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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Spirit, fountain of wisdom, reveal to us the path that leads to the fulfillment of Your will. Illuminate the minds of our Senators that they will accomplish Your purposes. Thwart the plans of the enemies of peace.

As Veterans Day approaches, we ask You to give wisdom to our military people in harm's way that they will be instruments of Your providence. Lord, hasten the day when peace will reign.

Empower the citizens of this Nation to live with integrity so that You will hear our prayers and heal our land. Give us wisdom today to see what we ought to do, courage to begin it, fidelity to continue it, and skill to complete it.

We pray in Your powerful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JOHN E. SUNUNU led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 10, 2005.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. SUNUNU thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today, following the 1 hour for morning business, we will resume work on the Department of Defense authorization bill. Under the agreement reached last night, we have two rollcall votes to begin at 11:30 this morning. The first vote is on Senator TALENT's amendment relating to C–17s, and the second vote is in relation to the Dorgan amendment on a special committee. Yesterday, we made good progress on the bill, and we will finish the bill today.

In addition to a couple amendments already pending, there are only a few remaining amendments in order to be offered. Senators should be prepared to offer those amendments this morning. I hope we can finish this bill at a reasonable time today. I encourage the two managers to move forward with the bill if Senators do not show up to offer their amendments. We must finish the Defense bill today, along with three appropriations conference reports that are now at the desk. I do not expect a great deal of debate on those conference reports, but we will need to schedule rollcall votes on each.

Having said that, we will have a full day of voting to finish our work, but with the cooperation of Senators, we can complete our work at a reasonable time today.

JORDAN BOMBINGS

Mr. FRIST. Mr. President, yesterday the world received the sobering news that a series of three explosions struck Jordan's capital city of Amman. At least 57 innocent civilians were killed in the immediate blast, and well over 100 were wounded.

In an apparently coordinated attack, terrorists targeted three large hotels that are frequented by Americans. Indeed, when I traveled to Jordan, I stayed at one of those hotels, as many in this body have in the past. One of the blasts occurred during a wedding party of over 300 guests. We have seen over the course of the night and the morning those pictures displayed on television.

On behalf of the Senate and the American people, I express my heartfelt condolences to the victims, their families, and the Jordanian people. I condemn in no uncertain terms the perpetrators of this grievous attack. It is an attack on all free peoples. It is an attack on civilization. Together, we will help the Government of Jordan, if requested, to hunt down the criminals responsible for this egregious event and bring them to justice.

Throughout the global war on terrorism, Jordan has been our steadfast partner, a reliable partner of our country. King Abdullah has bravely spoken against Islamic terrorism and extremism in the Arab world. Under his leadership, Jordan has demonstrated their commitment to peace, stability, and moderation.

Yesterday's violence against the Jordanian people is another reminder of the indiscriminate brutality and vicious nature of the terrorist enemy. My Senate colleagues and I renew our call on the international community to redouble its efforts to defeat the terrorists and dismantle their networks. Defeating terrorism is the duty of all civilized nations. It is the challenge of our age.

The United States stands shoulder to shoulder with the people of Jordan during this difficult time. We share their grief and their determination to bring the killers to justice.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for up to 1 hour, with the first half of the time under the control of the majority leader or his designee and the second half of the time under the control of the Democratic leader or his designee.

The Senator from Idaho.

116TH BRIGADE COMBAT TEAM IN IRAQ

Mr. CRAIG. Mr. President, tomorrow and through the weekend, we will be celebrating Veterans Day. I thought it was appropriate that I come to the Chamber this morning for two purposes. First, as chairman of the Veterans' Affairs Committee in the Senate, I have had the distinct pleasure of working with the VA and working with veterans across this country over the last year to not only provide them the services they need to improve their lives but to recognize the changing scene of veterans health care and the new veterans that are being created out of the conflict in Iraq and Afghanistan and the kind of care and service those brave young men and women will need as they return home, some of them certainly not as physically or mentally whole as we would like.

Because of their tremendous service to our country in the war on terrorism, I can say very proudly that this Congress and our committee and the Veterans' Administration have clearly stepped up to do what is right and appropriate in the recognition of the time-honored care we have provided for our veterans down through the decades and down through the conflicts in which America found itself, in the preservation of our freedom and the advancement of all peoples around the world.

Idaho played a unique role this year, and I am here today to talk about the Idaho National Guard 116th Brigade Combat Team that is now returning from service in Iraq. For the last 18 months, these brave men and women have made a tremendous sacrifice to be away from their families and friends to defend our Nation and work to build a stable and free Iraq. For that, I am extremely grateful to all of them.

It is important to remember that the soldiers of the National Guard are civilians first and soldiers second. They are our doctors and our business men and women, plumbers, farmers, teachers. Yet they have all answered their country's call to action during this time of need. The skills these civilian soldiers bring to the table have proven to be invaluable as our soldiers work side by side with the Iraqi people to restore the critical infrastructure, establish a thriving economy, and promote a free and prosperous system of government.

Earlier this year, I had the privilege, once again, to visit Iraq—it was my second time while we have been engaged there in the war on terrorism—fulfilling a promise I had made to the 116th as I and the delegation and the Governor saw them off now over a year ago. So I was extremely proud to be there and to see this phenomenally enthusiastic civilian soldier in his or her work area as they did what they do so very well in a very courageous and skillful manner.

These civilian skills not only were essential to provide the security for the Iraqi people, but they also provided the essential ongoing construction efforts. I was humbled to have that opportunity to meet with these fine young men and women on the battlefield in Iraq and to express the gratitude of the people of the State of Idaho and our Nation for these efforts.

I also have enormous respect for what they did, but what is phenomenal is the feedback we received from the Iraqi Government officials regarding the work of the 116th. As I say, these are unique soldiers. The Iraqi people saw that and understood that these were really civilians who had tremendous talents in civilian life, and they incorporated that not only in the protection and the soldiering that went on over there but in the rebuilding of the infrastructure about which I talked. These soldiers faced a very difficult and dangerous task of maintaining the peace and stability in some very hostile environments. Yet they continued their mission, and they handled it with tremendous honor.

The members of the 116th have spent 12 months in Kirkuk and other areas within that region. Their mission was to provide for the security of the people of Iraq against insurgents and terrorist attacks, establishment of self-reliant government institutions, and the reconstruction of the basic and critical infrastructure. Their two overriding missions were overseeing the successful national elections in January and the national referendum vote on October 15. Both of these missions were tremendously successful. We know about that. This is exactly what our President had proposed and laid out before us.

While Americans and Members of Congress are tremendously anxious about the war currently going on in Iraq, the reality is we are on schedule and on course to do exactly what we set out to do to help the citizens of Iraq in standing up for government, providing a representative form of government, and stabilizing that area of the world. The 116th from Idaho, these tremendous civilian soldiers, participated in that, and I must tell you that in representing the largest deployment from the State of Idaho that has ever happened to our National Guard, we stand as Idahoans today tremendously proud of the work they did.

The good news is, they are coming home, and most of them will be home for Thanksgiving. We will be glad to see them back with their families and back in their communities and reassuming their civilian lives and doing that not only for the Idaho National Guard but for all guardsmen and reservists around the country. As chairman of the Veterans' Affairs Committee, working with the Secretary of the VA, holding hearings in Idaho and other places around the country, we want to make sure that this transition back into civilian life is as seamless as possible.

These are men and women who have been at war. To simply step out of a war zone and step into their community is not going to be an easy task. Yet that is exactly what a civilian citizen soldier does. Whether it is the Idaho 116th or whether it is the tens of thousands of other guards men, women, and reservists around the country, we owe them a phenomenal debt of gratitude for the work they have done.

You see, we have a system within our military that it is not just the active soldier who serves so well, but it is that citizen soldier, our friends and neighbors in our communities across the country, such as the 116th of Idaho, who continue to serve and, in a time of war, serve with honor and dignity.

As we celebrate Veterans Day tomorrow and this weekend, recognizing those who have stood in harm's way and in many instances have given their lives so our lives could be freer, let's remember those currently serving in Iraq, be it the active soldier or be it the Guard or Reserve, for they are all one and their missions are all the same. The 116th of Idaho Brigade Combat Team has made Idaho extremely proud.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

THE WAR IN IRAQ

Mr. SESSIONS. Mr. President, I want to express my appreciation for Senator CRAIG's comments. I think they are so appropriate as we approach Veterans Day tomorrow, November 11. As he said, it is important that we give gratitude to these soldiers. But it is also very important—maybe even more important—that this Senate and this Congress give our support to them, we back them up, we affirm them in the courageous service they are giving and not undermine what they are doing by thoughtless and unfair criticisms. That is what is on my heart today and I

want to talk about it a little bit. I think it goes to the core of our integrity and our personal self-discipline as Senators.

I have to say, with great respect, that politics on too many occasions has overridden our commitment in this Senate to the soldiers who serve on the battlefield. We are a free and open society. We value and protect free and public debate in our country, and in the Senate one has the freedom to say or write almost anything he or she desires, whether wise or foolish. To secure and maintain that freedom and our other freedoms, on many occasions we have sent our soldiers to battle hostile forces around the globe.

Over 1 million personnel have died in combat to preserve the freedoms and liberties we take for granted today. Young soldiers, volunteers, and draftees have been called over the years to defend the values and liberties our Nation cherishes. As Senators, we are a key part of the process by which this Nation authorizes hostilities and calls them up. If there is any maturity of judgment in us at all, we understand that such a decision, when we make it, is a grave one and we know the lives of our military personnel will be placed at risk when we send them out. History and common sense tells us so. Any Senator not understanding this is not fit for the office they hold.

It is my view that there is and are no glorious wars. All war is bad. The Lord did not want His children to fight. But I am resigned to the fact that, throughout history, human efforts to maintain peace at any price have failed and that the option of war at certain times becomes better than the alternatives.

Let me speak frankly about the war on terrorism. We in this Senate are not children led about like the Pied Piper of Hamelin by President Bush or Vice President CHENEY. We are not and were not ignorant concerning the situation we found ourselves in after 9/11. We cheered President Bush's strong and determined response to terrorism at that time, and even when he warned us it would be a long, protracted, and bitter struggle, which he said repeatedly, the Senate promptly authorized the attack on the Taliban, who oppressed their own people in Afghanistan and who harbored and provided training for al-Qaida and Osama bin Laden. This Senate supported the President's demand on Mullah Omar that the Taliban cease these training bases and turn over bin Laden or face military action. We supported that. And when Mullah Omar and his oppressors refused, the Senate supported military action against the Taliban. When the war went so well, virtually everyone was pleased and said it was a good and proper thing we had done.

We are proud of what is happening in Afghanistan today. We have soldiers there, as Senator CRAIG said, working directly with the people of Afghanistan to try to lift them up and give them a period of sunshine and peace, after decades of war. These good results happened, however, not because we voted to authorize force but because this Nation was able to call on great soldiers, sailors, airmen, and marines to go into harm's way, facing what they had to know would be great danger, to execute the policy we voted for and that the President was authorized to execute.

The military action in Afghanistan went well. But make no mistake, we Senators knew the mission was dangerous and most predicted far more casualties than occurred in that effort. The credit goes to our military's brilliant tactics.

At this same time, Iraq was continuing its systematic, illegal, and unconscionable actions against its own people, against the United States, and against the United Nations—continuing violation of 16 U.N. resolutions. These resolutions in essence were a result of Iraq's plea for peace after the coalition forces ejected it from the nation of Kuwait. Surely this Nation has not forgotten that. Surely this Senate has not forgotten that. Surely we remember that Saddam's Iraq had, by surprise and brutality, attacked and occupied its peaceful neighbor Kuwait. At that time, with the United States in the lead, the coalition demanded that Saddam withdraw or face military force.

In 1991, he refused and, in a brilliant strike, our forces, under the command of General Norman Schwarzkopf, forcibly ejected Saddam's military from Kuwait and liberated that nation. Then Kuwait's was a responsible voice on the world scene, as it is today.

To stop the coalition forces from moving to Baghdad to remove him from office, Saddam made a series of agreements under the supervision of the United Nations. He did not keep them, of course. First he declared he had not lost the war but was in fact the victor. Such a statement was a clear indication of his plans to continue his drive to dominate that region and to lead a fight against the west. When a U.N. plan was developed to allow the sale of Iraq's oil so food could be made available to the Iraqi people, he cheated on the Oil for Food Program to rebuild his military and his personal palaces, leaving millions of his own people hungry.

He attacked his own people, brutally repressing the Shiites in the south and the Kurds in the north. He had earlier used poison gas, a weapon of mass destruction, against his own people, the Kurds. He effectively ejected U.N. inspectors and refused to provide assurance that he was not creating or was not in possession of weapons of mass destruction. He had previously promised not to possess or develop these weapons. He fired missiles regularly at American and British aircraft as they sought to enforce the no-fly zones to protect the Kurds and the Shiites from oppression.

In response, President Clinton and President Bush authorized hundreds of military responses against Iraq, dropping bombs on military positions and carrying out missile strikes. Surely we have not forgotten—we were in a state of hot hostility with Iraq, leading up to our decision to remove him from power.

The megalomania of Saddam, and his brutality, presented the decent nations of the world with a direct challenge. With the growth of terrorism that had culminated in the 9/11 attacks, and which threatened the peaceful world, it became clear that the reconstituting of Saddam's forces in violation of the United Nations could not be allowed to continue. Once again, our Nation led a huge international coalition to demand that he comply with the U.N. resolutions. The vote in this Senate to authorize that and to insist that he comply and use force if he refused to do so was 78 to 22, with a clear majority of our Democratic Senators in support to authorize military force with or without U.N. approval if Saddam refused to comply with these resolutions.

Our decision was not taken lightly or in haste. The issue had been openly discussed for months. The Senate debate was full and free. Most felt there was no other option.

I remember the Economist magazine of London said the embargo was failing. We either give up or fight. They concluded in their editorial: Our choice is to fight. The British Government reached the same conclusion, as did many others.

Of course, our vote was consistent with the 1999 resolution of this Senate signed by President Clinton to make it the official policy of our Government to effect a regime change in Iraq, so bad had Saddam's actions become even at that time. Still, there was no rush to war. President Bush powerfully made his case abroad and at the U.N. Countless efforts were undertaken to bring Saddam into compliance, but they all failed. The demands on Saddam became more and more direct, the warnings more and more explicit, and his utter refusal to comply with the agreements on weapons inspections and other U.N. resolutions became more and more obvious. He had made up his mind. The stark reality became clear. He would not ever voluntarily comply.

He thought he could break the coalition, that we would not invade, that he could continue on with his fantasy that Iraq, under his leadership, would dominate this whole region of the world. Please remember, the Senate vote consisted not just of a majority of the Democratic Members but it included the Democratic Party's Presidential candidate, its Vice Presidential candidate, its leader, its former Vice Presidential candidate, and then and current leaders. The decision was a bipartisan decision. Only then did we send our finest soldiers into harm's way—a bipartisan decision, after extensive debate by this body.

Our soldiers, as a result of this process, were then directed to engage and

defeat one of the world's largest armies, to effect a regime change in Iraq. The men and women of our military heard their Nation's call, as they have for so many years. They responded with professionalism, courage, and determination. The challenge was great. The initial hostilities and military actions went exceedingly well, but it was very dangerous and there were important threats that they faced throughout that effort. Saddam's forces were vast, but they collapsed relatively quickly in the face of our aggressive forces executing General Frank's superb battle plan. While the effort was fraught with dangers, as our media told us every night, and indeed there was considerable tough fighting, our soldiers were again magnificent. We all rejoiced to see the Iraqi celebrations break out.

Some said, What happened to the celebrations? They were there. We saw them on TV, to see the fall of the statue of Saddam. The coalition then set about to help this exhausted nation, brutalized by decades of oppression, rebuild itself with freedom and prosperity.

While the initial military conflict went better than we could have hoped, our vision for a prosperous and democratic Iraq is still on track. But it definitely has presented more difficulties than most of us anticipated. It has been hard. It has been difficult. Suicide bombers persist in their hateful bombings. Terrorists are still active against our forces and the people in Iraq, attacking their own people. Still, despite the violence, initial elections were completed with blue fingers held high and a separate election ratified the Constitution. Now the first democratic elections are set for December and are on track.

Vicious, terroristic suicide bombers remain. While they will be able to inflict suffering and fear on the people of Iraq and death on our soldiers, their efforts are and must be doomed. The terrorists offer no hope, no plan, no vision. They simply desire, like Saddam, to seize power and run Iraq for their own purposes, to control the reins of power for their own radical and twisted purposes.

But, our military personnel, soldiers, marines, sailors, and airmen, all one force, have performed magnificently. I have been to Iraq three times, and visited with active, Guard and Reserve units. I talked to the soldiers and we are so proud of them. They have not whined or advocated retreat. They want the war to be successful. Every day they go out on patrol placing their lives on the line to carry out the policies and directions we, the Senate, the House of Representatives, and the President gave them. Our soldiers know their civics. They are placing their lives on the line for America. Because in this Republic, the proper governmental authorities of the people have spoken.

Consistently, they tell me, their parents, and their friends that they believe in what they are doing. They know the Iraqi people want a better life. They, by countless acts of kindness and courtesy, amid the violence and strain of war, work to create good will, to explain democracy, and promote harmony. They want to help the Iraqi people to have a better life, and then, then they want to come home.

You bet they want to come home. But they truly desire that our noble goal, their mission for a better Iraq, be realized.

Who, more than our soldiers, knows the dangers from hidden and sneak attacks? Who knows the reality on the ground better than they? Certainly not the television networks constantly focusing on violence and contention who drop in and bug out.

But, colleagues, the greatest concern our soldiers have is that this Senate, our Congress, will lose its nerve and pull back before the job is done. You see, losing our nerve will undermine what they have accomplished by blood and sweat.

While remarkably steadfast and determined, they do not like what they see and hear from Congress or the media. Their successes ignored, the problems exaggerated. Their errors are highlighted. I am particularly concerned that our Senate debate in recent months has become infected by personal animosity and political venom. The rhetoric coming out of Congress is astounding. It was somewhat understandable last year, when we were in a Presidential election campaign, that the political language would be overheated. But, now, after the American people have affirmed President Bush's leadership by reelecting him with the first majority vote for President in many years, there seems to be a blind force driving some of my Democrat colleagues to prove their votes for military force in Iraq were wrong, and that our election was not an affirmation of our Nation's bipartisan Iraqi policy, but that this policy was a result of ''lies.'' What false and damaging rhetoric this is. I urge my colleagues to remember that the world, our enemies, and our soldiers fighting for our policies are listening. While there were intelligence failures, our leaders did not lie us into war. We Senators heard the same intelligence estimates and we voted to authorize war. The truth is this: We all heard the intelligence and we authorized those hostilities. Some of the intelligence was wrong, but it was not wrong that an unleashed Saddam, freed from his box, would again become a dangerous threat to world peace. That is a true fact. That is a strategic issue we faced. As we wrestle over the intelligence failures that occurred, we must not overreact. This Senate should never parrot the false charges of our enemies. If we make errors, confront them honestly and fix them. But undermining our Nation's position in the world, encouraging the enemy to falsely believe the U.S. is divided, and leading the enemy to believe that we may quit if they can just kill a few more American soldiers or marines is wrong, wrong, wrong. Political animosity in some cases seems to have so infected our rhetoric that criticism has become not constructive but destructive.

So my plea to my colleagues is insistent. Please remember that the world hears what we say here. Please remember that exaggerated political charges can do more than sting officials at home. The world hears what is said, and many believe what is being said.

This war was not based on a lie. I have explained how we came to our final vote. The issue of the existence of weapons of mass destruction in Iraq was important, but it was the strategic recognition that an unrepentant and triumphant Saddam, unloosed from the U.N. embargo and in acting violation of 16 U.N. resolutions, was the fundamental threat to us and to the world. And we certainly all knew that weapons of mass destruction would surely be his easiest tool for international intimidation.

The United Nations' final report when they exited the country concluded that Saddam had weapons of mass destruction and virtually all intelligence agencies in the world, including the French that certainly were not under, our control agreed. The Intelligence Committee report, phase I, unanimously passed 17 to 0, concluded, however, that the intelligence given to the President and Congress was wrong in part. The report specifically concluded that President Bush was not lying to the American people. And, importantly, the report concluded that the intelligence community was not pressured to alter or shape their views to please the President or anyone else.

Another major report, the Robb-Silberman Report—Senator Robb, a former Democratic Member of this body, was cochairman—on weapons of mass destruction, was clear. They found ''no evidence of political pressure to influence the Intelligence Community's pre-war assessments of Iraq's weapons programs . . . analysts universally asserted that in no instance did political pressure cause them to skew or alter any of their analytical judgements. We conclude that it was the paucity of intelligence and poor analytical tradecraft, rather than political pressure, that produced the inaccurate pre-war intelligence assessments.''

So why do our colleagues continue to promote what I believe are falsehoods? Why call the President and the Vice President liars? Why accuse them of sending soldiers to death based on some secret agenda? We debated it openly here for months. For the life of me, I can't understand it. We all—all of us—know the facts today; we knew the situation then; we know the score. There was no mystery when we voted to authorize military force, nor is there mystery now. The going, though, is tough in Iraq now. The need, therefore, is even greater for us to all work

together to meet the challenge and successfully conclude our policies to create a better, positive, democratic, and prosperous future for Iraq. We must pull together and focus on the goal we endorsed when the war started.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Rhode Island.

(The remarks of Mr. REED pertaining to the introduction of S. 1989 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from Washington.

VETERANS DAY

Mrs. MURRAY. Madam President, tomorrow our country is going to be celebrating Veterans Day. Together, across the country, we will be honoring the service and sacrifice that so many Americans have made to keep all of us safe and free.

Tomorrow, in the State of Washingon, I am going to join with local veterans at a breakfast for the Compass Center, which provides services to homeless veterans.

I will be at a ''Service of Remembrance'' at the Evergreen-Washelli Memorial Park in Seattle, and I will visit the Washington Soldiers Home in Pierce County.

I am looking forward to those events and the chance to share my thanks with those who have sacrificed so much.

Veterans Day is not just a ceremonial holiday. It is not just an occasion for us to thank others for what they have done for us. It is also a time to ask if we have done enough for those who serve our country. And that is a very timely occasion today with so many veterans coming home from places such as Iraq and Afghanistan, and with an aging veterans population that needs more care today.

