for their investment. What we say is that on any future investment, you will be penalized. We make the Lautenberg language prospective.

In attempting to meet the Senator from New Jersey halfway, we find out

that this is not sufficient and, therefore, we should oppose this amendment. I would think half a loaf is better than no loaf. This, by the way, was not in the Iran Freedom and Support Act. This is one of the provisions Senator LEVIN mentioned that was added, frankly, out of respect for the concerns the Senator from New Jersey raised and has raised on the floor repeatedly.

This is an attempt to make a good-faith attempt—and I do mean that—a good-faith attempt to meet the Senator from New Jersey halfway and to take his policy and put it in place in a prospective manner. If that is not sufficient for the Senator from New Jersey, that is fine. He is welcome to oppose the amendment.

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

Mr. SANTORUM. I will be happy to yield.

Mr. LAUTENBERG. Mr. President, is the Senator aware that the exemption in his amendment would make it almost impossible to hold a U.S. company liable for doing business with Iran through a foreign subsidiary?

Mr. SANTORUM. My understanding is that we crafted this language pursuant to the language the Senator from New Jersey used in the past and put a threshold we thought was—I think it was a \$20 million threshold we put in place which we thought was a reasonable threshold of investment to reach the level of sanction.

If the Senator from New Jersey would like to toughen that language or change the threshold, I would be happy to sit down and talk with him about it. I am open to discussion.

My only point, and I think the point we have had in this discussion in the past, is I don't believe it is proper to penalize companies that have investments there, in many cases longstanding investments. What we want to do is discourage future investment. That is what we attempt to do in this amendment. If the Senator does not believe it has been effectively written, I will be happy to sit down with him, in all sincerity, and work to make it effective that future investments are discouraged.

Mr. LAUTENBERG. Mr. President, I have another question, if I may, and that is, would the Senator be willing to move the vote back, if we can do it, so we can discuss the language?

Mr. WARNER. Mr. President, we are under a unanimous consent agreement. The time, I believe, has expired.

The PRESIDING OFFICER. There is 6 seconds remaining.

Mr. WARNER. Will the Senator yield back the 6 seconds so we can get to the vote? I regret we have to move forward.

Mr. SANTORUM. The Senator has heard his answer.

Mr. WARNER. There are Senators who have to go to the Pentagon for a memorial service. The yeas and nays have been ordered.

Mr. LEVIN. Mr. President, there are a number of differences between S. 333

and the Santorum amendment. These differences include a number of new provisions in the amendment that are not in the S. 333. Some of them are:

Remove the requirement that a parent or a subsidiary of a person against whom sanctions have been issued must have actual knowledge of the activities before sanctions can be issued against them.

Remove the requirement that an affiliate of the Company against which sanctions have been issued must have actual knowledge of the activities before sanctions can be issued against them.

Remove Libya from the scope and title of the Iran Libya Sanctions Act.

Would impose an additional condition on the exercise of the President's waiver authority by imposing an additional element in the report that must be submitted to Congress prior to the waiver going into effect. Current law requires, among other elements of the report, an assessment of the significance of the assistance provided to the development of Iran's petroleum production. The new requirement would also require an assessment of the significance of the assistance to the development of Iran's weapons of mass destruction or other military capabilities.

Reduces operations and maintenance funding for the Army for Iraq and Afghanistan by \$100 million.

In other instances, there are modifications to provisions in the amendment that are included in S. 333. For instance, both S. 333 and the Santorum amendment would expand the universe of persons against whom sanctions could be imposed to include a private or government lender, insurer, underwriter, reinsurer, or guarantor of a person sanctioned. S. 333 would require that these persons would have to have actual knowledge of the activities of the person sanctioned; the Santorum amendment does not include the requirement of actual knowledge.

Both S. 333 and the Santorum amendment would expand the definition of a person to include a financial institution, insurer, underwriter, reinsurer, guarantor. The Santorum amendment would also include any other business organization, including any foreign subsidiaries of the foregoing.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to amendment No. 4234. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

The result was announced—yeas 46, nays 53, as follows:

[Rollcall Vote No. 172 Leg.]

YEAS—46

Allard	DeMint	McConnell
Allen	DeWine	Murkowski
Bayh	Dole	Nelson (FL)
Bond	Domenici	Roberts
Brownback	Ensign	Santorum
Bunning	Frist	Sessions
Burns	Graham	Snowe
Burr	Grassley	Stevens
Chambliss	Hatch	Sununu
Coburn	Hutchison	Talent
Coleman	Inhofe	Thune
Collins	Isakson	Vitter
Conrad	Kyl	Voinovich
Cornyn	Lieberman	Wyden
Craig	Lott	
Crapo	Martinez	

NAYS—53

Akaka	Feingold	Menendez
Alexander	Feinstein	Mikulski
Baucus	Gregg	Murray
Bennett	Hagel	Nelson (NE)
Biden	Harkin	Obama
Bingaman	Inouye	Pryor
Boxer	Jeffords	Reed
Byrd	Johnson	Reid
Cantwell	Kennedy	Salazar
Carper	Kerry	Sarbanes
Chafee	Kohl	Schumer
Clinton	Landrieu	Shelby
Cochran	Lautenberg	Smith
Dayton	Leahy	Specter
Dodd	Levin	Stabenow
Dorgan	Lincoln	Thomas
Durbin	Lugar	Warner
Enzi	McCain	

NOT VOTING—1

Rockefeller

The amendment (No. 4234) was rejected.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, at this moment we do want to honor the 2,500 Americans who have given their lives in Iraq, and their families. We ask all Senators to take their seats and offer that moment of silence.

The PRESIDING OFFICER. Under the previous order, the Senate will observe a moment of silence out of respect for our fallen troops.

(The Senate observed a moment of silence.)

AMENDMENT NO. 4257

The PRESIDING OFFICER. Under the previous order, there are now 2 minutes equally divided prior to the vote on the Biden amendment.

Who yields time?

Mr. BIDEN. Will the manager yield me time to speak to my amendment?

The PRESIDING OFFICER. The Senator has 1 minute.

Mr. BIDEN. Mr. President, our amendment merely states that we support the President's efforts, in a nutshell. I only have a minute. We support the President's efforts in negotiations with our European allies, the Russians, and Chinese to both offer incentives and sanctions to Iran regarding its proceeding with construction of a nuclear weapon.

I yield the floor.

Mr. WARNER. Mr. President, I yield a minute to the distinguished senior