So today I ask: Are we keeping our promise to those who served our country? Do our politicians and our budgets reflect the great debt that we owe to so many veterans?

I want to try to answer that question by looking at how we treat our veterans who need health care and how we budget for their needs and how we treat our Guard and Reserve members.

First of all, we recognize we have an obligation to those who serve us. When they signed up to serve our country, we agreed to take care of them. They kept their part of the bargain, and now we need to keep ours.

In my home State of Washington, we have made a tremendous contribution to that effort. I am sad to report that 102 servicemembers from Washington State have made the ultimate sacrifice on behalf of our Nation in this war in Iraq. They have earned a place of eternal honor in a rollcall of freedom.

We owe them and their families a debt that can never be fully repaid.

Many other veterans have come home to us with serious injuries, both visible and invisible. They need our help as well.

Today, more than 6,500 Washington State citizens are serving in Operation Iraqi Freedom and Operation Enduring Freedom.

Since 2001, more than 1 million Americans have served in Iraq and Afghanistan, and of those 20,000 have been from my home State of Washington.

Back in March, I traveled to Iraq and Kuwait. I had the opportunity to meet with a number of our Washington State National Guard who are serving our country there. I saw firsthand they were all operating under tremendously difficult and dangerous conditions. I also saw how every one of them was professional and fully committed to completing their mission.

We need to do right by everyone who serves us because we made a promise and because it keeps our military strong. The way we treat our veterans today affects our ability to recruit new soldiers tomorrow. But don't take my word for it. Listen to what George Washington once said:

> The willingness with which our young people are likely to serve in any war, no matter how justified, shall be directly proportional as to how they perceive the Veterans of earlier wars were treated and appreciated by their country.

Those are the words of George Washington. They are just as true today as when he said them.

Let's look at how well we are keeping our promise, starting with health care. We can all be proud the VA provides some of the best health care available anywhere in America. We have a great health care system in the VA, but we don't fund it like a priority. Every year it is a struggle to get Congress to provide the funding that is needed. That is why we need to make veterans health care spending mandatory so it is not subject to budget games every year.

This year we had a big fight to make sure veterans did not lose their health care. Starting last February, I began warning that the lines were growing at the VA and we needed to do more. I pointed to the many veterans who were returning home from Iraq and Afghanistan who needed care. Three times I offered amendments to boost VA funding in the Senate. And three times they were voted down. For months the VA and the administration assured us that everything was fine.

But then in June we learned that the VA was facing a massive shortfall of $1 billion. Again, I introduced a bill to provide the $1.5 billion in supplemental that the VA needed for funding. That time it passed.

Today, the House and the Senate are in negotiations to set the final veterans health care budget for fiscal year 2006. I am very concerned we will not provide enough funding. Yesterday, I joined with leaders from six national veterans service organizations to send a message. Together, we said we are watching. We expect the House and the Senate to keep their commitment to America's veterans. Any dollar below the Senate level is $1 taken away from a veteran. It is a VA clinic that will not be constructed. It is a VA doctor who will not be hired. It is a veteran who doesn't get the care America promised them when they enlisted. We cannot leave our veterans without care; we have to stick with the Senate budget in the final appropriations bill.

I am also very concerned about how we treat those who have challenges such as post-traumatic stress disorder. Instead of focusing on getting help to those who need it, today the VA is moving to scrutinize and stigmatize our veterans with post-traumatic stress syndrome. That is why I worked with Senators DURBIN and OBAMA to put language into the Senate VA bill that will require the VA to explain its plan to Congress and to hold veterans harmless, except, of course, in cases of fraud. Those protections have to stay in the final bill that emerges from this conference. We will be watching.

As I think about the way we treat veterans health care, it is pretty clear we need to do two more things. First of all, the VA has to provide an accurate accounting of how it is spending the money we have provided. It needs to give us a clear picture of the needs it is seeing throughout the country. Second, the Bush administration needs to start sending realistic budgets, no more gimmicks, no games—send a 2007 budget that is based on real numbers and real needs. They need to send a budget that takes care of both our aging veterans and our veterans of current operations. When I look at our budget and our priorities, I know we have a lot more work to do to keep our promise to our American veterans.

Another area that concerns me is how we are treating our Guard and Reserve members, especially when they come home from the battle front. In this war, we are relying on Guard and Reserve heavily. It is estimated that 40 percent of those on the ground in Iraq are citizen soldiers. Unfortunately, today the support services for the Guard have not kept pace with the way we are now relying on them in this war. They did not often have access to employment services or job training or family support or health care when they return home.

This past summer, I held a series of roundtables around the State of Washington. I heard from Guard and Reserve members who had come home, who could not find a doctor that accepts TRICARE. I heard about reservists who returned home and fell through the cracks without the payments or support they were promised. I heard from veterans who could not find a job when they came home to this country after serving so honorably.

Our transition services are left over from the Cold War. They do not work for a military that now today relies so

heavily on Guard and Reserve members. I fear this administration is moving the cost of war on to businesses and families who are our Guard members. I believe they have already sacrificed enough. To do our part, we have to update transition and employment services that we bring to the returning Guard and Reserve members.

As I evaluate today how we were treating our veterans, one thing is clear to me: America's military personnel are providing the highest level of service to our country, but we have got some work to do to make sure our support of them, when they come home, is equal to the service they have provided. I am committing to keep a promise our country has made. I ask for the support and leadership of every member of the Senate to do the same. We owe our veterans nothing less.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I commend my friend from the State of Washington for an excellent statement and comment. She has been a tireless worker in terms of veterans' rights. Listening to her today, reminds us once again about our responsibility to them. I commend her for her excellent presentation. I certainly want to work with her in every possible way to make sure those efforts are achieved for people not only in the State of Washington and Massachusetts but all across the country.

Madam President, how much time remains?

The PRESIDING OFFICER. Seventeen minutes remains.

Mr. KENNEDY. I ask the Chair to let me know when 1 minute is remaining.

The PRESIDING OFFICER. The Chair will notify the Senator.

IRAQ

Mr. KENNEDY. Earlier this week, Madam President, several of our Republican colleagues came to the Senate and attempted to blame individual Democratic Senators for their errors in judgment about the war in Iraq. It was little more than a devious attempt to obscure the facts and take the focus off the real reason we went to war in Iraq. Madam President, 150,000 American troops are bogged down in a quagmire in Iraq because the Bush administration misrepresented and distorted the intelligence to justify a war that America never should have fought. The President wrongly and repeatedly insisted that it was too dangerous to ignore the weapons of mass destruction in the hands of Saddam Hussein and his ties to al-Qaida.

If his march to war, President Bush exaggerated the threat to the American people. It was not subtle. It was not nuanced. It was pure, unadulterated fear mongering based on a devious strategy to convince the American people that Saddam's ability to provide nuclear weapons to al-Qaida justified immediate war.

The administration officials suggested the threat from Iraq was imminent and went to great lengths to convince the American people that it was. At a roundtable discussion with European journalists last month, Secretary Rumsfeld deviously insisted:

> I never said imminent threat.

In fact, Secretary Rumsfeld told the House Committee on Armed Services on September 18, 2002:

> . . . some have argued that the nuclear threat from Iraq is not imminent—that Saddam Hussein is at least 5–7 years away from having nuclear weapons. I would not be so certain.

In May of 2003, White House spokesman Ari Fleischer was asked whether we went to war because we said WMD were a direct and imminent threat to the United States. And Fleischer responded, ''Absolutely.''

What else could National Security Adviser Condoleezza Rice have been suggesting other than an imminent threat, extremely imminent threat when she said on September 2, 2002:

> We don't want the smoking gun to be a mushroom cloud.

President Bush himself may not have used the word ''imminent,'' but he carefully chose strong and loaded words about the nature of the threat, words that the intelligence community never used to persuade and prepare the Nation to go to war against Iraq.

In the Rose Garden on October 2, 2002, as Congress was preparing to vote on authorizing the war, the President said the Iraqi regime ''is a threat of unique urgency.''

In a speech in Cincinnati on October 7, President Bush specifically invoked the dangers of nuclear devastation:

> Facing clear evidence of peril, we cannot wait for the final proof—the smoking gun—that could come in the form of a mushroom cloud.

At an appearance in New Mexico on October 28, 2002, after Congress had voted to authorize war and a week before the election, President Bush said Iraq is a ''real and dangerous threat.''

At a NATO summit on November 20, 2002, President Bush said Iraq posed a ''unique and urgent threat.''

In Ft. Hood, TX, on January 3, 2003, President Bush called the Iraqi regime ''a grave threat.''

Nuclear weapons. Mushroom cloud. Unique and urgent threat. Real and dangerous threat. Grave threat. These words were the administration's rallying cry to war. But they were not the words of the intelligence community, which never suggested the threat from Saddam was imminent or immediate or urgent.

It was Vice President CHENEY who first laid out the trumped-up argument for war with Iraq to an unsuspecting public. In a speech on August 26, 2002, to the Veterans of Foreign Wars, he asserted:

> . . . We now know that Saddam has resumed his efforts to acquire nuclear weapons . . . Many of us are convinced that Saddam will acquire nuclear weapons fairly soon.

As we now know, the intelligence community was far from certain. Yet the Vice President had been convinced.

On September 8, 2002, he was even more emphatic about Saddam. He said:

> [we] do know, with absolute certainty, that he is using his procurement system to acquire the equipment he needs in order to enrich uranium to build nuclear weapons.

The intelligence community was deeply divided about the aluminum tubes, but Vice President CHENEY was absolutely certain.

One month later, on the eve of the watershed vote by Congress to authorize the war, President Bush said it even more vividly. He said:

> Iraq has attempted to purchase high strength aluminum tubes . . . which are used to enrich uranium for nuclear weapons. If the Iraqi regime is able to produce, buy, or steal an amount of highly enriched uranium a little larger than a single softball, you can have a nuclear weapon in less than a year. And if we allow that to happen, a terrible line would be crossed . . . Saddam would be in a position to pass nuclear technology to terrorists.

In fact, as we now know, the intelligence community was far from convinced of any such threat. The administration attempted to conceal that fact by classifying the information and the dissents within the intelligence community until after the war, even while making dramatic and excessive public statements about the immediacy of the danger.

In October of 2002, the intelligence agencies jointly issued a national intelligence estimate stating that ''most agencies'' believe that Iraq had restarted its nuclear program after inspectors left in 1998 and that if left unchecked, Iraq ''probably will have a nuclear weapon during this decade.''

The State Department's intelligence bureau, however, said the ''available evidence'' was inadequate to support that judgment. It refused to predict when ''Iraq could acquire a nuclear device or weapon.''

About the claims of purchases of nuclear material from Africa, the State Department's intelligence bureau said that claims of Iraq seeking to purchase nuclear material from Africa were ''highly dubious.'' The CIA sent two memoranda to the White House stressing strong doubts about those claims. But the following January 2003, the President included the claims about Africa in his State of the Union Address and conspicuously cited the British Government as the source of that intelligence.

Information about nuclear weapons was not the only intelligence distorted by the administration. On the question of whether Iraq was pursuing a chemical weapons program, the Defense Intelligence Agency concluded in September 2002 that:

> . . . there is no reliable information on whether Iraq is producing and stockpiling chemical weapons, or whether Iraq has—or will—establish its chemical warfare agent production facilities.

That same month, however, Secretary Rumsfeld told the Committee on

Armed Services that Saddam has chemical weapons stockpiles.

He said, ''We do know that the Iraqi regime has chemical and biological weapons of mass destruction,'' that Saddam ''has amassed large clandestine stocks of chemical weapons.'' He said that ''he has stockpiles of chemical and biological weapons'' and that Iraq has ''active chemical, biological and nuclear programs.'' He was wrong on all counts.

Yet the October 2002 National Intelligence Estimate actually quantified the size of the stockpiles, stating that ''although we have little specific information on Iraq's CW stockpile, Saddam probably has stocked at least 100 metric tons and possibly as much as 500 metric tons of CW agents—much of it added in the last year.'' In his address to the United Nations on February 5, 2003, Secretary of State Colin Powell went further, calling the 100 to 500 metric ton stockpile a ''conservative estimate.''

Secretary Rumsfeld made an even more explicit assertion in his interview on ''This Week with George Stephanopoulos'' on March 30, 2003. When asked about Iraqi weapons of mass destruction, he said:

We know where they are. They're in the area around Tikrit and Baghdad and east, west, south and north somewhat.

The administration's case for war based on the linkage between Saddam Hussein and al-Qaida was just as misguided.

Significantly, here as well, the Intelligence Estimate did not find a cooperative relationship between Saddam and al-Qaida. On the contrary, it stated only that such a relationship might develop in the future if Saddam was ''sufficiently desperate''—in other words, if America went to war. But the estimate placed ''low confidence'' that, even in desperation, Saddam would give weapons of mass destruction to al-Qaida.

But President Bush was not deterred. He was relentless in playing to America's fears after the devastating tragedy of 9/11. He drew a clear link—and drew it repeatedly—between al-Qaida and Saddam.

On September 25, 2002, at the White House, President Bush flatly declared:

You can't distinguish between Al Qaeda and Saddam when you talk about the war on terror.

In his State of the Union Address in January 2003, President Bush said, ''Evidence from intelligence sources, secret communications, and statements by people now in custody reveal that Saddam Hussein aids and protects terrorists, including members of Al Qaeda,'' and that he could provide ''lethal viruses'' to a ''shadowy terrorist network.''

Two weeks later, in his Saturday radio address to the Nation, a month before the war began, President Bush described the ties in detail, saying, ''Saddam Hussein has longstanding, direct and continuing ties to terrorist networks. . . .''

He said:

Senior members of Iraqi intelligence and Al Qaeda have met at least eight times since the early 1990s. Iraq has sent bomb-making and document-forgery experts to work with Al Qaeda. Iraq has also provided Al Qaeda with chemical and biological weapons training. An Al Qaeda operative was sent to Iraq several times in the late 1990s for help in acquiring poisons and gases. We also know that Iraq is harboring a terrorist network headed by a senior Al Qaeda terrorist planner. This network runs a poison and explosive training camp in northeast Iraq, and many of its leaders are known to be in Baghdad.

Who gave the President this information? The NIE? Scooter Libby? Chalabi?

In fact, there was no operational link and no clear and persuasive pattern of ties between the Iraq Government and al-Qaida. A 9/11 Commission staff statement in June of 2004 put it plainly:

Two senior bin Laden associates have adamantly denied that any ties existed between Al Qaeda and Iraq. We have no credible evidence that Iraq and Al Qaeda cooperated on attacks against the United States.

The 9/11 Commission Report stated clearly that there was no ''operational'' connection between Saddam and al-Qaida. That fact should have been abundantly clear to the President.

The Pentagon's favorite Iraqi dissident, Ahmed Chalabi, is actually proud of what happened. ''We are heroes in error,'' Chalabi said in February 2004. ''As far as we're concerned, we've been entirely successful. That tyrant Saddam is gone and the Americans are in Baghdad. What was said before is not important. The Bush administration is looking for a scapegoat. We're ready to fall on our swords, if he wants.''

What was said before does matter. The President's words matter. The Vice President's words matter. So do those of the Secretary of State and the Secretary of Defense and other high officials in the administration. And they did not square with the facts.

The Intelligence Committee agreed to investigate the clear discrepancies, and it is important that they get to the bottom of this and find out how and why President Bush took America to war in Iraq. Americans are dying. Already more than 2,000 have been killed and more than 15,000 have been wounded.

The American people deserve the truth. It is time for the President to stop passing the buck and for him to be held accountable.

I yield back the remainder of the time.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Parliamentary inquiry, Madam President: We are in morning business?

The PRESIDING OFFICER. Yes, for another 2 minutes.

EXTENSION OF MORNING BUSINESS

Mr. WARNER. Madam President, I ask unanimous consent that the period of morning business be extended another 5 or 6 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, reserving the right to object, could the time be evenly divided? I will not object if he wants to add time but that it be for both sides.

Mr. WARNER. Madam President, I am delighted to do that. We will have a 6-minute extension on each side in morning business.

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

Mr. WARNER. Madam President, if the Senator will entertain a question, we will allocate my time on the question, as I propound it, and to the extent he responds will be on his time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WARNER. Madam President, I was grievously concerned when the Senator said we are locked down in a quagmire in Iraq. I have made a number of trips there and completed a trip there several weeks ago with Senator STEVENS and Senator JOHN KERRY.

Our troops are not in a quagmire. They are fighting a very courageous war against international terrorism. The movement sparked by Osama bin Laden, Zarqawi, and others is a worldwide movement. It goes from Spain to Indonesia. And they have selected, in the last 6 or 8, maybe a year's time, Iraq as the focal point to where they will challenge the free nations of the world in this struggle against terrorism.

By no means, by no stretch of any measure of military analysis, can it be said that our troops are bogged down in a quagmire. They are fully mobile. They are working better than ever with the Iraqi security forces, largely trained by the coalition forces, who are now fighting side by side with coalition forces and engaging the enemy wherever they can find them.

Iraq is a nation with vast borders which are unsecure. There is really no way to secure them to the point you can stop total infiltration. But these infiltrations of insurgents throughout the world are responding to a worldwide challenge to the free nations. We awakened in the last few days, or in just 24 hours or less, to an attack in Jordan, again sparked by the worldwide move in terrorism, against the Kingdom of Jordan.

So I say to my friend, I would hope that this comment about ''in a quagmire'' is not relative to the courageous performance of the men and women of the Armed Forces in this war on terrorism in Iraq. They are fully mobile. They are selecting their field of battle. They are assisted by the Iraqi forces. And they are taking a toll on the terrorists.

I ask my colleague, do you disagree with that analysis?

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Well, Madam President, I have nothing but the highest regard and respect for those who are involved in the conflict and fighting for the United States. I regret sometimes that we have not provided them with the military equipment that we should have. But I have the highest regard and respect for the Armed Forces of the United States, and I have supported, and will continue to support, to make sure they have the equipment they need to carry on their mission. They are all heroes.

The question is the policy. At some time, I will respond, whenever—Madam President, what is the time allocation now?

The PRESIDING OFFICER. The Senator from Virginia has 3 minutes, the Senator from Massachusetts has 5 minutes.

Mr. KENNEDY. Fine. Well, that will be the answer. When the Senator is finished, I will be glad to respond generally to his theme.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, I am perfectly willing to, at this point in time, conclude this colloquy. I certainly feel I have had adequate opportunity to make my point. So unless the Senator so desires, we will proceed on with the bill.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Well, I will make a brief comment in response to the general statement that the Senator made and use my own time. And then the Senator can use whatever time.

Madam President, we were attacked on 9/11. We were attacked by Osama bin Laden. Where is Osama bin Laden today? Since 9/11 we have not captured him. The focus and attention was in Afghanistan. Nonetheless, this administration took us to war in Iraq. At that time, we had al-Qaida effectively by the throat and instead we lost that opportunity and now have ourselves bogged down in Iraq. That happens to be the fact. We have not enhanced the war against terror by being in Iraq. I think we made Iraq a training ground for terrorists.

So I differ with my friend and colleague. I think the job should have been finished in Afghanistan. That is where Osama bin Laden has been. But the idea that the President of the United States—as I illustrated in 15 minutes of direct quotes; and I will not repeat them—brought the United States to war on the basis of the dangers that Saddam Hussein had a nuclear weapon and there was a tie between Saddam Hussein and al-Qaida is basically wrong. That is not the Senator from Massachusetts saying that. That is the 9/11 Commission saying that.

Now, what is so wrong about trying to get the facts on this? The reason to get the facts and the reason it is so important—with the Rockefeller effort and the efforts by my friends, the Senators from Michigan and California, to get the facts—is because we do not want to repeat that. We have a dangerous situation in Iran. We have a dangerous situation in North Korea. We do not want to duplicate the mistakes that this country took with its leaders. We do not want to duplicate that. That is why this report is so important.

Madam President, I stand by my statement that I think that the war in Iraq was a grave mistake, that the American people were misled, and that there is ultimately not going to be a military solution. There is the quagmire: a military solution to solve the problem in Vietnam, a military solution to try and solve the problem in Iraq. It is not going to work.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, I will simply state to my colleague and fellow member of the Senate Armed Services Committee that it is well recognized that certain intelligence that was used by not only our President but the Prime Minister of Great Britain, the President of France—we could go on and on—was universally accepted at that point in time. History has shown that a good deal of that intelligence turned out to be inaccurate.

But there were many reasons for going to war in Iraq, not the least of which our forces were trying to enforce the United Nations resolution prohibiting Iraq from taking certain actions to the north and to the south.

They were actually firing on our aircraft that were trying to patrol and enforce U.N. resolutions. Saddam Hussein ignored consecutive resolutions of the United Nations. That whole structure was before the world, and he was flaunting it.

Most recently, I note that the United Nations Security Council has extended the basis on which operations are now being conducted by the coalition of forces in Iraq today.

With regard to the administration, I commend the administration for putting out, for example, this report called ''The Special Inspector General for Iraq and Reconstruction.'' It is very truthful with the American people and, indeed, the world on the successes and the lack of success in certain areas. This administration is being accountable for its participation as one of the several nations in the coalition in putting the facts down. But when the Senator says it is all for naught, I say to myself, Iraq is in a struggle to establish its own government. We have just seen the referendum on the constitution. They have adopted the constitution. The constitution is subject to further rework as the next government stands up in the aftermath of the December 15 elections—free elections, free elections that have not taken place in Iraq in several decades. Much has been accomplished to try to stabilize that nation to enable it to select, by the freedom to vote, its own government and the degree to which it wishes to join the rest of the nations in exploring the challenges of democracy, particularly in that area of the world.

I salute the men and women of the Armed Forces who have made this possible. Yes, we always hope that diplomacy can solve the disputes between nations. Diplomacy can be no stronger than the will to back it up and enforce the decisions of the diplomats. That has been done bravely by the men and women of the Armed Forces of the United States and other coalition forces.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, the definition of a quagmire is a complex or precarious position where disengagement is difficult. That says it, in regard to Iraq. This body understood the reason we went to war with Iraq was because this administration represented that Saddam Hussein had a nuclear weapon or was on the brink of getting nuclear weapons and, secondly, had ties with al-Qaida. Others may draw from another part of history, but I stand by that. Both of those facts are not so. It is important that we understand how we came about using those facts, which we see are not so, to make sure we are not going to make those mistakes in the future.

I yield back the remainder of my time.

Mr. WARNER. Madam President, parliamentary inquiry as to the status of the Senate at this time.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2006

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 1042, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1042) to authorize appropriations for fiscal year 2006 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:

Dorgan amendment No. 2476, to establish a special committee of the Senate to investigate the awarding and carrying out of contracts to conduct activities in Afghanistan and Iraq and to fight the war on terrorism.

Lautenberg amendment No. 2478, to prohibit individuals who knowingly engage in certain violations relating to the handling of classified information from holding a security clearance.

Talent amendment No. 2477, to modify the multiyear procurement authority for C–17 aircraft.

Mr. WARNER. Madam President, there is a further order for two votes to

occur beginning at the hour of 11:30. I think it would be helpful to all Members if the Chair would restate the timing and status of those votes.

The PRESIDING OFFICER. Under the previous order, the time until 11:30 shall be equally divided in the usual form, followed by a vote on the Dorgan amendment at 11:30, which will be followed by the Talent amendment.

Mr. WARNER. I thank the Chair.

Under the time I control, I yield such time as my colleague from Alabama may desire to speak. He will speak as in morning business, to reserve the time on the bill, on such aspects of the amendments that he so desires.

The PRESIDING OFFICER. The Senator from Alabama.

AMENDMENT NO. 2476

Mr. SESSIONS. Madam President, I rise to speak on the Dorgan amendment and share some thoughts about that. I think there has been a lot of misinformation, and the Senator has been misled in some of the allegations he is making and is certainly inaccurate in picturing our handling of the reconstruction effort in Iraq as being a wasteful enterprise. So much good has gone on. We need to talk about that. Where there are errors, as I will note, we are taking vigorous steps to correct them.

With regard to Senator KENNEDY's remarks, he said it is not the soldiers, it is the policy. We decided the policy. This Senate voted 78 to 22 to establish a policy with regard to regime change in Iraq. We authorized the President to execute military action if Saddam Hussein failed to comply, as Senator WARNER said, with the U.N. resolutions. We have a policy. He may not like it. He was 1 of the 22 who voted against it. But he ought not to be doing things that undermine the established policy of the United States, a policy that was bipartisan. A majority of the Democratic Senators supported it. The former Presidential candidate for the Democratic Party, its former Vice Presidential candidate, and another former Vice Presidential candidate all supported it. It is our policy. We established it, and we sent our men and women into harm's way to execute it. We don't need Senators undermining their ability to do their job and placing them at greater risk. It is wrong. Some people need to examine their conscience as we come up to November 11 tomorrow, Veterans Day.

I rise to speak on the reconstruction effort. Commander Paquette, who works with me, served in Iraq. He was there when the statue of Saddam fell. He had the responsibility for reconstruction in the northern third of Iraq. He is a good man. He put his life on the line for this country. He did what he believed was right. He didn't waste a dime of the American people's money. He had to pass out cash. That is the way you do business there—not to say there is something wrong with that. They don't have checks and banks. That is how you have to do business if somebody does work for you, you pay them in cash.

I am not by any means claiming that there have not been abuses, that contractors and others may have taken advantage of the difficult circumstances to exploit their profits. That is, unfortunately, the history of the world. We need to watch it constantly. I am a strong supporter of that and don't doubt that. But enough is enough. The reckless commentary we have been hearing has created in the media and with the American people a distorted view of the reality of what is happening on the ground in Iraq for reconstruction. It is the same thing that is occurring with regard to the detainee abuse scandal—greatly exaggerated, without any recognition of the efforts that have been taken to make sure abuses don't occur.

My colleagues on the other side of the aisle are requesting yet another investigation. They wish to create a special committee on war and reconstruction in the middle of this war. This special committee will look into matters that are already being investigated by the Government Accountability Office, an independent agency—not a Department of Defense agency—which we call on in a bipartisan way to investigate complicated matters. The Department of Defense inspector general is investigating all allegations. The Defense Contract Audit Agency, the State Department inspector general, the Army's inspector general, and other organizations are watching what goes on there and conducting investigations into any allegation of fraud or abuse that may be presented. And a special inspector general's office was created already to increase accountability. This is important. It is the Special Inspector General for Iraq Reconstruction, commonly called SIGIR in the theater.

The Senator from North Dakota offers examples of abuse that he claims need another investigation. I honestly believe these charges are exaggerated distortions of reality and overlook the great work that is being done there toward reconstruction. I could stand here and address many of these complaints, but I will take issue with three he has continually raised in recent months as evidence of the fraud and waste he suggests is occurring. We can consider the overall picture of how things are being done.

Point No. 1, the allegation that $85,000 brand new trucks were left on the side of the road to be torched and looted because they had a clogged fuel pump or because they had a flat tire—we have heard that, haven't we?

The decision to leave a vehicle behind in a combat zone resides with the convoy commander and his or her best judgment, not the Senate. There are cities in America where people would be hesitant to stay with a car at night. They would not want to stay there. They may have to leave that car if it broke down. Should the convoy commander call AAA? How about that—we are going to call AAA to come fix it. Waiting for a repair crew out there by yourself or a tow truck to arrive or leaving the whole convoy sitting in a hostile area is not a realistic scenario from a force protection standpoint. Speed and mobility are keys to life in the combat zone. Disabled vehicles are always planned to be recovered; however, on occasion, they may be destroyed by insurgents or criminal elements in Iraq if they break down. The life of each military member—what if it was your son or daughter, would you like for them to stay with a disabled vehicle—is worth more than any vehicle. I fully support the decision of our convoy commanders to abandon disabled vehicles to ensure the safety of the personnel under their command.

Point No. 2, contractors in Iraq are paid in large amounts of bundled cash.

These are Iraqi contractors who do work for us, and we want to use them wherever possible so that they can create jobs. They are paid in large amounts of bundled cash, as we heard the charges made. This is the quote:

> When it was time to get paid, just bring a big bag because we are going to give you cash.

The statement suggests the money is being given away, come and get it. That is simply not true. Payments for services in Iraq have to be made in cash. There is no central banking system in Iraq where checks could be processed or allowed for on some electronic fund transfer. A modern bank and currency system is being developed there now, but as of today, cash is the only way to effectively pay local Iraqis for their labor and materials. The average Iraqi worker performing under a Government contract is paid in U.S. dollars because that currency is accepted throughout that nation. The large bricks of money are needed because in many small towns and villages, paying workers in one hundred dollar bills is not practical. No one in these towns could break a one hundred dollar bill, so there was a need for payment in twenties, tens, and fives. Paying large contracts in small bills does create a large amount of dollars and necessitates bundling and transporting of money in bags and lockers. How else are you going to do that?

When I was in Iraq right after the war and was in the area in Mosul where Commander Paquette was working, I met personally with General Petraeus, commander of the 101st Airborne. He said the best thing he could do was to go out and see a problem in a neighborhood that could be fixed and to have his own discretion to engage a contractor and get that thing fixed. Maybe it is a bridge, a roof at the hospital, a door on the school.

Get it done right then and pay the person who did the work. He said that is the best way we can help create and reestablish this country. And he asked for more power.

Do you think General Petraeus is stealing the money? He was No. 1 in his

class at West Point. No, sir, this is a true patriot trying to serve our country to help Iraq and fix it up.

Point No. 3, they charge this. This is the quote and the charge

> There is massive waste, fraud and abuse going on with respect to contracting in Iraq . . . who is watching over this massive amount of fraud, waste and abuse? Nobody seems to care.

Nobody seems to care? That is not true. This statement is most misleading of all. It implies that U.S. tax dollars are just being wasted with no care or concern. However, 100 audits and management reviews have been performed to date by the GAO, the Defense Contract Audit Agency, the DOD inspector general, the Army Criminal Investigative Service, and so on. I met with the chief inspector general in Iraq, and he is a firecracker. I mean he is a totally focused man, dedicated to his job of establishing accountability and eliminating fraud.

Have there been instances of fraud? Sadly, yes. Those found guilty are being punished. Companies defrauding the Government have had payments withheld. They have been removed. Investigations and audits continue and those who violate criminal laws will be prosecuted. The Department of Defense and other Government agencies in charge of reconstruction in Iraq are reacting swiftly to the comments of the auditors and incorporating all of the recommended corrective actions.

There is even a special investigative body in Iraq, SIGIR, that issued the report I believe that Chairman WARNER quoted from with respect to the Special Inspector General for Iraq Reconstruction, a special inspector general for just Iraq.

Yet claims persist that no one cares, there is no oversight and no accountability. It is not true. It is a slander on our people whose lives are at risk serving our country in Iraq. As with detainee abuse allegations, time and again an objective review of the facts is slowly rolling back outlandish accusations that we have heard. Iraq is a war zone. It is a dangerous place in many areas. For too many in Congress and across the Nation we seem to overlook this fact, even while the media gives us all a daily count of fatalities.

As any soldier can tell you, paperwork is not always the first priority when someone is in combat. However, we place special trust and confidence in military officers and senior Government officials overseeing the expenditures of taxpayer funds. Continuing to claim fraud and abuse is rampant and that no one is accountable is directly questioning the competency and dedication of these professionals who are doing their best job possible in very difficult and many times dangerous circumstances.

There are areas in Iraq that are dangerous. And even the contractors' lives are in danger, as we well know. Their actions are making a difference. The most recent report to Congress from the SIGIR states—this is the Special Inspector General for Iraq Reconstruction. Listen to this:

> The positive results achieved in the reconstruction program are impressive . . .
>
> The United States has made steady progress in its part of Iraq's construction, despite the hazardous security environment, the fluid political situation, and the harsh realities of working in a war zone.

The media and the other side of the aisle spend too much time telling the negative side of what is going on in Iraq, I believe. To far too many Americans, the image of the conflict in Iraq is a burning humvee or the scene of a car bomb. I would like to show you a few before and after photos of how the reconstruction funds have benefitted the people of Iraq.

This first slide portrays reconstruction of the Ministry of the Environment Building. Here is the way it looked after the war. And here we see how it has been reconstructed. Somebody was paid for that. I hope it was an Iraqi contractor who had a family to feed. Commander Paquette says it was. This is a matter he has personal knowledge of, I believe. So somebody went out there and did a job similar to in the United States, did a great job of reconstructing this building that was utterly gutted.

Here is another one, the Az Zubayr Courthouse. Look at this courthouse here. Now, we have to have the rule of law. General Petraeus told me when he was in Mosul how he worked on that, had the Iraqis out here doing the work. Are they going to be paid or not? They don't want a check, I can tell you that. And here we have a new courthouse where we hope justice can be done.

Mr. WARNER. Madam President, will the Senator yield?

Mr. SESSIONS. I would be pleased to yield.

Mr. WARNER. Has the Senator put into the RECORD the name of the assistant he has worked with in developing this and explained about his background as having been there and participated? Because this is an extremely important segment of our debate that the Senator is filling in this morning. You are receiving a lot of this information from your very able assistant who is an on-the-scene individual responsible for some of this.

Mr. SESSIONS. I thank the chairman. I did not do enough. Commander Paquette was in Iraq shortly after Saddam Hussein's government fell, when the statue fell and he was given the charge of handling the northern third of the reconstruction effort for the military. He was a Naval lieutenant commander then and that was his responsibility in our joint effort. We have Navy people, Air Force people there, Army and Marines, of course, and he worked on the reconstruction effort. Much of what I am saying, many of these photos he has had personal involvement with.

Here is a hospital operating facility. You can see what a pathetic, sad thing it was—one little chair. Now, after we have come in with reconstruction efforts, you have a fully functional hospital.

Here is a bridge replacement with a new structure. This bridge was totally destroyed, broken here, and you can see the old bridge here, but a new bridge has been constructed. Somebody had to be paid to do that work. You can't rebuild a bridge for $500. If you pay people in cash, you have to have a bundle of cash to pay the expense of building a bridge.

How about this one. This is one Commander Paquette mentioned to me. This is a street in a town he personally has visited, with sewage running down the main street there, kids wading in it, he said. And here, after our work to create a sewage system, we have a safe street for this lady to walk on. And of course, you have heard about the sabotage of electric powers. This one was sabotaged and here you have Iraqis climbing up there fixing it. Are you going to climb up to the top of a tower like that and fix it and not be paid? Somebody has to pay you. They are not going to take a check. We have to pay them in cash, and that is what is being done, in an effective way, I believe.

I could go on. There are hundreds of examples such as this from all around Iraq, thousands of them. Let's not politicize this conflict. It is important. We are a nation at war, and the mission in Iraq is vital to ensuring democracy, that democracy takes hold in a region of the world that has known far too many tyrants and despots.

I am proud of the accomplishments of our military, our civilian and contractor personnel in Iraq. Many of them were former military people who retired, who brought their skills and who had the courage to go into dangerous areas. They are dedicated to improving the quality of life for millions of Iraqis and Afghanis and are doing so under very difficult circumstances.

As we approach Veterans Day, the Senate should spend a little less time advertising allegations of wrongdoing, allegations that we are already taking vigorous actions to deal with, and spend more time talking about what is going right. We owe it to the men and women we voted to send into harm's way. We owe it to their families and to the families of the fallen to tell them that their mission is important, that their sacrifice is making a difference for nearly 50 million people in a region that has known so much suffering and violence.

I thank the Chair. I also want to express my personal appreciation to Commander Paquette for his service. He will soon be leaving us, going back on active duty. He has been a tremendous asset to my office and helped me craft the legislation I am most proud of to double the death benefits for soldiers who lose their life in defense of our country. We appreciate it, and I thank him also for helping us bring a personal touch directly from the frontline in our efforts in Iraq.

I yield the floor.

The PRESIDING OFFICER. All time has expired.

The Senator from Virginia.

Mr. WARNER. Madam President, I want to say again how important is the debate our distinguished colleague from Alabama has provided the Senate this morning on these key subjects. It is reassuring. The Senator made, as did I, reference to this report, which I think is an accurate compilation of what has been achieved and what remains to be achieved and the struggle they are having with regrettably this cultural thing called graft, which is all pervasive throughout much of the Middle East, but nevertheless somehow we are overcoming that.

Mr. SESSIONS. I thank the chairman. I note I did meet that special inspector general. He impressed me. I know Senator COLLINS has met with him and is thoroughly impressed with him. He is very present throughout Iraq to make sure our dollars are being spent wisely.

Mr. WARNER. I thank the Senator.

Madam President, it is my understanding that the time under the control of the Senator from Virginia has now expired.

The PRESIDING OFFICER. The Senator is correct.

Mr. WARNER. And there remains what period of time?

The PRESIDING OFFICER. There is 20 minutes 15 seconds.

Mr. WARNER. Madam President, the Senate has already defeated this amendment twice—first on September 14, 2005, on the Commerce, State, Justice, Appropriations bill by a vote of 53–44 and then on October 19, 2005 on the Transportation, Treasury, Housing and Urban Development Appropriations bill by a vote of 54–44.

This amendment is unnecessary and duplicative of the current contracting oversight mechanisms created to meet the challenges that then Senator Truman identified. The Truman Committee was needed at the outbreak of World War II. There were no GAO or IG investigations, no Defense Contract Audit Agency or Defense Contract Management Agency. There were no conflict of interest laws to reign in the dollar-a-day men and no Truth in Negotiations Act, Whistle blower Protections, or Competition in Contracting Act.

The Armed Services Committee is currently performing its oversight tasks and I see no need for a Special Senate Committee to look at contracting practices in Iraq and Afghanistan.

The potential for fraud, waste and abuse is not limited to just Iraq and Afghanistan. The Air Force has just been through the worst contracting scandal in the last 20 years and the Armed Services Committee was at the forefront of uncovering this scandal by using normal committee legislative oversight tools. We conducted hearings, tasked the GAO and the Inspector General to review specific issues, and requested and reviewed thousands of documents.

The Armed Services Committee has conducted numerous hearings and briefings on acquisition oversight and reform, including oversight of contracting in Iraq, and initiated numerous investigations by the GAO and the Inspector General on DOD acquisition practices and programs.

Senator ENSIGN plans to conduct several more Iraq contracting hearings in the near future in the Readiness Subcommittee and Senator MCCAIN is conducting a series of hearings on the overall procurement process.

The Office of the Special Inspector General of Iraq Reconstruction was established to look at Iraqi contracting. This new IG has routinely briefed this Committee and others on its findings.

Section 823 of this bill establishes a contract fraud task force at DOD to identify potential areas where DOD is susceptible to fraud, waste and abuse. This group will inform Congress on how to modify our contracting laws wherever we need to get tougher on contract fraud.

This is how best to conduct our oversight—through the established committee process and established oversight mechanisms. I am sure that the Chairman of the Senate Foreign Relations Committee who shares responsibility for the oversight and jurisdiction of contracts in Iraq, as well as the Chairman of the Homeland Security Committee who has jurisdiction of Federal contracting would agree.

I appreciate the concerns of the sponsors of this legislation. However, I do not support the establishment of a new special committee which would duplicate the work of this committee and others and only look at a narrow amount of Federal expenditure.

The PRESIDING OFFICER. Who yields time?

The Senator from Michigan.

Mr. LEVIN. Madam President, is the time between now and 11:30 allocated?

The PRESIDING OFFICER. All time remaining until the vote is controlled by the Senator from Michigan.

Mr. LEVIN. I thank the Presiding Officer. I know that Senator DORGAN wanted some of this time. I would have a couple comments relative to the Dorgan amendment, first of all. I happen to agree with what has been recently said about the Special Inspector General for Iraq Reconstruction. He, indeed, would be a useful witness for the Senate to call, and I hope that either the Armed Services Committee or the Homeland Security and Governmental Affairs Committee would call that Special Inspector General for Iraq Reconstruction so that he could come and testify before us. That has not been done.

The Department of Defense IG has withdrawn his people. These are the people who look at the contracts with the contractors that are supporting our troops. The DOD IG withdrew his people so that there are no longer those folks on the ground who can tell us about those contractors. I do not believe that the Government Accountability Office people have been called to testify before the Senate.

There are a lot of issues. There are a lot of issues about the initial contract, why it was awarded on a sole-source basis, whether the CPA, the provisional authority, was overcharged by Halliburton for oil which was purchased. There are serious questions about meals which were served or not served. There are questions about whether Halliburton had the estimating, subcontracting, and financial management systems they needed to run two multibillion dollar contracts. There are a lot of questions which need to be reviewed. They ought to be reviewed. And we ought to have Senate committees that are calling these people to testify in front of us. It seems to me that in the absence of that, what Senator DORGAN is doing is saying: Let's have a Truman-type committee, a special inspector general to look at the contracting issues. Not only do I see nothing wrong with it, it has tremendously powerful precedent.

It is named the Truman committee because Harry Truman, in the middle of a war—I emphasize in the middle of a war, World War II—Harry Truman, a Democrat, with a Democratic President, was willing to undertake an investigation of contracting practices and procurement practices because he felt the war was being exploited for profit by certain persons who were trying to profiteer off the bravery of others.

There is no disagreement among any Member of this body that I know of about the bravery, the professionalism, the courage of our troops. They deserve everything we can give them, and I believe we are giving them everything they need. There is no disagreement about that here. When Members of this body get up and are critical about the way in which this war has been won, it seems to me that is what we owe our troops. We not only owe them the material and the training and we owe their families everything, but we also owe them our best thinking. And our best thinking is not unanimous. There is not a consensus. There are not 100 people here who are cloned to think the same way. There are different thoughts.

We owe our troops our best, honest, conscientious thinking, and when people get up on this floor and provide that thinking, particularly where it is critical, it should not just be characterized as somehow or another undermining our troops.

Our troops depend upon us for the equipment, the training, the materiel, morale, for the support of their families. They depend on us for that. They are entitled to that. People who stand up and give their best thinking are supporting our troops in the best sense of

the word; they are giving them their best, honest, conscientious thoughts as to how we can succeed in Iraq and make the best of a situation that is not going well, not just stay the course, stay the course, which is a bumper sticker, not a strategy, but how can we modify this course to increase our chances for success.

I want to yield the floor. I see Senator DORGAN is in the Chamber. I know he wants to speak on his amendment. I yield to him such time as he needs to speak relative to his amendment.

The PRESIDING OFFICER (Mr. THUNE). The Senator from North Dakota.

Mr. DORGAN. Mr. President, my colleague from Michigan has said it pretty well. This is not an unusual time. The money we have spent with respect to the war in Iraq and the reconstruction of Iraq are not usual expenditures. We have been asked, and the Congress has complied, with support for legislation that moves $50 billion, $60 billion, $20 billion—huge chunks of money—to pursue, first of all, the war in Iraq to support our troops and also to pursue what is called the reconstruction of Iraq.

Almost all of that—I think perhaps all of it—was done without any requirement to pay for it. It was all designed as an emergency, just to add it to the debt of this country.

My colleague, Senator LEVIN, said we have not in any way, nor would we refuse any request that would be helpful to our troops. When we ask men and women in uniform to risk their lives, we have a responsibility to them, and that is to give them everything they need to carry out the mission they have been asked to carry out. That is not what is at issue with this amendment.

This amendment is designed to respond to what we already know, and everyone in this Chamber knows, is a massive amount of waste, fraud, and abuse of the taxpayers' money. I spoke yesterday about this, but can anyone here justify having the American taxpayers purchase $85,000 trucks to be used on the roads of Iraq by contractors, and when the trucks get a flat tire, what do they do with them? They leave them beside the road and let them be torched. An $85,000 truck with a plugged fuel pump, what do they do? Abandon it. It is a plus-cost, sole-source contract. The American taxpayer will pay for that; don't worry about it. The list is almost endless.

A company—Halliburton in this case—charged the taxpayers for 42,000 meals served to American troops. It turns out they were only serving 14,000 meals. They have overcharged us by 28,000 meals. The people who last were responsible in the Pentagon, now retired, for managing all the fuel contracts to move fuel to the battlefield, after they retired they came back and testified and said: What has happened since is just unbelievable. The massive overcharges to move fuel to the battlefield by these contractors is almost unthinkable.

The stories go on and on. Renting a car for $7,500 a month, buying towels for the troops, double the price so you can put the company logo on it because the company tells their buyers that is what they are required to do: Double the cost of the towels so we can put our company logo on it.

How many of these stories do we need? Do we need 100 more stories like it? There is rampant waste, fraud, and abuse.

Why is that the case? Because massive quantities of money are being shipped over there in pursuit of reconstruction. Massive quantities of money are going, in many cases, to no-bid, sole-source contracts under the buddy system, and the taxpayers, I think in many of these cases, are being robbed blind. Will someone do something about it?

This amendment I have offered would establish what I call a Truman-type committee. Harry Truman stood on this floor in the 1940s in the middle of a war with a President of his own political party in the White House, and said: I think there is substantial waste, fraud, and abuse in military contracting and in military spending. They formed a special Truman committee, and he went after and uncovered tens of billions of dollars, in today's dollars, of waste, fraud, and abuse.

Normally, we would do this through oversight hearings, but we have not had many oversight hearings. In some cases, in other venues, none at all; in other venues, a few but really no aggressive oversight hearings designed to track this massive amount of money.

Yesterday, I showed a picture of a fellow who testified at a hearing I chaired that we have been doing in the Policy Committee. Why? Because the regular committees don't want to have oversight hearings. Why don't they want to do that? I guess they don't want to embarrass anybody. It would be embarrassing to the White House, I guess, if we had hearings about no-bid, sole-source contracts under the buddy system to big companies that then waste a lot of money. It would be embarrassing to display that in public.

The fact is, we owe it to the taxpayers to get rid of the waste, fraud, and abuse. Yesterday, I showed a photograph of money that was in the downstairs vault of a building that was occupied by the Coalition Provisional Authority in Iraq, which was us, by the way. CPA is us, not anything else. It is a fancy name for us. They were dealing in cash. I showed a photograph of one hundred dollar bills wrapped in Saran Wrap in bundles. The guy who testified at my committee and who was pictured in that photograph said: We told all the contractors, show up with a bag because we pay in cash. He said this was like the Old West. Bring a bag, we pay in cash. He said: We actually threw around like a football those bundles of one hundred dollar bills wrapped in Saran Wrap. You would be able to play catch with them. It was the Old West.

After all, when we provide funding for these contracts, it doesn't come out of the pockets of the 100 Members of the Senate. It is taxpayers' money, and we have a responsibility to the taxpayers to make sure it is spent appropriately.

If all of the 100 Senators would sit and listen to the stories I have listened to in many hearings now from contractor employees who were sickened and disgusted by the waste, fraud, and abuse they saw, if all of the Members of this Senate could hear that and then vote against an amendment that asks for this kind of long-term investigation, I don't know how they can sleep at night.

We have had this vote previously, and sufficient Members of the Senate have said it does not matter what the evidence is; I don't intend to support a special type committee to investigate this waste, fraud, and abuse. And they have prevailed. So we will have another vote today.

I say to those Senators who have voted against this amendment previously, if they still believe this waste, fraud, and abuse doesn't matter very much, then vote against it. If they still believe it is OK for the regular committees of the Senate not to hold any significant oversight hearings, not to do their due diligence, not to meet their accountability responsibility, and they don't care about that, then vote against this. Just vote against it, it doesn't matter. But then they should not stand up at home and say to their constituents that they care about how this money is spent when there is such dramatic evidence of waste, fraud, and abuse.

I used some newspaper headlines yesterday to describe the charges: $18.6 million worth of Government equipment missing at the moment that a contracting company was given to manage. One-third of the equipment that company was entrusted with at this point cannot be accounted for. Does it matter? Is somebody looking into this? It doesn't look like it to me. It is really pretty unbelievable. I have spoken before. I am guessing nobody in this Chamber—at least only a few in this Chamber—care.

My colleague from Michigan was at a hearing we held with Bunnatine Greenhouse who rose to become the top civilian contracting official in the Corps of Engineers. She was the top civilian contracting official in the Corps of Engineers. She had outstanding recommendations every single year. She was an outstanding Federal employee, and she was in charge as the highest civilian in the Corps of Engineers for making sure contracting was done properly.

As the war in Iraq ramped up and some companies began to get substantial no-bid contracts under the old buddy system, she said this doesn't meet the test of the law; you are violating the procedures of the Corps of Engineers. You are not doing things

the right way; there is a right way and wrong way to do things. You do it this way. We are going to see substantial waste, abuse, and fraud. When she started raising those questions, something important happened to her. She was told one of two things will happen: You will either be fired or you will be demoted.

This public servant had the courage to speak up and speak out against practices she thought were horribly unfair and were going to hurt this country, and she paid for it with her career.

What a message to send to those who have the courage to blow the whistle and speak up. Does anybody care about that? It doesn't appear so. It really doesn't appear that way. We have asked Secretary Rumsfeld. We sent many letters to Secretary Rumsfeld. It is like sending those letters into a deep abyss someplace. You get a little one-paragraph reply saying: Got your letter, get back to you later. And there will never be a later. That is the way it works. Zip it up, cover it up, sew it up, it doesn't matter and, oh, by the way, ask Congress for more money; they will certainly appropriate it. Don't worry where it is going. If it is waste, nobody cares very much and, by the way, if somebody does care and raises the issue, we will have sufficient votes on it to say we won't do anything about it. And those sufficient votes will go home and talk about the fact, boy, they are tigers watching out for the American taxpayers. Hardly. Hardly.

We will see, once again, in a few minutes whether people really do care about this and whether they are willing to own up to the oversight responsibility Congress has, to care about how the taxpayers' money is spent.

This case is made. This is not an open case, it is not an argument that has to be made. This case is made. The evidence is all around us. The question is whether enough Senators will care.

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

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I ask unanimous consent that I speak on the bill for just a minute or two.

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

Mr. WARNER. Mr. President, I say to my good friend and colleague, if there is an award to be made for determination, he has it on this particular issue. It is interesting that the Senator from North Dakota invoked a good deal of history as to the Truman committee. I think colleagues should know, however, that the Senate has already addressed this amendment on two previous occasions: first on September 14, 2005, on the Commerce-State-Justice appropriations bill. The vote was 53 to 44, defeated, and then again on October 19, 2005, on the DOD appropriations bill. Again, the Senate rejected it 54 to 44. Those matters should be before Senators.

Mr. LEVIN. Mr. President, if the Senator will yield, since Senator DORGAN does have another minute left, I believe, and I want to give him an opportunity to respond, I will use 30 seconds of that time simply to say that Senator DORGAN has, indeed, been tenacious. There has been an absence of oversight in this area which has been glaring. He has almost by himself filled in some of those gaps as he described it. He should not need to do that. We should either have the committees doing that or else we need this special Truman-type committee.

I commend him for his tenacity. I am glad he is bringing this to a vote, and maybe one of these days—hopefully today—he will prevail.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. At this point in time, a vote is imminent.

EXECUTIVE SESSION

NOMINATION OF DONALD C. WINTER, TO BE SECRETARY OF THE NAVY

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate now proceed to the Executive Calendar.

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

Mr. WARNER. I ask unanimous consent that the Senate immediately proceed to executive session to consider Calendar No. 410. I further ask unanimous consent that the nomination be confirmed, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and finally that the Senate then return to legislative session. This has been cleared on both sides.

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

The nomination considered and confirmed is as follows:

DEPARTMENT OF DEFENSE

Donald C. Winter, of Virginia, to be Secretary of the Navy.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I believe now the confirmation has taken place?

Mr. WARNER. That is correct.

Mr. LEVIN. I wish to have a very brief colloquy with my dear friend from Virginia on this matter, which I think he would want to comment briefly on, and that is I understand that once Secretary Winter is confirmed, which he now is, the Department of Defense will adopt an approach under which Secretary England will continue to act as Deputy Secretary of Defense on an interim basis. This approach is lawful, but it is temporary only and it is not intended to establish a pattern for future appointments. Would the Senator agree with that statement?

Mr. WARNER. Yes, Mr. President. This is a subject I have discussed with the administration and most specifically with the Secretary of Defense. I assure my colleague that it will not establish a pattern because to me the advice and consent process is a very precise obligation of the Senate. This type of action is taken in this case because it is my understanding that the President will make a recess appointment within 120 days, and I assure the Senator this matter will not go beyond the 120 days.

I thank the Senator for bringing it up, and I thank him for his cooperation and the cooperation of other Senators on this matter.

Mr. LEVIN. I do welcome that assurance. It is important for this institution. Whether the President is a Democrat or a Republican makes no difference on this issue. This is a matter of this institution asserting its constitutional responsibility, and I thank my friend from Virginia.

Mr. WARNER. Mr. President, I spoke with Secretary of Defense Rumsfeld very early this morning on this issue.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2006—Continued

Mr. WARNER. Mr. President, under the order, the Senate is about to address the amendment by the distinguished Senator from North Dakota.

AMENDMENT NO. 2476

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. How much time remains?

The PRESIDING OFFICER. All time for debate has expired.

Mr. DORGAN. I ask unanimous consent for 30 seconds.

Mr. WARNER. Yes.

Mr. DORGAN. The Senator from Virginia is quite right that we have twice before voted on this amendment and I believe ignored the value of the amendment. In almost all cases, there is virtue in being consistent, but being consistently wrong is hardly virtuous. My hope is the Senate will understand the value of this amendment this morning as we vote on it for the third time.

Mr. SESSIONS. Mr. President, I ask unanimous consent to have 30 seconds to respond?

Mr. WARNER. Yes.

The PRESIDING OFFICER. Is there objection?

Mr. DORGAN. Mr. President, respond on this amendment?

Mr. SESSIONS. I ask unanimous consent to make one point on this amendment.

Mr. WARNER. With time being given to the Senator from North Dakota if he wishes to rebut.

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

Mr. SESSIONS. Mr. President, he asked for 30 seconds, and I thought I would get 30 seconds after all time had expired.

The Department of Defense inspector general is working on this. I say this in response to the idea that nothing is being done and nobody cares. That is not true. The Army inspector general's office is fully engaged. The Army Criminal Investigation Department is engaged. The Defense Contract Audit Agency is engaged. The Defense Contract Management Agency is looking at these things. Most important, in response to Senator DORGAN's concerns and others, a Special Inspector General for Iraq Reconstruction is engaged and is very tough and capable.

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

Mr. DORGAN. In 30 seconds, I say the Senator has just made my point. He recited a long description of people interested in this, none of whom reside in the Congress. The oversight responsibility belongs to the Congress. It belongs here, and it is not happening here. That is precisely the point I believe the Senator made on the floor just a moment ago. That is precisely why we ought to support this amendment.

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

The PRESIDING OFFICER. They have not been ordered.

Mr. WARNER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

Mr. WARNER. I further request the yeas and nays on the Talent amendment which follows.

The PRESIDING OFFICER. The yeas and nays have been ordered on the Talent amendment.

The question is on agreeing to the amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Tennessee (Mr. ALEXANDER).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted ''no.''

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) and the Senator from Hawaii (Mr. INOUYE) are necessarily absent.

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

The result was announced—yeas 44, nays 53, as follows:

[Rollcall Vote No. 316 Leg.]

YEAS—44

Akaka	Dodd	Leahy
Baucus	Dorgan	Levin
Bayh	Durbin	Lieberman
Biden	Feingold	Lincoln
Bingaman	Feinstein	Mikulski
Boxer	Harkin	Murray
Byrd	Jeffords	Nelson (FL)
Cantwell	Johnson	Nelson (NE)
Carper	Kennedy	Obama
Chafee	Kerry	Pryor
Clinton	Kohl	Reed
Conrad	Landrieu	Reid
Dayton	Lautenberg	Rockefeller
Salazar	Sarbanes	Stabenow
	Schumer	Wyden

NAYS—53

Allard	Dole	McConnell
Allen	Domenici	Murkowski
Bennett	Ensign	Roberts
Bond	Enzi	Santorum
Brownback	Frist	Sessions
Bunning	Graham	Shelby
Burns	Grassley	Smith
Burr	Gregg	Snowe
Chambliss	Hagel	Specter
Coburn	Hatch	Stevens
Cochran	Hutchison	Sununu
Coleman	Inhofe	Talent
Collins	Isakson	Thomas
Cornyn	Kyl	Thune
Craig	Lott	Vitter
Crapo	Lugar	Voinovich
DeMint	Martinez	Warner
DeWine	McCain	

NOT VOTING—3

Alexander	Corzine	Inouye

The amendment (No. 2476) was rejected.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2477

Mr. WARNER. Mr. President, if we could have order in the Senate, can the Senators with this amendment be recognized for, I think, 2 minutes each?

Mr. TALENT. Mr. President, Senator LIEBERMAN and I have introduced this amendment which we believe is crucial in providing our Armed Forces with the air transport capabilities they need. The amendment is cosponsored by Senators STEVENS, BOXER, FEINSTEIN, CORNYN, CHAMBLISS, and a number of others. We have worked with the chairman, the ranking member, and the managers, and are grateful for their help. It has been cleared on both sides. It is an important amendment. I encourage the Senate to agree to it.

Mr. MCCAIN. Mr. President, I oppose the amendment. There has been a mobility capability study which indicates that we have an acceptable number for this capability.

We are looking at cuts in defense spending, and there are a lot of tremendous cost overruns. We are looking at rapidly escalating procurement costs. These additional aircraft are not needed. They are not needed today. I believe we have to at some point have some kind of discipline and listen to what we need and have in capabilities, and this is not one of them.

I yield the floor.

Mr. DODD. Mr. President, as many of you may know, almost every person in uniform who has looked at this believes that this program is of critical importance to our national security structures in the 21st century. There is not any debate that exists there. We believe it is an important element. If we don't do this, there is a great fear that this line will be dropped and the C–17 will be lost.

We, obviously, have an interest in Connecticut. The engines are made in our State. But this aircraft is far more important than where the engines or the bodies are made. It is important to our national security needs. That is why we have this bipartisan support.

We thank the chairman and ranking member for their support as well of the amendment being offered by the Senator from Missouri and the Senator from Connecticut. I am proud to be a sponsor of it.

We urge adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Tennessee (Mr. ALEXANDER).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted ''yea.''

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) and the Senator from Hawaii (Mr. INOUYE) are necessarily absent.

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

The result was announced—yeas 89, nays 8, as follows:

[Rollcall Vote No. 317 Leg.]

YEAS—89

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

NAYS—8

Allard	Kyl	Sununu
Feingold	McCain	Thomas
Kohl	Sessions	

NOT VOTING—3

Alexander	Corzine	Inouye

The amendment (No. 2477) was agreed to.

Mr. WARNER. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, we are making progress on this bill. It is the intention of the joint leadership, the majority leader, and the Democrat leader, that this bill be finished. Senator LEVIN and I are doing the best we can to accommodate all colleagues.

The amendments we know of that remain—one by the distinguished Senator from South Carolina. At this time I would like to set the hour of 2:30 to consider that. Is that agreeable?

We simply bring it up at 2:30 and we determine how it unfolds with regard to second degrees.

Mr. LEVIN. The Senator from Massachusetts is ready to proceed with his amendment.

Mr. WARNER. There is no objection to that.

Mr. LEVIN. Senator AKAKA needs 5 minutes—have you gone through this?

Mr. WARNER. What I am trying to get at the moment is the amendments, and then we will try to splice in periods of time for our colleagues to speak to other matters on the bill.

Mr. LEVIN. We are hopeful we can complete the drafting of an Iraq amendment in the next half hour which, if we succeed, we would want to show it to the Senator from Virginia, but it may take some real time this afternoon.

Mr. WARNER. Fine. Let's deal with the known quantities.

The Senator from Massachusetts wishes to bring up an amendment which is within the 12 amendments of the Senator from Michigan. That is to be taken up now. We will proceed with that. There may well be an amendment in the second degree; I cannot anticipate that.

Mr. LEVIN. If I could ask the Senator to yield, the Senator from Minnesota has an amendment or needs morning business?

Mr. DAYTON. To speak on two amendments already included in the managers' package.

Mr. WARNER. We will try and package, for the moment, two items. The Senator from Massachusetts will now proceed on his amendment. We cannot predict how long it will take because we do not know of the potential for second degrees. That will take place under the underlying unanimous consent. At 2:30 we take up the amendment of the Senator from South Carolina and proceed on that.

Mr. LEVIN. With a second-degree amendment expected on that.

Mr. WARNER. So let us get those two locked in for the moment.

Mr. LEVIN. Excuse me. We made reference to two other Senators within that period of time. Senator AKAKA would get 5 minutes for morning business, and I want to make sure the Senator from Minnesota, within that same time period, will have 10 minutes that relates to the pending amendments, as I understand the Senator.

Mr. DAYTON. Amendments to the bill that are in the managers' package.

Mr. WARNER. And Senator BURR needs 5 minutes.

Within that period of time we will accommodate the three colleagues for the matters they wish.

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

Mr. WARNER. Further, I wish to inform Senators that the likelihood of any votes between, say, the hour of 12:45 and 2 o'clock is most unlikely. As a matter of fact, I ask unanimous consent there be no votes during that period of time to accommodate a number of Senators on both sides.

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

Mr. LEVIN. Does the Senator expect the possibility of a vote before 12:45?

Mr. WARNER. No.

Mr. LEVIN. So it is unlikely between now and when?

Mr. WARNER. 2:15.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. I understand the Senator from Hawaii wants to speak for 5 minutes. I ask unanimous consent the Senator from Hawaii be recognized for 5 minutes and I be recognized at the conclusion.

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

The Senator from Hawaii.

VETERANS DAY 2005

Mr. AKAKA. Mr. President, I thank my friend and colleague, Senator KERRY, for the time.

Tomorrow is Veterans Day. I pause this morning and join my fellow Americans in paying homage to those who served in this Nation's Armed Forces.

Observance of this day is a wonderful tradition that allows all Americans to reflect upon the sacrifices made by our veterans in protecting our freedoms and liberties. This Veterans Day is especially poignant during this time of conflict.

Our current battles abroad are a constant reminder of the ordeals our soldiers of this war and past wars endured on behalf of this great Nation. I commend the many soldiers, sailors, airmen, and marines on Active Duty, and the National Guard and the Reserves, and their families for their service to our country. Our support of our service members must be steadfast and strong.

Veterans Day has a long and important history. In 1911—at the eleventh hour of the eleventh day of the eleventh month—an armistice was signed between the Allied nations and Germany, effectively ending World War I, then hoped to be ''the war to end all wars''. In November of 1919, President Wilson proclaimed November 11 the first commemoration of Armistice Day.

This great day was initially celebrated in honor of those veterans who fought in World War I.

It was not until 1954 that Congress, at the urging of veterans service organizations, renamed Armistice Day as Veterans Day to extend the commemoration to all those who have so honorably served this Nation.

Although we pause today to commemorate the service of those who served on behalf of this grateful Nation, we must make certain that this day has meaning and is not merely set aside for fanfare and speeches. Indeed, we must make certain that our veterans have our commitment and support every day and not just Veterans Day.

Too often our veterans' priorities are not our own. As we saw earlier this year, VA had a tremendous funding shortfall.

It took some too long to acknowledge what so many of us had known for some time—that VA health care was not being funded at an adequate level—a level commensurate with the sacrifice that our veterans made on the beaches of Normandy, the harbors of Hawaii, the jungles of Vietnam, and the deserts of the Middle East.

I am pleased that VA has announced that it is suspending its planned review of 72,000 post traumatic stress disorder claims. This is surely great news for all veterans because many times VA compensation is the sole source of income for a veteran and his family.

We must put into practice daily the sentiment that Abraham Lincoln expressed when he said during his second inaugural address that we should—and I quote the President—

care for him who shall have borne the battle and for his widow and for his orphan.

Our 25 million living veterans are the backbone of this Nation.

Today, I want to personally express my gratitude to all veterans of our Armed Forces and thank them for their service.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Massachusetts.

AMENDMENT NO. 2507

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KERRY] proposes an amendment numbered 2507.

Mr. KERRY. 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 require reports on clandestine facilities for the detention of individuals captured in the global war on terrorism)

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

SEC. ___. REPORTS ON CLANDESTINE DETENTION FACILITIES FOR INDIVIDUALS CAPTURED IN THE GLOBAL WAR ON TERRORISM.

(a) SECRETARY OF DEFENSE REPORT.—

(1) REPORT REQUIRED.—Not later than sixty days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a detailed report on the knowledge of the Secretary, and of the personnel of the Department of Defense, on whether or not there exists, or has existed, any clandestine facility outside of United States territory for the detention of individuals captured in the global

war on terrorism, whether operated by the United States Government or at the request of the United States Government.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) Whether or not the Secretary or any personnel of the Department of Defense have affirmative knowledge that a facility described in paragraph (1) exists.

(B) If the Secretary or any such personnel have affirmative knowledge that such a facility does exist—

(i) the existence of such facility;

(ii) any support provided by the Department of Defense to any other department, agency, or element of the United States Government, or any foreign government, for the establishment, operation, or maintenance of such facility;

(iii) the amount of funds obligated or expended by the Department in furtherance of the establishment, operation, or maintenance of such facility;

(iv) whether the Department has transported individuals captured in the global war on terrorism to or from such facility, and if so—

(I) the number of such individuals;

(II) the date of transfer of each such individual to such facility;

(III) the place from which each such individual was so transferred; and

(IV) the identity of the agency or authority in whose custody each such individual was held before such transfer.

(v) whether any detainee in such facility is expected to be prosecuted by military commission or another system for administering justice; and

(vi) the interrogation procedures used on each individual detained in such facility.

(C) Whether or not the Department has ever held any individual captured in the global war on terrorism at a facility controlled by the Department at the request of, or in cooperation with, another department, agency, or element of the United States Government, and for any such individual so held, a detailed description of the circumstances surrounding the detention of such individual and the disposition, if any of such individual.

(3) FORM OF REPORT.—The report required by paragraph (1) shall be submitted in classified form.

(b) DIRECTOR OF NATIONAL INTELLIGENCE REPORTS.—

(1) REPORTS REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Director of National Intelligence shall provide to each member of the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives a detailed report setting forth the nature and cost of, and otherwise providing a full accounting on, any clandestine prison or detention facility currently or formerly operated by the United States Government, regardless of location, where detainees in the global war on terrorism are or were being held.

(2) ELEMENTS.—The reports required by paragraph (1) shall set forth, for each prison or facility covered by such report, the following:

(A) The location and size of such prison or facility.

(B) If such prison or facility is no longer being operated by the United States Government, the disposition of such prison or facility.

(C) The number of detainees currently held or formerly held, as the case may be, at such prison or facility.

(D) Any plans for the ultimate disposition of any detainees currently held at such prison or facility.

(E) A description of the interrogation procedures used or formerly used on detainees at such prison or facility.

(3) FORM OF REPORTS.—The reports required by paragraph (1) shall be submitted in classified form.

Mr. KERRY. Mr. President, I ask unanimous consent that Senator HARRY REID of Nevada and Senator BIDEN be added as cosponsors of the amendment.

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

Mr. KERRY. Mr. President, in recent weeks the American people and Members of the Senate have heard allegations about the existence of secret prison facilities operated by the U.S. Government in various countries around the world.

Now, I know many of my colleagues take this matter very seriously. The Central Intelligence Agency has reportedly requested a Justice Department investigation of how classified intelligence information made its way into print. Clearly, the revelation of the potential of these programs is a serious national security matter. It is one we can all agree on, no matter where we sit.

No one in this Chamber underestimates the seriousness of the war on radical Islamic terrorists. It is a war we have to win, we must win. And no one underestimates the depravity and the viciousness of our enemies. We do not need to look any further than the bombings last night in Jordan to once again be reminded of the kind of enemy we face—an enemy willing to always target the innocent. We know that success in any war requires the informed consent of the American people. And in an issue as sensitive as this, that informed consent can only be derived from the Congress's full and appropriate understanding and involvement in these issues. That in and of itself requires information and cooperation from the administration so we in Congress can provide effective and informed oversight. That begins by knowing what the money we authorize and appropriate is being used to do. The American people demand no less than that. The fact is, we are not aware; we are not as a Congress performing that proper oversight. The vast majority of us first heard about the possibility of clandestine detention facilities in the Washington Post last Wednesday.

Since then, we have heard that this may have been discussed by Vice President CHENEY in a meeting with the Republican caucus. That obviously comes from statements by people at the caucus made publicly. If, as has been reported by Senator LOTT, members of the Republican caucus can hear about these facilities from the Vice President of the United States, then the Senate Armed Services Committee and the Senate Select Committee on Intelligence ought to be able to receive a full accounting.

So the amendment I offer today seeks to simply assert, appropriately, congressional oversight in this matter by requiring two classified reports—one by the Secretary of Defense and one by the Director of National Intelligence—to the appropriate committees, detailing the involvement of the Department of Defense and the intelligence community in these activities if, indeed, there is any.

Not later than 60 days after enactment, the Secretary of Defense will provide a classified report to the House and Senate Armed Services Committees of any knowledge or participation in the operation of clandestine facilities by the Department of Defense, including support provided by the Department of Defense to any other part of the U.S. Government or foreign government. The Secretary of Defense must also report on whether the Department has transported any individuals to or from such a facility, and whether detainees in such facilities are to be tried by military commission. Finally, this report will include details about detainees held at DOD facilities for other Government agencies.

The second classified report required by this amendment is from the Director of National Intelligence to the Intelligence Committees of both the House and the Senate. In it, the Director will provide a detailed accounting of the nature, cost, and operation of any clandestine prison or detention facility operated by the U.S. Government, regardless of location, where detainees from the global war on terror are being or have been held.

Now, let me be clear: We are not passing judgment on the merit or the value of these facilities. What we are saying is we need to know and understand what the policy of our country is, what is being done with taxpayer money, and what are the appropriate accounting and oversight mechanisms with respect to this.

In its reporting, the Washington Post said:

> The CIA and the White House, citing national security concerns and the value of the program, have dissuaded Congress from demanding that the agency answer questions in open testimony [about the facilities].

My colleagues will note that both of these reports would be classified, both of them would be limited to the committees of jurisdiction. This is not about open testimony. It is about Congress doing its appropriate job through the appropriate committees.

I do not have any doubt that in the American public's mind we are all united and determined to win the war against radical Islamic terrorists. But I do know that any administration that tries to keep Congress in the dark ultimately winds up damaging the very effort we are engaged in. We have seen this all through history. This goes back for years in the relationship of oversight by the Congress and efforts by administrations to undertake clandestine initiatives on their own.

The executive branch cannot win this by itself. It needs Congress to be invested. It needs Congress to be knowledgeable. It needs Congress to act on behalf of the American people. And in this case, the simple job of oversight is critical to our ability to maintain the consensus necessary for our Nation. We have seen too often too many instances of efforts that go awry that cost us leverage as a nation, cost us leverage with other communities, and ultimately may even cost us lives of Americans because they do go awry without the proper consent.

We also do better as a country in these kinds of efforts when Members of both parties across the aisle have joined together in a foreign policy that represents the broad consensus of the American people and where all of us are accepting responsibility for our actions.

I would hope my colleagues, the distinguished chairman and ranking member, would accept this amendment because I think it acts in the best interests of this institution and of our Nation.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, the Senator from Massachusetts provided us a copy of his amendment just a minute before he began his remarks to the Senate. Senator ROBERTS, on this side, is now in consultation with the ranking member, Senator ROCKEFELLER, and I anticipate that one or both will shortly come to the floor on this issue. At this time 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, I ask unanimous consent that the quorum call not be charged to the time of either the proponent of the amendment or those who will be giving a different perspective, perhaps, in opposition.

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

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

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

Mr. BURR. Mr. President, I ask unanimous consent to address the Senate as in morning business.

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

(The remarks of Mr. BURR pertaining to the introduction of S. 1990 and S. 1991 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DAYTON. I ask unanimous consent that I be permitted to speak as in morning business for up to 15 minutes.

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

Mr. DAYTON. Mr. President, I rise to thank the distinguished chairman of the Senate Armed Services Committee and the ranking member, who are two of the finest public servants I have ever had the privilege of knowing, for their leadership of that committee on which I serve and for their leadership on this important legislation before the Senate, which I support. I also thank them for including two of my amendments in the bill, the first of which is a sense-of-the-Senate resolution, which I am proud to coauthor with Senator MURRAY of Washington and Senator COLLINS of Maine, that says the Department of Defense must honor its promise to pay reenlistment bonuses to members of the Army National Guard. I was told yesterday that the Pentagon has reversed its position and has now approved the National Guard's payment of those promised reenlistment bonuses.

My second amendment authorizes an additional $50 million for childcare for Active-Duty military families and an additional $10 million for family assistance centers. The committee bill already provided for increased funding for these two vital programs, and I thank the chairman and ranking member for agreeing to these further authorizations which parallel the increased funding that I added to the Senate's 2006 Defense appropriations bill.

Our military families are facing increased pressures as husbands and wives are deployed in faraway war zones and thus separated from their families for up to 18 months at a time. The Office of the Secretary of Defense has reported that some 38,000 children of Active-Duty families are being denied childcare in military facilities due to the lack of funding for the centers and for the spaces needed. This imposes an unfair additional hardship on these wonderful American families. The extended absence of a parent is compounded by the lack of available, reliable childcare. For the same reasons of extended absences, emotional and financial stresses, and the understandable need for support, the military family assistance centers are more important now than ever. They are especially valuable for the families of Reserve and Guard men and women whose wife or husband is called to active duty and then deployed in adjusting to extended absences and then readjusting to the spouses return or, in the worst case, to the spouse's not returning home alive, or returning home seriously wounded or maimed for life. When we talk about supporting our troops, which all of us truly want to do, two very important ways are through childcare and family assistance services.

I wanted to take this opportunity to address briefly a related area, one vital to our national security. Last week the Washington Post reported that the CIA is operating secret prisons in up to eight other countries, including one in a former Soviet gulag in eastern Europe. These are so-called ''black sites'' where reportedly the CIA's ''enhanced interrogation techniques,'' some of which are prohibited by U.N. convention or U.S. military law—in other words, torture—are being used against unidentified subjects for indefinite periods of time. They are reportedly being denied lawyers or any opportunity to defend themselves against whatever charges of wrongdoing have brought them there.

At the same time, the Vice President has reportedly given ''one of the most impassioned pitches he has ever delivered'' to Republican Senators at last week's caucus lunch opposing the McCain amendment, which passed the Senate by a vote of 90 to 9, that would prohibit the use of torture against detainees. The President has reportedly threatened to veto the entire 2006 Defense appropriations bill if it contains the McCain amendment. The Vice President was reportedly urging that the prohibition against torture be stricken, or at least an exception be given to the CIA.

Now we know why the President and the Vice President are so adamantly opposed to the Senate's ban on the use of torture or want an exemption for the CIA. It is because the CIA is operating secret prisons in other countries where torture is allegedly being used. Why else would they be against prohibiting torture, if they weren't doing it or intending to do it?

In response to the Post story, Republican congressional leaders sent a letter to the chairmen of the Senate and House Intelligence Committees requesting them to ''immediately initiate a joint investigation into the possible release of classified information to the media alleging that the United States Government may be detaining and interrogating terrorists at undisclosed locations abroad. As you know, if accurate, such an egregious disclosure could have long-term and far-reaching damaging and dangerous consequences, and would imperil our efforts to protect the American people and our homeland from terrorist attacks.''

Well, with all due respect, I say that the Republican leaders have the right idea but the wrong focus. There ought to be a congressional investigation, but it ought to be on the existence of those secret prisons, on who is being held there, why, for how long, and how are they being treated, whether torture is being used, and why these ''black

sites'' are being hidden from Congress. I know my colleague, the distinguished Senator from Massachusetts, Mr. KERRY, has just proposed an amendment to this legislation that would require disclosure of these secret sites.

I ask unanimous consent to be added as a cosponsor of his amendment.

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

Mr. DAYTON. The oversight responsibilities of Congress have tragically been emasculated by this administration, and too many Members of Congress have acquiesced. They have bowed to this administration's wishes or demands that it be able to do whatever it wants, wherever it wants, and to whomever it wants. And then, if they are caught doing it, they say it is part of the war against terror, or that it is essential to our national security.

You don't defeat terror with terror. You don't stop those inhuman beings who would commit atrocities by committing atrocities against them. And you don't make our citizens more secure by taking away other people's brothers and sisters, mothers and fathers to secret gulags and torturing them for months or years. Of those torture victims themselves, if you release them, does anyone suppose that they will not be filled with hatred and revenge towards the United States? After they have been tortured, you keep them secretly locked up forever so they can't torture Americans in return?

These are not only hideous, horrible, and inhuman practices, they are stupid policies, shortsighted, misguided, and immoral policies which, if not illegal, should be, and which, to use the CIA's term, will blow back or boomerang against our own citizens in the years ahead.

Yes, there should be a congressional investigation into how unelected people with no accountability to the American people or to the civilized world can usurp the powers and responsibilities which are this Congress's by law, and why this Congress has let them get away with it and continues to look the other way while they blacken America's great name, debase our good values, and endanger our national security with their depravity.

I yield the floor and 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. PRYOR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded and that I be allowed to speak for 10 minutes as in morning business.

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

VETERANS DAY

Mr. PRYOR. Mr. President, as Veterans Day approaches, we pay homage to the soldiers who once stormed the beaches of Normandy, reclaimed the mountains of Korea and crossed the sands of Kuwait. We pay homage to our veterans' sacrifice and courage, and also to the brave men and women who now follow their example in places like Iraq and Afghanistan.

In paying respect, we must also follow through on our Nation's commitment's to ensure our veterans receive the benefits they earned and deserve.

Arkansas has a long and distinguished record of service, one that my State is proud of, and one that we will continue to build upon. In addition to honorable service by our active duty soldiers, marines, seamen and airmen, the Arkansas National Guard has mobilized more than 8,000 of its guardsmen since Sept. 11, 2001. In fact, this Veterans Day is an especially poignant one for families in Rogers, AR where 180 guardsmen have just been deployed to serve in Iraq.

Arkansas is not alone in its commitment to military service. Since the wars in Iraq and Afghanistan, there are 393,000 new veterans to care for, including 103,000 who are currently seeking health care from VA hospitals.

We can never truly repay our veterans for their service to our Nation, but we can care for them just as they cared for us. In honor of these men and women, Senator NORM COLEMAN and I have introduced the Veterans Benefits Outreach Act to help ensure that all veterans collect the benefits they have earned but for whatever reason are not receiving.

Nearly 600,000 veterans nationwide are not receiving the benefits they are entitled to, often due to a simple lack of knowledge that they are eligible.

Instead of veterans having to cut through bureaucracy to learn about and receive the various benefits they earn, our bill seeks to bring this information to them. It requires the VA to prepare a plan to identify veterans who are not enrolled in programs they are eligible for and an action plan to enroll them.

This measure represents an opportunity to help our current veterans and meet the challenges we foresee instead of waiting until benefit problems escalate for a new generation of veterans. I hope this Veterans Day will add the necessary momentum for the full Senate to consider and pass this measure.

We owe this to veterans like Chaplain—Colonel—David McLemore—a soldier's soldier who has dedicated a career to providing outreach to service men and women in the field.

Chaplain McLemore is a native Arkansan and has served as a chaplain in the Arkansas Army National Guard for 21 years. During that time he has served soldiers at the company, battery, battalion, and brigade level. He has personally answered the call to duty in two wars, Operation Desert Storm and Operation Iraqi Freedom II.

In both of these conflicts, Chaplain McLemore served on the front lines with combat units, where he ministered to soldiers conducting the day-to-day fight with the enemy. Chaplain McLemore always chose to be up front providing a ''Ministry of Presence'' to those in the greatest place of danger.

Those who served in combat with Chaplain McLemore knew that he would always be there with a listening ear, an open heart, and a guiding hand. His mere presence gave courage and inspiration to those who knew that they could lose their lives at any minute.

As any chaplain, Chaplain McLemore did not carry a weapon as he faced the perils of combat, but the soldiers he served with knew that he carried more firepower than any of them, the grace and word of God, and they always wanted Chaplain McLemore and that firepower with them.

They knew that he risked his life every day for one mission, to serve them. In the simple but strong bond of combat, it was clear that Chaplain McLemore loved his fellow soldiers and they loved him.

Two months after his return from Operation Iraqi Freedom II, Chaplain McLemore was involved in a motorcycle accident where he sustained severe injuries. Today, he fights to recover from those injuries in the Veterans Administration Hospital in North Little Rock, AR.

As he does, he has the prayers, respect, and encouragement from us and all of his fellow soldiers. We honor him today for his commitment and selfless service to God, his country, and his fellow soldiers. Thank you, Chaplain David McLemore. God Bless and Godspeed.

We owe all our veterans not only our gratitude, but also our freedoms and American way of life. Our military has kept us safe for a long time. We cannot thank them enough, but we can begin to repay their sacrifices by providing them with the resources they need in the field and the support they have earned when they return home.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. 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.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2006—CONFERENCE REPORT

Mr. MCCONNELL. Under the previous order, I ask unanimous consent that the Senate proceed to the immediate consideration of conference report to accompany H.R. 3057, the Foreign Operations appropriations bill. I further ask that there now be 5 minutes of debate, and that following the next vote on the Defense authorization bill the Senate proceed to a vote on adoption of the conference report with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Mr. President, reserving the right to object—I, of course, will not—in terms of sequence, it is possible there may be two amendments relating to the first-degree amendments relating to the same subject. If that were true, it may be wiser that this not intervene those two amendments.

Have amendments been scheduled for votes?

The PRESIDING OFFICER. No amendments are scheduled at this time.

Mr. MCCONNELL. Mr. President, in other words, the Senator from Michigan is suggesting this simply be at the end of the next sequence and, therefore, not in the middle.

Mr. LEVIN. I think that may be better.

Mr. MCCONNELL. Mr. President, I so modify my request.

The PRESIDING OFFICER. Is there objection to the modification?

Mr. KERRY. Reserving the right to object.

Mr. MCCONNELL. Mr. President, I understand I have the floor, but I am perfectly willing to yield for a question.

Mr. KERRY. I do not object.

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

The clerk will report.

The legislative clerk read as follows:

The Committee of Conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3057), making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes, having met, have agreed that the House recede from its disagreement to the amendment of the Senate to the text, and agree to the same with an amendment, and the Senate agree to the same; that the Senate recede from its amendment to the title of the bill, signed by all of the conferees on the part of both Houses.

The PRESIDING OFFICER. The Senate will proceed to the consideration of the conference report.

(The conference report is printed in the proceedings of the House in the RECORD of November 2, 2005.)

Mr. MCCONNELL. Mr. President, I want to take a moment before the Senate completes consideration of the fiscal year 2006 foreign operations and related programs conference report to thank Chairman KOLBE and Ranking Member LOWEY in the House, and their staffs, and my friend from Vermont and his staff for the hard work and compromise that went into this legislation.

Although the bill we send to the President is more than $1.8 billion below the budget request—and more than $1.1 billion below the Senate mark—we did our best to fund our Nation's foreign assistance priorities, whether countering terrorism, combating HIV/AIDS, TB and malaria or advancing democracy abroad. I am also pleased we were able to provide significant funding for Afghanistan, Pakistan, Israel and Sudan.

Given bipartisan support for several accounts, we were able to provide modest increases over last year's enacted levels for the Child Survival and Health Programs Fund, Development Assistance, International Narcotics Control and Law Enforcement, Migration and Refugee Assistance, and Nonproliferation, Anti-Terrorism, Demining and Related Programs.

For HIV/AIDS, TB and malaria, we provided a total of $2.8 billion from all accounts in the bill, an increase of $268 million above the budget request. There is $450 million available for a U.S. contribution to the Global Fund. We also include a provision, for the first time in the bill, designating $100 million to combat malaria.

Finally, the bill includes a new appropriations account entitled ''Democracy Fund'' that will help ensure America's activities to promote democracy, good governance, human rights and the rule of law abroad are conducted in a more efficient and effective manner.

Let me close with a brief word of thanks to my staff—but especially to their families. It takes a long time to produce a foreign aid bill, and I appreciate the dedication of Tom Hawkins, Harry Christy, Bob Lester, LaShawnda Smith and Paul Grove to this task. But to their families, I offer a special thanks for their understanding and support as the midnight oil was burned and weekends were spent at the office.

I hope we can move quickly to a vote on the conference report.

Mr. LEAHY. Mr. President, I support the Foreign Operations Conference Report for fiscal year 2006 and urge all Senators to vote its passage.

Like every appropriations bill, there are things in this conference report that I disagree with. There are programs which I, as do many here, believe need substantially more funding than we were able to provide. A good example is our migration and refugee programs. This conference report provides less than the President requested and far less than the Senate bill. The suffering of refugees and displaced people that we are able to relieve but will not because of the scant resources in this bill is shameful and inexcusable. We and other industrialized nations could and should do far more to help them.

Another problem is HIV/AIDS, although we were able to provide $268 million more than the President requested. I am disappointed that the amount of our contribution to the Global Fund to Fight AIDS, TB and Malaria was $50 million less than in the Senate bill. There are few more compelling needs for those funds than fighting these insidious diseases.

I had hoped we would have enough to fully fund the Non-Proliferation, Anti-Terrorism, Demining and Related Programs account. It is a mistake to cut funding for the Comprehensive Test Ban Treaty International Monitoring System, for which the President did not request sufficient funds. The amount in this conference report represents a cut of $4.498 million below the fiscal year 2005 level, and is at least $6 million less than the amount of the U.S. share for this vitally important monitoring system.

The fact is, despite the help we got from Chairman COCHRAN and Senator BYRD with our allocation, for which we are very grateful, this conference report does not provide nearly enough resources to respond adequately to the multitude of threats we face across the globe. We had to make the kind of peevish choices that the world's wealthiest, most powerful country should not be making.

There are other funding problems in this conference report, but on the whole it strikes the right balance for the bipartisan support it needs, and for that I commend Chairman MCCONNELL, Chairman KOLBE, and Congresswoman LOWEY. We have worked very cooperatively as is our practice, and I think we did about the best we could with an allocation that was almost $2 billion below the President's budget request.

I want to mention a few other issues.

First, Colombia. I was pleased that the conferees agreed to my request to provide an additional $6 million for economic and social programs. Despite assurances by the administration that they would increase funding for these programs as the security situation in Colombia improves, they have done the opposite. Military programs have consistency received a larger share of the budget.

I was pleased that the conferees included report language I requested, directing that $500,000 of our military aid for Colombia be used to pay incidental costs relating to the treatment at U.S. hospitals of seriously injured Colombian soldiers. Due to the tireless work of the nonprofit organization ''United for Colombia,'' these hospitals have generously offered to perform this surgery—which requires sophisticated technology and expertise that is unavailable in Colombia—free of charge. But there are additional expenses such as transportation, lodging and medicines. The conferees also included my recommendation that additional assistance from the Leahy War Victims Fund be made available for civilians who have been injured by landmines and other causes relating to the conflict.

The conference report also includes language concerning the demobilization of Foreign Terrorist Organizations in Colombia. We would like to support this process, but it has been flawed from the beginning and the ''Peace and Justice'' law has been widely criticized by human rights experts in Colombia, the United States, Europe, the United Nations, and the Organization of American States. There is considerable

skepticism that the paramilitary leaders will in fact give up narco-trafficking, surrender their illegally acquired land and other assets, or be brought to justice. We want to be sure that the law is being implemented in a manner that lives up to its promise of peace and justice, that these organizations are dismantled, and that their leaders receive the severe punishment they deserve.

We provide up to $20 million in fiscal year 2006 for the demobilization. These are mostly funds that were already requested by the Administration for other purposes. We require the Secretary of State to first certify that certain conditions have been met and to notify the Congress. This reflects the serious concerns that Members of Congress have with the demobilization process. Among those conditions is that the Government of Colombia is ''providing full cooperation to the Government of the United States to extradite the leaders and members of [Foreign Terrorist Organizations] who have been indicted in the United States.''

This is very important, and it was included at the insistence of both Republican and Democrat Members. When we say ''full cooperation'' we mean nothing less. We want to see these people in handcuffs and on an airplane to the United States as soon as possible. We do not want anything to happen that would interfere with the extradition of the leaders of these narcoterrorist organizations—organized crime syndicates is what they are—for major crimes for which they have been indicted here.

These are not ordinary criminals. Some of them make Pablo Escobar look like an amateur. They are responsible for creating and arming their own death squads, for killing thousands of civilians, for shipping billions of dollars worth of cocaine into the United States, and they have infiltrated many sectors of Colombian society including, we learned recently, the police intelligence service. We also know they have sway with some members of the Colombian Congress.

Impunity has been the norm throughout Colombia's history. Nothing would be worse for the cause of justice, or for democracy in Colombia, than for people who are among the most notorious criminals in this hemisphere to escape punishment that is proportional to their crimes. If that happens, you can be sure that their criminal enterprises will not be dismantled, the cocaine will keep flowing across our borders, the Colombian people will continue to be plagued by narcotics related violence and corruption, and peace and justice will remain out of reach.

Another item in this conference report deals with Indonesia.

President Yudhoyono, who was democratically elected, has been advancing reformist policies that we support, including reducing the army's role in the political process. He has also been a reliable ally in fighting terrorism in the world's largest Muslim country.

The conference report provides assistance to the Indonesian Navy in the amount requested by the Administration, and it also provides IMET assistance for Indonesia without restriction. In addition, our largest counterterrorism training program is with Indonesia, and the Defense Department regularly conducts joint exercises and other activities with the Indonesian military.

But one area where there has been no discernable progress is accountability for crimes by the army. In 1992 the Indonesian army shot to death an estimated 200 unarmed protesters in a cemetery in Dili, East Timor. A few low-ranking soldiers were punished, but in a perversity of justice several of the civilians were sent to jail for far longer sentences. Then in 1999, the Indonesian military armed the militias who laid waste to East Timor after the independence referendum. The U.N. identified the top officers involved and accused them of crimes against humanity, but the army sabotaged the government's halfhearted efforts to bring them to justice. Thousands of innocent people died, and no one has been punished.

Some have suggested that because these are ''past'' crimes, we should look forward, not backward. What crime isn't a past crime? Does that make it any less important that justice be done? How do you prevent future atrocities if you let those who order and commit murder get away with it? What is more fundamental to democracy than justice?

For many years, the Congress has put conditions on U.S. assistance to the Indonesian army. The conditions in our law require nothing more than that the army respect the law, yet both Secretary Rumsfeld and Secretary Rice asked Congress to eliminate the conditions. I understand there are competing concerns and that we and Indonesia have common security interests. I would have supported their request if there were any sign that the Indonesian army is prepared to be accountable to the law for any of these heinous crimes. So far, there is not.

The conference agreement also requires a report on the status of the FBI investigation of the August 2002 murders of two American civilians and one Indonesian civilian in Timika, West Papua. Soon after the killings the Indonesian military tried to frame an innocent man. Then, when the police implicated the military in the attack, the investigation abruptly ended. Nothing happened for another year or so because the military actively impeded further efforts to investigate. Since then, the military has been more cooperative and one West Papuan individual has been indicted in the U.S. But he has yet to be indicted in Indonesia and responsibility for this heinous crime does not stop there. It is now more than three years since this tragedy and no one has been brought to justice.

Finally, the conference report requires a report on the humanitarian and human rights situation in West Papua.

Another item I want to mention is Nepal. We have once again put conditions on our military aid because of the King's undemocratic and repressive actions on February 1, and the army's continuing involvement in human rights violations. We detest the tactics of the Maoists, who forcibly recruit children, who engage in extortion, and brutalize civilians. But the King's actions have only made a political solution to the conflict in Nepal more elusive, and at great cost to democracy and the rule of law. The conference agreement provides $2.5 million for a U.S. contribution to the U.N. High Commissioner for Human Rights Office in Nepal, to monitor and report on human rights violations throughout the country.

The conference agreement also provides another $10 million for USAID's new Amazon Basin Conservation Strategy. This is a regional initiative that I am personally committed to, and I greatly appreciate the efforts that USAID has made to develop this strategy through an extensive process of consultations with governments and nongovernmental organizations.

The Amazon Basin encompasses nine countries and has global environmental, health and economic importance that dwarfs any other forest or river system in the world. We all have a responsibility to protect it. Brazil and Colombia are examples of countries that already have environmental laws and policies in place and protected areas and indigenous reserves. Coordinating with other donors, governments and civil society organizations, we can help build the capacity to strengthen, enforce, implement, and replicate these laws and policies throughout the region.

On a related matter, the conference report requires USAID to establish a new position of ''Advisor for Indigenous Peoples Issues.'' Indigenous peoples, from the Kalahari Desert in Botswana to the forests of Ecuador, are the most vulnerable people on Earth. Their land and traditional ways of life are under siege, and often their own governments are part of the problem, as was the case in our own country a century and a half ago. USAID, which works in these countries on issues that affect indigenous peoples, needs someone who is knowledgeable and has the responsibility to consult with indigenous peoples, advocate on their behalf in relation to USAID policies, programs and activities and coordinate with other federal agencies. I look forward to discussing this with USAID.

I want to mention a provision in this conference report that deals with reform at the multilateral development banks. There are several parts to this provision, but one that deserves special mention concerns the rights of whistleblowers. Too often at these institutions, people who complain about

waste, fraud or abuse are harassed, threatened, silenced, or demoted. That is the opposite of what should happen, and it is long overdue for whistleblowers to be given the protection and recourse they deserve. This provision, among other things, calls for independent adjudicatory bodies, including ''external arbitration based on consensus selection and shared costs''. I believe that access to external arbitration is long overdue, and I urge the World Bank and the other MDBs to act expeditiously to implement this and the other reforms called for in this provision.

The conference report provides $1.77 billion for the Millennium Challenge Corporation, MCC. While this represents a deep cut from the President's request, it reflects the tight budgetary constraints we faced. The conference allocation required us to cut nearly $2 billion from the President's total request and therefore many programs, including the MCC, were not fully funded.

I support the goals of the MCC, and I look forward to working with the new CEO Ambassador Danilovich. We know that foreign aid is most effective when governments are committed to fighting corruption and addressing the needs of their people, and when public officials, civil society and the private sector work together to reduce poverty.

I am pleased that the conference agreement includes language emphasizing the importance of strong participation from indigenous civil society organizations to help ensure that the MCC is responsive to local people's concerns. It is through the meaningful participation of civil society that democracy is strengthened, good governance is valued, and open discussions of how best to achieve national priorities are accomplished. The conference agreement requires the MCC to submit a report that details how contributions of indigenous civil society have been incorporated in completed compact negotiations.

The conference report provides funds above the President's request for both the Inter-American Foundation and the African Development Foundation. The Congress strongly supports the work of these foundations which support local initiatives to increase income for Latin America's and Africa's poorest people.

I was very pleased that the conference report provides additional assistance for civilian victims of the military operations in Iraq and Afghanistan. We provide $5 million for the Marla Ruzicka Iraqi War Victims Fund for assistance for Iraqi families and communities, which is named for Marla Ruzicka, the founder of Campaign for Civilian Victims of Conflict. Ms. Ruzicka died, at the age of 28, along with her colleague Faiz Ali Salim, in a car bombing in Baghdad on April 16, 2005. We also provide $2 million for assistance for Afghan families and communities that have suffered losses as a result of the military operations. By providing this assistance the United States is seeking to alleviate the suffering, as well as the anger and resentment, resulting from tragic mistakes that occur in the military operations.

I was also pleased that the conference report includes $15 million to support an initiative I sponsored to combat certain neglected diseases. Lymphatic filariasis, onchocerciasis, intestinal parasites, schistosomiasis, leprosy, and trachoma cause terrible suffering and disfigurement among hundreds of millions of people in mostly tropical countries. In addition to providing additional funds to prevent and treat these diseases, this initiative seeks to develop a multilateral, integrated approach to coordinate and maximize donor contributions to control them. This is important because current efforts are poorly coordinated and underfunded. As with the infectious diseases initiative I sponsored nearly a decade ago, I look forward to working with USAID, other Federal agencies, the World Health Organization, and the relevant international technical and nongovernmental organizations to develop such an approach that has broad support.

I was disappointed that the amount provided for the Global Environmental Facility, $80 million, fell $27 million short of the U.S. pledge. I want to emphasize that this cut does not reflect any dissatisfaction on the part of the conferees with the GEF, which had taken steps to adopt management and transparency reforms advocated by the United States, but instead was due to budgetary constraints. As a strong supporter of the GEF I am hopeful that we can make up this shortfall in the fiscal year 2007 budget.

The conference report supports the Extractive Industries Transparency Initiative, which aims to improve the capacity of developing countries to sustainably manage the extraction of natural resources and to monitor revenues generated from such extraction so they are used for purposes which benefit their people. This is an anti-corruption, good governance initiative spearheaded by the British Government, which responds to the longstanding practice in many developing countries of exploiting natural resources in a wasteful and environmentally destructive manner that benefits only the elites. The conference agreement provides $1 million for USAID to support EITI implementation and to strengthen the role and capacity of civil society organizations in the EITI process. This is another issue I look forward to discussing with USAID before funds are obligated.

Finally, I want to mention the funding in the conference report for USAID Operating Expenses, which was cut by $50 million below the administration's request. Again, this was the result of the budgetary constraints we faced, but it also reflects some concerns with USAID's management of appropriated funds. This cut will force USAID to make difficult choices, which should be the subject of consultations with the Appropriations Committees.

There are many other provisions in this conference report that I do not have time here to recount. I want to again thank my friend from Kentucky, Senator MCCONNELL, who has been a pleasure to work with. I also thank our counterparts in the House, Congressman KOLBE and Congresswoman LOWEY, and their capable staffs. I commend the Senate majority staff, Paul Grove, Tom Hawkins, Harry Christy, Bob Lester and LaShawnda Smith. They put in long hours and they held themselves to the highest standards. And for the minority, I thank Tim Rieser, Kate Eltrich and Jennifer Park.

EAST TIMOR

Mr. LEAHY. Mr. President, I want to mention one other item in the Foreign Operations conference report. It does not earmark Foreign Military Financing funds for Timor-Leste, formerly East Timor, the world's newest democracy and a friend of the United States. However, we do not earmark funding for many of the countries for which FMF was requested, but we provide $241.7 million in FMF assistance to cover these needs, including for Timor-Leste. The administration's budget request included $1.5 million in FMF for East Timor. The fact that we did not earmark these funds for Timor-Leste should not be misinterpreted as an indication of any disagreement on the part of the conferees with the administration's request.

Mr. MCCONNELL. That is correct. We did not earmark FMF for Timor-Leste but we intend the administration to provide an amount similar to the request. We also provided $1.5 million in International Narcotics and Law Enforcement, INCLE assistance for Timor-Leste, for on the ground police training, as well as $19 million in Economic Support Fund assistance. The cut in ESF from the fiscal year 2005 level of $22 million was due, in part, to the earmark in INCLE assistance which had not been requested by the administration.

Mr. MCCONNELL. Mr. President, do I have time under the consent agreement?

The PRESIDING OFFICER. The Senator does.

Mr. MCCONNELL. I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded.

MORNING BUSINESS

Mr. KERRY. Mr. President, I ask unanimous consent that I be permitted to speak for a period of time in as if in morning business.

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

Mr. KERRY. Mr. President, are we now in morning business?

The PRESIDING OFFICER. The Senator is correct.

Mr. KERRY. Mr. President, I send a bill to the desk for appropriate referral to the committee.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

(The remarks of Mr. KERRY pertaining to the introduction of S. 1993 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2006—Continued

AMENDMENT NO. 2507

Mr. KERRY. Mr. President, sometime later today when we dispose of a few of the next amendments, Senator LEVIN, on behalf of leadership and a group of Senators on our side of the aisle—and we hope others might join in—will be submitting an amendment with respect to the issue of Iraq. I am pleased to join in that with them. I look forward to participating in that debate at that time. I have come to the Senate at this moment to introduce an amendment that lays out what, in my judgment, represents a comprehensive and new strategy that is essential for the President to implement in order to successfully complete the mission in Iraq, as well as to bring our troops home in a reasonable timeframe.

At a news conference a week ago I referred to this in a speech I gave recently. I left Iraq departing on a C–130 from Mosul, together with Senator WARNER and Senator STEVENS. The three Senators and the staff, all of us, were gathered in this cavernous C–130. In the middle of the cargo hold was a simple aluminum coffin with a small American flag draped over it. We were bringing another American soldier home to his family and to his resting place.

The starkness of the coffin in the center of that hold, and the silence—except for the din of the engines; believe me, there was a kind of silence notwithstanding—was a real-time, cold reminder of the consequences of decisions for which all of us as Senators bear responsibility.

As we enter a make-or-break 6-month period in Iraq, that long journey of that soldier and 2,000-plus more of them remind us, all of us, about our responsibilities with respect to the troops in Iraq. It underscores the need to help this administration take steps that will bring our troops home within a reasonable timeframe from an Iraq that is not permanently torn by conflict.

Some say we should not ask tough questions because we are at war. I say, no. A time of war, that is precisely when you have to ask the hardest questions of all. It is essential, if we want to correct our course and do what is right for our troops, that instead of repeating the same mistakes over and over again, we ask those questions. No matter what the President says, asking tough questions is not pessimism. It is patriotism. We have a responsibility to our troops and our country and our conscience to be honest about where we should go from here.

There is a way forward that gives us the best chance to both salvage a difficult situation in Iraq and to save American and Iraqi lives. With so much at stake, we all have a responsibility to follow the best way forward.

No. 1, we cannot pull out precipitously, as many argue and call for, but also we cannot merely promise to stay as long as it takes. The promise simply to stay as long as it takes, in fact, exacerbates the situation. It is not a policy. To undermine the insurgency we must, instead, simultaneously pursue a political settlement that gives Sunnis a real stake in the future of Iraq, while at the same time reducing the sense of American occupation. That means a phased withdrawal of American troops as we meet a series of military and political benchmarks, starting, I have said, with a reduction of 20,000 troops over the holidays as we meet the first benchmark—the completion of the December elections.

Earlier today, my good friend, the Senator from Arizona, Mr. MCCAIN, made a speech in which he mischaracterized my plan to bring our troops home within a reasonable timeframe and to succeed in Iraq. He mischaracterized how one arrived at 20,000 troops. The fact is, that is a benchmark. It is a benchmark set by this administration itself. The fact is, most of last year, during which time the administration says we have adequate troops to do the job, we had about 138,000 troops in Iraq. The fact is, for the purposes of the constitutional referendum and for the purposes of the election, the administration upped the number of troops in order to guarantee security for the purpose of those two events.

I have said specifically that when those two events are completed successfully, and with the increased numbers of Iraqis trained, there is no excuse for not being in a position to go from the current 161,000 down to the 138,000, where we were before, where our generals told us we had enough troops to do the job. That figure is set not by any arbitrary standard but by the accomplishment of the specific benchmark.

It is also critical that we send this signal to the Iraqi people that we do not desire a permanent occupation and that Iraqis themselves must fight for Iraq. History shows again and again that guns alone do not end an insurgency, and guns alone, particularly, will not end this insurgency. The real struggle in Iraq is not what the President has described again and again as the war on terror as we know it against al-Qaida. The real struggle in Iraq is Sunni versus Shiite. It is a struggle that has gone on for years with oppressor and oppressed, and it will only be settled by a political solution. No political solution can be achieved when the antagonists can rely on indefinite large-scale presence of occupying American combat troops.

The reality is our military presence in vast and visible numbers has become part of the problem, not just the solution. Our own generals are telling us this in open hearings of the Senate. Our generals understand this well. GEN George Casey, our top military commander in Iraq, recently told Congress that our large military presence ''feeds the notion of occupation'' and ''extends the amount of time that it will take for Iraqi security forces to become self-reliant,'' and Richard Nixon's Secretary of Defense, Melvin Laird, breaking a 30-year silence, writes:

> Our presence is what feeds the insurgency, and our gradual withdrawal would feed the confidence and the ability of average Iraqis to stand up to the insurgency.

It comes down to this: An open-ended declaration ''to stay as long as it takes,'' lets Iraqi factions maneuver for their own political advantage by making us stay as long as they want. It becomes an excuse for billions of American tax dollars to be sent to Iraq and siphoned off into the coffers of cronyism and corruption.

When I was last in Iraq, at a dinner put on by the Ambassador and others with the Minister of Defense—the Minister of Interior, the Prime Minister, and others—we sat and listened while they told us themselves of the corruption that has been taking place in the disbursement of American taxpayer funds.

This administration needs to pay attention to that corruption. The administration must also use all of the leverage in America's arsenal—our diplomacy, the presence of our troops, our reconstruction money, all of the diplomacy—in order to convince the Shiites and the Kurds to address the legitimate Sunni concerns about regional autonomy and oil revenues and to make Sunnis accept the reality that they will no longer dominate Iraq. We cannot and we should not do this alone.

The administration must immediately call a conference of Iraq's neighbors: Britain, Turkey, other key NATO allies, and Russia. The absence of legitimate international effort with respect to this is, frankly, absolutely extraordinary. I am not alone in calling for that. Republicans, colleagues on the other side of the aisle, Senator HAGEL, others, have talked about the need for an international leverage in order to help resolve this issue. Together we have to implement a collective strategy to bring the parties in Iraq to a sustainable political compromise that also includes mutual security guarantees among Iraqis. To maximize our diplomacy, the President should appoint a special envoy to bolster Ambassador Khalilzad's commendable efforts.

To enlist the support of Iraqi Sunni neighbors, we should commit to a new

regional security structure. I have heard from countless numbers of members of government in the region that the old security arrangement that existed prior to the invasion of Iraq has, in fact, been altered by that invasion. And today there are great uncertainties with respect to the Gulf States—Kuwait, Saudi Arabia, and obviously uncertainties with the saber rattling of Iran and the problems with Syria. We ought to be committing our efforts to create a new regional security structure that will include improved security assistance programs, joint exercises, and provide a greater confidence to the region about long-term strategy.

To show Iraqi Sunnis the benefits of participating in the political process, we should press these countries to set up a reconstruction fund specifically for the majority Sunni areas. The absence of specific economic transformation remains the heart of one of the reasons for people to move toward insurgency rather than the governance process. We need to also jump-start our lagging reconstruction efforts by providing necessary civilian personnel to do the job, standing up civil-military reconstruction teams throughout the country, streamlining the disbursement of funds to the provinces, expanding job creation programs, and strengthening the capacity of government ministries.

Prime Minister Blair, a few weeks ago, suggested that different countries actually adopt a ministry. I know in the Ministry of Finance there are precious few U.S. personnel helping that finance ministry to be able to do the job of administering payrolls and managing the budget of the country. It is unbelievable that at a time when our troops are making such a valiant effort to provide for this transformation we are absent the kind of diplomatic and civilian personnel necessary to make those things happen.

On the military side, we must make it clear now that we do not want permanent military bases in Iraq. We still have not done that. In the absence of doing that, we lend credence to the notion of occupation and of long-term designs on oil, on land, or other designs. Those lend themselves to the recruitment process.

The administration must immediately give Congress and the American people a detailed plan for the transfer of military and police responsibilities on a sector-by-sector basis to Iraqis so the majority of our combat forces can be withdrawn—ideally as a target by the end of next year.

Simultaneously, the President needs to put the training of Iraqi security forces on a 6-month wartime footing and ensure that the Iraqi government has the budget to deploy them. The administration should accept the longstanding efforts and offers of Egypt, Jordan, France, and Germany to do more training. They should prod the new Iraqi government to ask for a multinational force to help protect Iraq's borders until a capable national Army is formed. And that force, if sanctioned by the United Nations, could attract participation by Iraq's neighbors and countries like India, and it would be a critical step in stemming the tide of insurgents and money into Iraq, especially from Syria.

Finally, we must alter the deployment of American troops themselves. I believe deeply that special operations obviously need to continue. They must continue in order to pursue specific intelligence needs and in order to ferret out those jihadist and other hard-core insurgents that we have in Tehran. But the vast majority of our troops could easily move to a rear guard, garrison kind of status in order to provide security backup. You do not need to send the young Americans on search-and-destroy mission that invite alienation and deepen the risks they face.

If the President were to do this, then the Iraqis would far more rapidly, according to our own generals, begin to assume the responsibilities which we are asking them to and which they need to and which, in the end, are the only way to be successful.

If the President refuses to move in this course, ultimately it is our responsibility, the U.S. Congress, to debate and ultimately help to put this policy in the right direction. If we take these steps, there is, frankly, no reason that within 12 to 15 months we couldn't be able to take on a new role—a role as an ally, not an occupier. And only then will we have provided our troops with what they really deserve, which is leadership equal to our soldiers' sacrifice.

I yield the floor.

The PRESIDING OFFICER (Mr. VITTER). The Senator from Virginia.

Mr. WARNER. Mr. President, in consultation with the ranking member, we are anxious to move now to further debate on the Kerry amendment. For that purpose, if we could get an estimate of the amount of time that might be required and we could proceed to the second-degree amendment.

Could the Senator advise the managers how quickly we could proceed with the resolution of your amendment, first and second degree to be offered by Senators Roberts and Rockefeller, short debate on that, and such final debate as needed on the underlying amendment, and move to a vote?

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, I would like to help the distinguished manager move the process as rapidly as possible. Senator ROCKEFELLER has just pulled me aside. I will spend a few minutes with him now in the cloakroom, and we will try to report back as fast as we can. I hope we can dispose of it. If we were to proceed under a quorum call until then, it would be helpful.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, to help clarify the situation: Is it the proposal that there be two amendments voted on?

Mr. WARNER. Mr. President, that is correct, I say to my distinguished colleague. The proposal, eventually is that you will have some sort of a——

Mr. KERRY. My understanding is we are talking about a second-degree amendment; is that correct?

Mr. WARNER. That is correct, but then, as we have with others, if it is desired by the three principals here, to do it in a side-by-side fashion. There is a parliamentary means to do that.

Mr. KERRY. Mr. President, if I could have a chance to work with Senator ROCKEFELLER, we may just have one vote.

Mr. LEVIN. That would be better.

Mr. WARNER. Fine. In that event, 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. KERRY. 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. KERRY. Mr. President, I ask unanimous consent that I be able to reserve the time on my amendment, but that we set the amendment aside and proceed immediately to the second-degree amendment of Senator ROBERTS and Senator ROCKEFELLER.

The PRESIDING OFFICER. Is there objection?

Hearing none, it is so ordered.

The Senator from Kansas.

AMENDMENT NO. 2514 TO AMENDMENT NO. 2507

Mr. ROBERTS. Mr. President, I rise to offer a second-degree amendment, along with the vice chairman of the Senate Select Committee on Intelligence, Senator ROCKEFELLER, in regard to reporting language for certain intelligence activities.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. ROBERTS], for himself and Mr. ROCKEFELLER, proposes an amendment numbered 2514 to amendment No. 2507.

Mr. ROBERTS. 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 report on alleged clandestine detention facilities for individuals captured in the global war on terrorism)

In lieu of the language proposed to be inserted, insert the following:

SEC. ___. REPORT ON ALLEGED CLANDESTINE DETENTION FACILITIES FOR INDIVIDUALS CAPTURED IN THE GLOBAL WAR ON TERRORISM.

(a) IN GENERAL.—The President shall ensure that the United States Government continues to comply with the authorization, reporting, and notification requirements of title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.).

(b) DIRECTOR OF NATIONAL INTELLIGENCE REPORT.—

(1) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Director of National Intelligence shall provide to the members of the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives a detailed report setting forth the nature and cost of, and otherwise providing a full accounting on, any clandestine prison or detention facility currently or formerly operated by the United States Government, regardless of location, where detainees in the global war on terrorism are or were being held.

(2) ELEMENTS.—The report required by paragraph (1) shall set forth, for each prison or facility, if any, covered by such report, the following:

(A) The location and size of such prison or facility.

(B) If such prison or facility is no longer being operated by the United States Government, the disposition of such prison or facility.

(C) The number of detainees currently held or formerly held, as the case may be, at such prison or facility.

(D) Any plans for the ultimate disposition of any detainees currently held at such prison or facility.

(E) A description of the interrogation procedures used or formerly used on detainees at such prison or facility.

(3) FORM OF REPORT.—The report required by paragraph (1) shall be submitted in classified form.

Mr. ROBERTS. Mr. President, the Senate did create the Select Committee on Intelligence as a unique means to provide oversight of our sensitive activities in regard to intelligence. I agree with Senator KERRY that more information will improve our ability to conduct the oversight we need to do on intelligence.

Senator ROCKEFELLER and Senator WARNER and myself, however, believe this intelligence oversight function should remain focused in the Select Committee on Intelligence, as intended by S. Res. 400, the legislation that actually created the Intelligence Committee back in 1976.

I can assure my colleagues that the membership of the Senate Intelligence Committee is designed to include significant crossover membership from the various national security committees. For example, I am one of the several Armed Services Committee members currently on the Intelligence Committee, including Senator WARNER and Senator LEVIN. That construct was intentionally created by the Senate to address situations just like this.

Transparency is important and open government is critical, but in certain circumstances sensitive information must be handled in a proper way. That is exactly why we created the Committee on Intelligence. This amendment strikes the appropriate balance between the Senate's needs for transparency and the need to handle sensitive information appropriately.

Accordingly, I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BIDEN. Mr. President, will the chairman yield for a question?

Mr. ROBERTS. Certainly.

Mr. BIDEN. Mr. President, I have no debate or disagreement about what the Senator said. I was wondering whether the chairman and the cochair, the Democratic chair, would object to—maybe this is not the appropriate place to do it—a second-degree amendment, or an additional amendment, whatever form it would take, that would require not the intelligence community but the State Department to report to the Foreign Relations Committee on the status of their judgment as to whether we are in compliance with international treaties—their view on that matter.

I don't want to be the skunk at the family picnic. I am not trying to cause any difficulty. But it seems to me that such an approach would not in any way fly in the face of the intelligence community reporting to the Intelligence Committee. The Senator is right—historically, the various committees, including the Foreign Relations Committee, have been represented on the Intelligence Committee. I have no argument with that. I wonder whether any of my friends could respond to that concern I have raised.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Reclaiming my time, let me say to the Senator, he is welcome to the picnic any time he wants to come. I believe we have resolved this matter in response to the original amendment regarding this subject. Senator KERRY and Senator ROCKEFELLER and Senator WARNER and I have crafted a second-degree amendment that will be accepted by Senator KERRY. I recognize the unique concern in regard to the Senator from Delaware. I would hope we could dispense with this first and then enter into a discussion as to the merits of the Senator's concern.

Mr. BIDEN. Parliamentary inquiry: If we dispense with the second-degree amendment, is there any ability to further amend this legislation? This is a substitute or a second degree?

Mr. ROBERTS. This is a second-degree amendment, I inform my colleague.

The PRESIDING OFFICER. The second degree is drafted as a substitute, if it is adopted.

Mr. BIDEN. If it is adopted, and I am not saying I will, but will the Senator from Delaware have an opportunity to amend the substitute?

The PRESIDING OFFICER. No.

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

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

Mr. ROBERTS. I would simply say that my colleague would have ample opportunity to offer an amendment in its own standing, and this carefully crafted compromise should receive priority attention.

I yield to the distinguished Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, we can solve this if we do the following: First, the amendment of the Senator from Delaware, which is a good amendment, is outside of the jurisdiction of the Intelligence Committee. It is not something that involves the Intelligence Committee. It is really a separate judgment. My suggestion would be, since we are trying to dispense with this fairly expeditiously, if we were to modify now the amendment simply to say that it is not a substitute but, rather, only a second degree, immediately upon disposition of that second degree, I could accept the second degree of the Senator from Delaware, at which point we could have a vote on the final amendment, as amended. Would that be satisfactory?

Mr. WARNER. Mr. President, we would need to examine the second-degree amendment by the distinguished Senator.

Mr. KERRY. Could we have an agreement now that we would modify the amendment as submitted so that it is a second degree, not a substitute, but simply a second degree?

Mr. WARNER. Mr. President, I would defer to the distinguished chairman of the Intelligence Committee.

Mr. ROBERTS. As I have indicated or as has been indicated by the distinguished chairman, the subject matter before us now pertains to the jurisdiction of the Intelligence Committee. The amendment, as I understand it, of the Senator from Delaware does not. I would rather go ahead with the agreed-upon method, and then we could take a look at the amendment and handle that separately.

Mr. KERRY. We would simply modify the title ''substitute.'' We are not changing any of the substance of what we have agreed on, nor will it change the procedure which we are going to follow. This amendment, with respect to the Intelligence Committee, will be disposed of separately, freestanding now. But if we don't change the title of the substitute, then the Senator from Delaware is closed out, and we don't have the right to amend it. This is a technicality.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I believe that we are dealing with an important unknown; that is, the content of what the distinguished Senator from Delaware wishes to put on. May I make this suggestion, without any prejudice to this colloquy and honest effort to resolve it, if we were just to lay aside the Kerry amendment, go to another amendment, and then at such time as there is reconciliation of viewpoints, I think we could then perfect his amendment to whatever is needed and proceed.

Mr. KERRY. Before we do that, 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. The group that is working on the Kerry amendment, with the proposed Roberts-Rockefeller second degree, is working diligently, but it is important that we continue on the bill. At this time, I ask unanimous consent that the amendment by the Senator from Massachusetts be laid aside and that the Senator from South Carolina be recognized for the purpose of offering an amendment.

The PRESIDING OFFICER. Is there objection?

Mr. KERRY. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Is it my understanding that upon the disposition of the next amendment, this will be the pending business?

Mr. WARNER. That can easily be arranged.

Mr. KERRY. Can we have that?

Mr. WARNER. I so ask.

The PRESIDING OFFICER. That will be the order pending further action of the body.

Mr. WARNER. I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

AMENDMENT NO. 2515

Mr. GRAHAM. Mr. President, I call up amendment No. 2515 which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. GRAHAM], for himself, Mr. KYL, and Mr. CHAMBLISS, proposes an amendment numbered 2515.

Mr. GRAHAM. 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: Relating to the review of the status of detainees of the United States Government)

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

SEC. ___. REVIEW OF STATUS OF DETAINEES.

(a) SUBMITTAL OF PROCEDURES FOR STATUS REVIEW OF DETAINEES AT GUANTANAMO BAY, CUBA.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees, and to the Committees on the Judiciary of the Senate and the House of Representatives, a report setting forth the procedures of the Combatant Status Review Tribunals and the noticed Administrative Review Boards in operation at Guantanamo Bay, Cuba, for determining the status of the detainees held at Guantanamo Bay.

(b) PROCEDURES.—The procedures submitted to Congress pursuant to subsection (a) shall, with respect to proceedings beginning after the date of the submittal of such procedures under that subsection, ensure that—

(1) in making a determination of status of any detainee under such procedures, a Combatant Status Review Tribunal or Administrative Review Board may not consider statements derived from persons that, as determined by such Tribunal or Board, by the preponderance of the evidence, were obtained with undue coercion; and

(2) the Designated Civilian Official shall be an officer of the United States Government whose appointment to office was made by the President, by and with the advice and consent of the Senate.

(c) REPORT ON MODIFICATION OF PROCEDURES.—The Secretary of Defense shall submit to the committees of Congress referred to in subsection (a) a report on any modification of the procedures submitted under subsection (a) not later than 30 days before the date on which such modifications go into effect.

(d) JUDICIAL REVIEW OF DETENTION OF ENEMY COMBATANTS.—

(1) IN GENERAL.—Section 2241 of title 28, United States Code, is amended by adding at the end the following:

''(e) No court, justice, or judge shall have jurisdiction to hear or consider an application for a writ of habeas corpus filed by or on behalf of an alien outside the United States (as that term is defined in section 101(a)(38) of the Immigration and Naturalization Act (8 U.S.C. 1101(a)(38)) who is detained by the Department of Defense at Guantanamo Bay, Cuba.''.

(2) CERTAIN DECISIONS.—

(A) IN GENERAL.—Subject to subparagraphs (B), (C), and (D), the United States Court of Appeals for the District of Columbia Circuit shall have exclusive jurisdiction to determine the validity of any decision of a Designated Civilian Official described in subsection (b)(2) that an alien is properly detained as an enemy combatant.

(B) LIMITATION ON CLAIMS.—The jurisdiction of the United States Court of Appeals for the District of Columbia Circuit under this paragraph shall be limited to claims brought by or on behalf of an alien—

(i) who is, at the time a request for review by such court is filed, detained by the Department of Defense at Guantanamo Bay, Cuba; and

(ii) for whom a Combatant Status Review Tribunal has been conducted, pursuant to applicable procedures specified by the Secretary of Defense.

(C) SCOPE OF REVIEW.—The jurisdiction of the United States Court of Appeals for the District of Columbia Circuit on any claims with respect to an alien under this paragraph shall be limited to the consideration of whether the status determination of the Combatant Status Review Tribunal with regard to such alien was consistent with the procedures and standards specified by the Secretary of Defense for Combatant Status Review Tribunals.

(D) TERMINATION ON RELEASE FROM CUSTODY.—The jurisdiction of the United States Court of Appeals for the District of Columbia Circuit with respect to the claims of an alien under this paragraph shall cease upon the release of such alien from the custody of the Department of Defense.

(3) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to any application or other action that is pending on or after the date of the enactment of this Act. Paragraph (2) shall apply with respect to any claim regarding a decision covered by that paragraph that is pending on or after such date.

Mr. GRAHAM. Mr. President, will you notify me when I have used 15 minutes of the time?

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

Mr. GRAHAM. Mr. President, this whole debate we are having now with Senator KERRY, what we did with Senator MCCAIN's amendment earlier, and what I am trying to do, is a healthy debate about where we are going as a nation, how we prosecute the war on terror, and what kind of value set we are going to adopt.

One thing we need to understand as a nation and we need to understand in the Senate, in my opinion, is that the attack of 9/11 was an act of war. It was not a criminal enterprise. That is an important statement to make. Every Senator needs to understand in their own mind: Was 9/11 and were those who planned it and those who blew up the people in Jordan yesterday common criminals or are these people engaged in acts of terrorism and war? Let it be said clearly, in my opinion, that the United States is at war with al-Qaida and associate groups, and we have been since 9/11.

When a country such as the United States is at war, we have a rich tradition of following the law of armed conflict, of living up to the Geneva Conventions and all other international treaties that regulate the conduct of war. We have a moral imperative as a nation not to lose our way in fighting this war. Using tactics of one's enemy is no excuse in defeating one's enemy.

It is clear to me from Abu Ghraib backward, forward, and other things we know about that at times we have lost our way in fighting this war. What we are trying to do in a series of amendments is recapture the moral high ground and provide guidance to our troops. That is why Senator MCCAIN's amendment, which I cosponsored, is so important, and it passed by voice vote.

The McCain amendment requires standardization of interrogation techniques when it comes to people in our charge, not as criminal defendants but as enemy combatants, people detained on the battlefield, POWs. It requires the Army Field Manual, not the United States Code, to be changed in a way to give our troops the guidance they need as to what is in bounds and out of bounds when it comes to interrogating prisoners. It is important that we get good information. It is equally important that we not lose our value set in obtaining that information.

Senator MCCAIN has two things in his amendment that we desperately need. It standardizes interrogation techniques for the military, dealing with people who are part of this war, our enemies, and it also makes a statement to every other agency in the Government that you are going to treat people humanely if they are captured under your charge as part of fighting this war.

Guantanamo Bay is a place we have designated to take people off the battlefield and hold them, and the determinations that go on at Guantanamo Bay fall into two categories. Some can be prosecuted for violations of the law of war, not criminal violations in

terms of domestic criminal law but violations in terms of the law of war. Enemy combatants are being held at Guantanamo Bay like POWs were held in the past. What we have done at Guantanamo Bay is we have set up a procedure that will allow every suspected enemy combatant to be brought to Guantanamo Bay and given due process in terms of whether they should be classified as an enemy combatant.

The Geneva Conventions in article V state that if there is a doubt about one's status, the host country, the person who is in charge of the person, the suspected enemy person, that host country will have a competent tribunal to determine the status.

What is going on at Guantanamo Bay is called the Combat Status Review Tribunal, which is the Geneva Conventions protections on steroids. It is a process of determining who an enemy combatant is that not only applies with the Geneva Conventions and then some, it also is being modeled based on the O'Connor opinion in Hamdi, a Supreme Court case, where she suggested that Army regulation 190–8, sections 1 through 6, of 1997, would be the proper guide in detaining people as enemy prisoners, enemy combatants. That regulation is ''Enemy Prisoners of War, Retained Personnel, Civilian Internees, and other Detainees.'' We have taken her guidance. We have the Army regulation 190–8, and we have created an enemy combat status review that goes well beyond the Geneva Conventions requirements to detain someone as an enemy combatant.

The McCain amendment says if you are an enemy combatant, we will treat you humanely, even though you may be part of the most inhuman group the world has ever known. Senator MCCAIN is right. How we treat detainees in our charge once they are captured is about us, but their legal status is about them. Once they choose to become part of a terrorist organization in an irregular force that blows up people at a wedding, then their legal status is about them and their conduct.

I want to make sure we follow the law of armed conflict, that we comply with the spirit of the Geneva Conventions, that we do it right because we are a country that believes in doing it right. I believe the Congress needs to get involved. We have been AWOL.

I have enjoyed working with Senator LEVIN and my Democratic colleagues, Senator WARNER, Senator MCCAIN, and others to get the Congress involved. Here is what we have done. The Congress is now setting interrogation standards that have long been overdue and neglected. The Congress is now setting a humane treatment standard that will serve us well in the international community. The Congress, through my amendment, is now getting involved in the enemy combatant detention process.

People worry about taking folks to Guantanamo Bay and never hearing from them again. I can assure you they can be heard from. They are being heard from. They are being inspected in terms of their treatment by the International Red Cross. I have been to Guantanamo Bay twice. If you worry about what is going on at Guantanamo Bay, go down there yourself. The press has access to Guantanamo Bay. The International Red Cross has access to Guantanamo Bay. My amendment gets Congress in the ball game.

My amendment requires that Combat Status Review Tribunal regulations have to come to the Senate and the House for our review. Congress now is looking over the shoulder of what is going on there.

My amendment requires that the person sitting at the top of the pyramid who makes the decision to release or detain has to be confirmed by the Senate so they will be accountable to us.

My amendment prohibits the use of undue coerced statements to detain somebody as an enemy combatant.

If you are a POW in a war, you are there until the war is over. An enemy combatant falls into that same category, and we are going to make sure they get due process accorded under international law and then some, and the Congress is going to watch what happens. The Congress is going to be involved, and we are going to take a stand. We are going to help straighten out this legal mess we are in.

But there is another problem. For those who want to treat people in our charge humanely, sign me up. For those who want to get Congress involved in making sure we have standardized interrogation techniques so our own troops won't get into trouble, sign me up. For those who want to give enemy combatants due process in accordance with the Geneva Conventions, and then some, sign me up. For those who want to turn an enemy combatant into a criminal defendant in U.S. court and give that person the same rights as a U.S. citizen to go into Federal court, count me out. Never in the history of the law of armed conflict has an enemy combatant, irregular combatant, or POW been given access to civilian court systems to question military authority and control, except here.

What has happened at Guantanamo Bay that we need to fix? I know what we need to fix in terms of the way we have treated prisoners. We are doing it. We are getting it right. We are making up for our past sins. My request to this body is, let's not go too far and create problems that will come back to haunt us. We are at war; we are not fighting the Mafia. We are fighting an enemy desirous of taking us down as a nation.

The Supreme Court decided that the Guantanamo Bay activity was part of the United States, not in its territory so much as under its control. The Supreme Court has been shouting to us in Congress: Get involved.

Habeas corpus rights have been given to Guantanamo Bay detainees because the location is under control of the United States, and Congress has been silent on how to treat these people. The Supreme Court has looked at section 2241, the habeas statute, and they are saying to us: Since you haven't spoken, we are going to confer habeas rights until you act.

Justice O'Connor said that we will under habeas give due process to enemy combatants, but if you were smart, you would have a process like Army regulation 190–8, and that would be more than enough. Well, we are smart.

Here is what has happened. If you want to give a Guantanamo Bay detainee habeas corpus rights as a U.S. citizen, not only have you changed the law of armed conflict like no one else in the history of the world, I think you are undermining our national security because the habeas petitions are flowing out of that place like crazy. There are 500-some people down there, and there are 160 habeas corpus petitions in Federal courts throughout the United States. Three hundred of them have lawyers in Federal court and more to follow. We cannot run the place.

They are not entitled to this status. They are not criminal defendants. And here is what they are doing in our courtrooms:

A Canadian detainee who threw a grenade that killed an army medic in a firefight and who came from a family of longstanding al-Qaida ties moved for preliminary injunction forbidding interrogation of him or engaging in cruel, inhumane, or degrading treatment of him. It was a motion to a Federal judge to regulate his interrogation in military prison.

Another example. A Kuwaiti detainee sought a court order that would provide dictionaries in contradiction of Gitmo's force protection policy and that their counsel be given high-speed Internet access at their lodging on the base and be allowed to use classified DOD telecommunications facilities, all on the theory that otherwise their right to counsel is unduly burdened.

This is one of my favorites. There was a motion by a high-level al-Qaida detainee complaining about base security procedures, speed of mail delivery, and he is seeking an order that he be transferred to the least onerous conditions at Gitmo and asking the court to order that Gitmo allow him to keep any books and reading materials sent to him and to report to the court on his opportunities for exercise, communication, recreation, and worship.

Can you imagine Nazi prisoners suing us about their reading material?

Two medical malpractice claims have come out of this.

Here is another great one. There was an emergency motion seeking a court order requiring Gitmo to set aside its normal security policies and show detainees DVDs that are purported to be family videos.

Where does this stop? It is never going to stop.

Let me tell you what it is doing. Here is a quote from one of the lawyers representing these detainees in Federal court:

We have over one hundred lawyers now from big and small firms working to represent these detainees. Every time an attorney goes down there, it makes it that much harder for the U.S. military to do what they're doing. You can't run an interrogation . . . with attorneys. What are they going to do now that we're getting court orders to get more lawyers down there?

Know what. The people at Gitmo are asking that same question: What are we going to do? It is impossible to interrogate people with this much court intervention. We are undermining the role Gitmo plays in helping our own national security. No POW enemy combatant in the history of the world has been given Federal court unlimited access as an American citizen.

Here is what I propose we do: that we take the procedures that are in place far beyond what the Geneva Conventions require, that we make the reforms my amendment suggests where Congress is now involved in oversight, and we do one other thing, we allow a detainee to go to Federal court, not anywhere and everywhere, but to one place, the Circuit Court of Appeals for the District of Columbia where they can challenge what the military has done to them in terms of their status.

That is a right beyond what any enemy combatant POW has ever had in history. That will make sure two things happen: My amendment will make sure Congress will supervise what goes on and will be notified about what happens at Gitmo. They will be able to hold people off the battlefield as enemy combatants; they will have a process recognized by the Geneva Conventions and then some; and they will also have a right to go to Federal court to challenge their status to make sure we did it right.

If we will do these things together, then we can be proud as a nation. They all need to be done together. We need to make sure standardized interrogation techniques exist for the benefit of our own troops in the Army Field Manual to create clarity out of chaos. We need to make a statement as a nation that no matter who you are or where you are, if you are in our charge, you are going to be treated humanely.

Shaikh Mohammed, the mastermind of 9/11, is somewhere in our care. He is not a criminal defendant. He is a warrior, the planner of 9/11. It is not a decision we should have to make to try him or let him go. We keep him off the battlefield as we have kept every other POW and enemy combatant off the battlefield. We get good intelligence from him and we treat him humanely. Let us not turn this war into a crime. It would be a crime to do so.

I think I have presented what I believe to be as balanced an approach as I know how without giving up our right to defend ourselves. To the human rights activists out there, God bless you. You have helped us in many ways. We are going to make the statements you want us to make about treating people humanely. We are going to have standardized interrogation techniques. Congress is going to provide oversight and we are going to let the courts provide oversight. But in the name of human rights, we are not going to let this jail run amok. We are not going to create a status in international military law that has never been granted before. Of all the people in the world who should enjoy the rights of an American citizen in Federal court, the people at Guantanamo Bay are the last we should confer that status on. We did not do it for the Nazis. We should not do it for these people.

I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. COLEMAN). Who yields time?

Mr. LEVIN. I yield 10 minutes to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I thank my colleague from Michigan. I rise to speak in opposition to this amendment as currently drafted. After the Senate deals with this amendment, I will offer a second-degree amendment to remove the problematic language that I believe is included. First, I commend Senator GRAHAM for taking on the issue of treatment of these prisoners in Guantanamo. He did work with Senator LEVIN, myself, and others, I am sure, to try to improve the procedures for processing prisoners at Guantanamo. We agreed upon some language. We included that language. He proposed it and it was included in the Defense appropriations bill. That was agreed to. Unfortunately, here he has taken that language and he has modified it. He has added to it. His additions are a terrible mistake.

His amendment now also contains a provision that strips aliens at Guantanamo of any right to seek habeas corpus in our Federal courts. The right to file a petition challenging the legality of a prisoner's detention was specifically recognized by our Supreme Court in the Rasul case. Considering that many prisoners have been held there for over 3 years, that the administration has argued they can be held there indefinitely, it would be a major mistake for us to remove the very limited judicial review the Supreme Court has recognized that these prisoners still have.

The writ of habeas corpus, which is what his amendment would eliminate, which is in essence a right to petition the court to review the legality of one's detention by the Government, is at the core of civil rights in this country. It came originally from the Magna Carta. Our Founding Fathers wrote this into our own Constitution. In the first article of the Constitution, in Section 9, it says:

The privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion and Invasion the public Safety may require it.

Our Founding Fathers wanted to ensure that the Government could not simply imprison people at will and that there was judicial review that would be available as a check on that executive power.

When the executive branch detains or imprisons a person within the jurisdiction of the United States—and that is all we are talking about here, detaining someone within the jurisdiction of the United States—the Government, upon the issuance of a writ by a court, must show cause why that person is being detained. This right is enshrined in our own Constitution. It would be a terrible mistake for us to suspend that right as an amendment on a Thursday afternoon to the Defense authorization bill.

This is an extremely serious issue. There have been no hearings on this issue in the Judiciary Committee. I see the chairman of the Judiciary Committee on the Senate floor this afternoon. If we are going to seriously consider suspending the privilege of habeas corpus, of filing a petition for habeas corpus, the Judiciary Committee should be the committee that considers that type of a proposal and has hearings on it.

There have been no hearings in the Armed Services Committee. It would be a terrible mistake for us to do this sort of as a by-the-way kind of amendment on a Thursday afternoon as we are preparing to leave for the weekend.

Through our history, Congress has suspended the ''great writ,'' as it has been called in Anglo jurisprudence for centuries now, only on very few occasions. Abraham Lincoln suspended the writ during the Civil War in order to imprison suspected southern supporters. During the Second World War, President Roosevelt unilaterally suspended the writ in order to imprison more than 70,000 Japanese Americans in prison camps. This Congress has since gone on record indicating its regret at that action taken by this Government.

Today, the executive branch has once again asserted extraordinary powers. The President has argued that he has the authority to indefinitely imprison anyone, whether a citizen or noncitizen, that he deems to be an enemy combatant, and the judicial review of such decisions is not needed or appropriate.

It is in times such as these that our Founding Fathers envisioned that habeas corpus would be preserved. According to the Wall Street Journal article earlier this year, an estimated 70 percent of individuals held at Guantanamo were wrongfully imprisoned. BG Jay Hood was quoted as saying in that article: Sometimes we just did not get the right folks.

This is not the time Congress should suspend the writ and grant the executive branch additional unchecked authority.

The administration has gone to great lengths to avoid the legal restraints

that normally would apply under our legal system. They have argued that the laws of war are not applicable because we are fighting a new type of enemy. They have argued the criminal laws are not applicable because we are fighting a war. The administration position is that there is a rights-free zone where the President has complete authority to detain and hold individuals indefinitely.

Within this framework, the administration argues that the prohibition on torture is an unnecessary barrier. They argue that the Geneva Conventions are outdated, that constitutional rights do not exist for this group of individuals. In essence, they argue that the rights of these prisoners, if any, are at the discretion of the President.

According to press reports, in deciding where they wanted to hold suspected terrorists, the administration has gone to enormous lengths to avoid putting them some place where they would be under the jurisdiction of our courts. They considered Soviet-era detention centers in Eastern Europe, secret facilities in Thailand, Egypt, Jordan, and Zambia. They finally settled on putting them at Guantanamo in Cuba because, as the Secretary of Defense said, it was the least worst place. It also had the advantage, they thought, of giving them a plausible argument that they were outside the reach of the U.S. courts on the theory that since this was Cuban territory, if these prisoners had objections or problems they could always seek redress from the Cuban Government. That was the argument our own Department of Justice made in our courts.

Of course, the Supreme Court disagreed in the Rasul case and held that Guantanamo prisoners do have the right to challenge the basis of their detention in U.S. Federal court.

As I understand it, the number of prisoners facing trial today is about 10. That is 10 out of the 500 prisoners who are being held there. The rest are being held without charges. There is no prospect for them being charged in the near future that I am aware of.

The President and the administration in this country have a credibility problem with regard to our detention policies. The administration says one thing regarding its position on torture. We appear to do something different. We all watched as the President toured Latin America last week and reassured our allies at every stop that, in fact, it is not the policy of our Government to engage in torture. We are on the defensive on an issue that should not be an issue in this country.

We can effectively combat terrorism without resorting to these types of techniques, and we can do so in a manner consistent with American values. Our Nation's longstanding commitment to the respect of law, to the rule of law, and basic human rights is founded on a set of values that distinguishes us from terrorists and it is important that we keep those principles and those values intact as we pursue this war on terrorism.

This is not the time to back away from the basic principles this country was founded on. Considering the ambiguity that exists with regard to the legal status of so-called enemy combatants and the revelations that have come out regarding secret prisoners, irregular rendition, torture and abuse, I believe it would be a tragic mistake to further limit the ability of our courts to provide the minimal judicial review that has been afforded thus far. The world has come to doubt our Government's commitment to the rule of law as a result of many of the actions I have recounted. Let us not provide an additional basis for those doubts by stripping our Federal courts of the right to consider petitions for habeas corpus.

I urge that this amendment be defeated. If appropriate, after consideration of this amendment, I have an alternative amendment which would enact the first three sections of Senator GRAHAM's amendment as we passed them on the appropriations bill but would delete the portion that strips the Federal courts of jurisdiction.

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

Mr. BINGAMAN. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. Mr. President, I yield 10 minutes to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank the Senator from Michigan for yielding me 10 minutes.

The issues presented by the Graham amendment are very important, and I commend Senator GRAHAM for taking the initiative in offering this amendment. This is an issue which this Senator has been wrestling with for some time.

Shortly after 9/11, on February 13, Senator DURBIN and I introduced legislation which would have dealt with the military commission procedures. This is pursuant to the provisions of article I, section 8, clauses 10 and 11 of the Constitution, which confers upon the Congress the power ''To define and punish . . . Offenses against the Law of Nations; . . . make Rules concerning Captures on Land and Water.''

Early this year, after becoming chairman of the Judiciary Committee, in collaboration with the distinguished ranking member, Senator LEAHY, we took up this issue.

We held a hearing on June 15 this year, which I had sought continually in 2002, 2003, and 2004. I believe this was the first hearing to deal with these issues. In line with that effort, I traveled to Guantanamo Bay in mid-August. I had the expectation of having a hearing and making progress to really come to grips with the complex issues which are involved here.

These issues are very difficult. When you talk about detainees and their status as an enemy combatant, you first wrestle with the problem of what evidence is there. It is very hard to quantify any of the evidence. You talk about competent evidence, which we are familiar with in a courtroom—here there is none. Hearsay is permitted, but it is impossible to put your hands on what the hearsay is. There are some suggestions that on the battlefield somebody who is known and trusted to our forces would just identify: You, you, and you are enemy combatants; and it would stick. These detainees are then held for the duration.

There is no doubt that these detainees are the worst of the worst. That is the way they have been characterized. We are facing very difficult problems with these terrorists. Some of them have been released, and they have gone back to Afghanistan or gone back to Iraq, so we are fighting them all over again. It is a very difficult problem.

Finally, the Supreme Court of the United States came down with three decisions in June of 2004, which were a patchwork, really a crazy quilt, of decisions. Now you have the Supreme Court of the United States again undertaking jurisdiction in the Hamdan case, which challenges the Presidential authority to set up the commissions. It does so on the ground that the Geneva Convention says that there must be a tribunal who makes the determination of enemy combatant status.

The question raised in the circuit court—this opinion got a lot of notoriety because Chief Justice Roberts, then Judge Roberts of the circuit court, was on the panel—dealt with the issue as to whether there had to be a tribunal. That is what the district court said. The circuit court overruled the district court's ruling that the President was not a tribunal. Although it is hard to fashion the President as a tribunal, I do realize that the President has to act to protect the country.

These are the kind of weighty problems which we have not sorted through, quite frankly. I have discussed this matter with the Senator from South Carolina. He is on the Judiciary Committee and participated in the hearing which we held. He took a good bit of what we had found and worked with it in the Armed Services Committee. That is the way it should be. But when you undertake to remove habeas corpus, you better know where you are, and you better have a comprehensive plan and a comprehensive way of dealing with the issue which deals with evidence and which deals with the right of counsel.

Detainees do not have the right to counsel. I can understand why the Department of Defense does not want to give detainees the right of counsel. But we have not come up with an answer as to how the detainees ought to be handled. The detainees are reviewed only once a year. We have submitted draft legislation to the Department of Defense, as we worked on this issue in

June, July, August, and through the fall. A number of the suggestions which we made were incorporated by the Department of Defense. I think they have been moving in the right direction. They have changed the commission so that the presiding judge is no longer a fact finder or juror, but functions more like a judge. Changes in the Classified Information Act have occurred.

But until we can sort through these issues and find a comprehensive approach which deals with them—and we should be doing that—the Judiciary Committee will still be wrestling with these problems. But it is well known that we have been busy since we took up this issue with a June 15 hearing. In July we had the nomination of Roberts, and we had the nomination of Miers, and now we have the nomination of Alito. We have had so many matters: class actions, bankruptcy and asbestos and judicial nominations, that we have not been able to come to grips with all of the issues.

Candidly, it is very hard to deal with the Department of Defense on these matters. When we were in Guantanamo on August 1, we took up an issue that the New York Times had publicized, on August 1, where three officers had said that the trials were rigged by the military. We sought information from the Department of Defense on an inspector general's report and on an internal investigation. There was delay after delay after delay, as we tried to find out what was going on. It was very difficult. This is sort of a pattern, where the Department of Defense wants to do it their way and is very resistant to congressional inquiries and to congressional oversight.

While it is a collateral matter, it bears on some of the work by the Judiciary Committee on Able Danger. There we have, notwithstanding commitments by the Department of Defense, not been able to get important information.

I see the Presiding Officer edging forward. Is my time about to expire?

The PRESIDING OFFICER. The Senator has 2 minutes remaining.

Mr. SPECTER. I thank the Chair. But I am not prepared, at this stage, to support legislation which calls for removal of habeas corpus. The issues on detainees and military commissions have been pending since 9/11 of 2001. Until the Judiciary Committee held a hearing in June 15 of 2005, nothing had been done by Congress. The Supreme Court finally took the bull by the horns and came down with the three decisions in June of 2004 because the Congress had not acted. It didn't know what to do. It didn't know quite how to approach it. And perhaps it was too hot to handle. But the Congress frequently is inactive in the face of assertions by the executive of the need to defer to Presidential power. But I believe that the habeas corpus provisions which are now in effect need to be maintained.

While the three decisions by the Supreme Court in June of 2004 did not answer the problem, they did get us started. Their movement in the Hamdan case is again significant. My own thinking, as chairman of the Judiciary Committee, is to try to find answers to these complex issues.

When the Senator from South Carolina decries the numerous habeas corpus appeals, I know what that means. I was a district attorney of a big city, 30,000 cases a year, with a lot of convictions and a lot of habeas corpus matters. The Federal Government can handle the habeas corpus provision. But I read in the revised statute that there are going to be appeals.

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

Mr. SPECTER. I ask for an additional 2 minutes.

Mr. LEVIN. I yield those 2 minutes.

Mr. SPECTER. When I read in the bill of the Senator from South Carolina about appeals to the court of appeals of the District of Columbia from detainee status, that opens up a brand new Pandora's box. You have existing procedures under habeas corpus which we currently understand, but if you provide for a new jurisdiction for the circuit court of appeals for detainees' appeals than that could make it worse.

I think this probably requires a lot more analysis. We have an able Senator from South Carolina who sits on both Judiciary and Armed Services. We are going to continue to work on it, but I do not think this amendment is the answer.

I thank the Senator from Michigan for yielding me the time and I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. GRAHAM. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 12½ minutes.

Mr. GRAHAM. I yield 6 minutes to my colleague from Arizona.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, let's go back to the fundamentals of what actually happened and what the amendment of the Senator from South Carolina would actually do. The Congress did not create laws to deal with terrorists, primary to the beginning of the war on terrorism. Questions arose as to the executive branch's treatment of these terrorists in detention. Absent congressional direction, the U.S. Supreme Court had to interpret an existing statute, section 2241. It held that, since Congress had not expressed any intention outside of section 2241 in interpreting that section, the courts had jurisdiction to consider habeas corpus petitions regarding the status of these detainees. That is all that the Court has held.

As Justice Scalia said in his dissent, ''the petitioners do not argue that the Constitution independently requires jurisdiction here.'' So let's be plain, that the Great Writ does not apply to terrorists. No one argued in the Rasul case that the Constitution required habeas corpus petitions. It was, rather, a matter of statutory interpretation. As the Justice said:

> Accordingly, the case turns on the words of section 2241.

How did the Court in the majority opinion treat that?

> Considering that section 2241 draws no distinction between Americans and aliens held in Federal custody, there is little reason to think that Congress intended it not to apply . . .

The bottom line is that the Congress has, on numerous occasions, statutorily limited the writ of habeas corpus to American citizens. In 1996, when the courts were plugged up with habeas petitions, Congress passed a substantial revision of the habeas corpus laws, reducing this backlog of habeas petitions in Federal court from U.S. citizens. We have the statutory jurisdiction to write whatever kinds of laws we want. We clearly have the statutory jurisdiction to say it does not apply to foreign terrorists. And nothing in the Rasul case says otherwise.

So let's be very clear about this Great Writ. It does not apply to terrorists, and it should not apply to terrorists, and nothing in this amendment goes any further than to say it applies to U.S. citizens. It does not apply to terrorists.

Another argument is that we should not suspend the writ of habeas corpus. We are not suspending the writ of habeas corpus. It does not apply. The only reason the Court in Rasul said the Court had jurisdiction to consider it is because the language in 2241 was not explicit enough to exclude the aliens, the terrorists who were detained at Guantanamo Bay from asserting that jurisdiction.

Third, our chairman, Senator SPECTER, has said we need a comprehensive way to deal with the prisoner claims. And he is absolutely correct about that. And this amendment provides such a mechanism.

What Senator SPECTER says is: I'm not sure that we should be granting a circuit court of appeals review right.

That's a pretty good right, I would say. That's what this amendment does. Either we are arguing we are not giving these detainees enough rights or we are giving them too many rights, but let's get one or the other here. I think what we are doing is granting a substantial right to appeal the issue of status when, first of all, it is determined by the CSRT procedures in the military tribunals at Guantanamo Bay and then there is an automatic right to appeal this, not just to a Federal court but to the U.S. court of appeals, on the record. That is a substantial right.

But what we have gotten rid of are these hundreds of habeas petitions that will be clogging the Federal courts. We have already seen them making medical malpractice claims against the doctors, saying they want one kind of food as opposed to another kind of food and so on. It is going to get like it did

with prisoners. One of the real-life cases that came out of Arizona that we tried to take care of in 1996 law is a prisoner said: I want chunky peanut butter, I don't want creamy peanut butter. And that was the habeas petition. You have a right to question food in a habeas petition. Do we want our Federal courts clogged with terrorists making these kind of petitions? No.

As a result, what Senator GRAHAM has done here is very sensible, to say there is going to be a military tribunal to determine status. By the way, it is reviewed every single year. When that status is first determined, there is an automatic right to appeal to the U.S. Court of Appeals for the District of Columbia. But the writ of habeas corpus, which has never been intended to apply to prisoners of war, much less terrorists, does not apply in this case.

We are not going to clog up the courts with habeas corpus petitions. You can have an automatic right to the circuit court of appeals.

It gets us back to the point that Senator GRAHAM made in the beginning. Let us recognize that we are not dealing with criminal defendants. We are dealing with people who have committed acts of war against the United States. They certainly should not be accorded greater privileges than U.S. citizens or prisoners of war.

A final point: There has been a suggestion by some that this would somehow undercut the McCain antitorture amendments. I think Senator GRAHAM laid that to rest. But make it crystal clear. Under McCain, there is not private right of action. They are enforced by the constitutional requirement that the President take care that the laws be executed. The Graham amendment does not take away the right of action to enforce McCain because there is no right of action to enforce McCain in the McCain amendments.

This is a very good amendment. It gets us back to the basics of what kind of folks these terrorists are. It grants them substantial rights to contest their status but not the right to clog up Federal courts.

Mr. LEVIN. Mr. President, I yield 2 minutes to the Senator from Vermont.

Mr. LEAHY. Mr. President, I am always concerned that when they speak of terrorism we are constantly adding new things to our laws to show how we are opposed to terrorists. Maybe it would be easier to just to pass a resolution 100 to 0 saying we are all opposed to terrorists. Of course, we are.

I also remember when it was written and attributed to Benjamin Franklin at a time when he and other Founders of this great Nation faced the hangman's noose. Had they failed in their efforts to create a democracy instead of trade, their liberties for security deserve neither.

We should go very slowly when we want to make changes on the great rift.

The distinguished chairman of the Judiciary Committee is absolutely right. We should oppose this amendment.

We made a major change in the habeas corpus laws a few years ago when we were looking at that to see how that works.

This is not the time nor the place nor the bill to willy-nilly—that is really what it is—make this change in the habeas corpus law. There are just too many things going on—whether it is the reports in the press about us using secret prisons that had been abandoned by the old Soviet Union following criticism of every President, Republican or Democrat, in my lifetime, that we are now using that, to questions that are raised and appropriately raised about Guantanamo.

I have heard it said here that the Red Cross has available to them all prisoners, that the press has available to them all prisoners—we have found that isn't so—and prisoners are spirited out in the middle of the night to these secret prisons.

Let us stand as a country that believes in the rule of law.

I hope we stand with the senior Senator from Pennsylvania in opposing this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. Mr. President, if the Senator from South Carolina would defer to the managers, I would like to address the Senate in connection with a unanimous consent request. My understanding is that it has been cleared on both sides.

I ask unanimous consent that it now be in order for Senator GRAHAM to offer a perfecting second-degree amendment. I further ask unanimous consent that at 4:30 the Senate proceed to a vote in relation to the Graham second-degree amendment; further, that following that vote Senator BINGAMAN be recognized and it be in order for him to offer a motion to strike; further, that the Senate proceed immediately to a vote on the motion to strike.

Finally, I ask unanimous consent that if the motion to strike is agreed to, it be in order for Senator GRAHAM to offer a further amendment.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Reserving the right to object.

Mr. BINGAMAN. Mr. President, I would like to ask a question for clarification. I anticipated offering a second-degree amendment, for which I understood I would be entitled to 30 minutes equally divided. I want to make sure I have a right to argue that amendment and have my 30 minutes of debate on my second-degree amendment before we wind up agreeing to a 4:30 vote.

Mr. WARNER. Mr. President, would the Senator be willing to amend this by saying that the time remaining between now and 4:30 be equally divided between himself and Senator GRAHAM? Would that serve your purpose?

Mr. BINGAMAN. That will be an acceptable result.

Mr. LEVIN. Mr. President, reserving the right to object, we have not seen the perfecting amendment of the Senator from South Carolina. I have not seen the perfecting language. Reserving the right to object, what is the purpose of that, if I may inquire?

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. I have no objection.

Mr. WARNER. There are no objections that I know of, Mr. President.

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

There will be 20 minutes divided on each side. Who yields time? The Senator from South Carolina is recognized.

Mr. GRAHAM. I defer to my colleague from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, let me speak very briefly. I wanted to clarify a couple of points. The Senator from South Carolina has indicated that instead of people having a right to challenge the legality of their detention through a writ of habeas corpus, we are going to give them the right to challenge the legality of their detention in the Court of Appeals for the District of Columbia. That is not what his amendment says. His amendment says the Court of Appeals for the District of Colombia shall have a limited scope of review. The jurisdiction of the U.S. Court of Appeals for the District of Columbia on any claims with respect to an alien under this paragraph shall be limited to consideration of whether the determination of the combatant status review tribunal regarding such alien was consistent with such procedures and standards as specified by the Secretary of Defense.

The very limited scope of review that he would provide to the court of appeals would just say you can look to see whether they, in fact, followed their own procedures—the procedures set out by the Secretary of Defense—not whether the status, or whether the detention of that individual is legal. That is the question that the writ of habeas corpus gets to—a question of whether, in fact, a person is being legally held by the government.

To say that we are going to give the Court of Appeals for the District of Columbia authority to look at whether the Department of Defense followed their own procedures does not, in fact, solve that problem.

I think that is clearly a clarification that needs to be understood by everyone.

The other point that I would make is it does not matter, frankly, what people put in these petitions. I heard my colleagues—both the Senator from South Carolina and then the Senator from Arizona—say we have these outrageous requests being made that they didn't like the peanut butter, they don't like the television they are having to watch. It doesn't make any difference what they put in these petitions. The writ of habeas corpus which

the Senator from South Carolina would have us eliminate as to these individuals is a procedure which says the court can determine whether you are legally being held, not whether you are given the right peanut butter, not whether you are being allowed to see the right DVDs, and there is no obligation of the court to grant any of these petitions. There is no obligation of the court to hold hearings on any of these petitions.

All we are saying is if a court receives a petition from an individual who is being held prisoner and determines that there is a problem or a potential problem, that court does have authority to go ahead and issue an order which is a writ saying bring that individual here and justify the imprisonment of this individual.

This is the bedrock of our constitutional system. This is the bedrock of our legal system which goes back long before the Founders even wrote the Constitution. It would be a very tragic mistake for us, on a Thursday afternoon, in an amendment to the Defense authorization bill, to dispense with this for this or any group of individuals.

I urge my colleagues to resist the amendment, as I did before. If the amendment is defeated, the second-degree amendment which I would offer contains the first three sections of the amendment that the Senator from South Carolina has offered. That is the portion of the amendment which we agreed to for the Defense appropriations bill and that is the part which is appropriate for us to enact again as part of this bill, if the Senate desires to do so.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I wanted to ask the Senator from South Carolina if he would object to a unanimous consent that we allow Senator ROCKEFELLER and Senator ROBERTS to take 5 minutes to introduce a modification, and then to stack the votes and have the vote on that amendment prior to his on the unanimous consent order.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Mr. President, reserving the right to object, it is essential that the amount of time between now and 4:30 be used on the debate on the Graham amendment. That would detract, I am afraid, from that amount of time.

Mr. KERRY. It would be difficult. I think it would take 5 minutes to handle what we have to do.

Mr. LEVIN. I would ask unanimous consent—and I ask everyone to pay attention to this—that any time taken to comply with that request be added on at 4:30 so that the vote would be at 4:35 or 4:40, depending upon whether this insert would take 5 or 10 minutes to that modification.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Is the Presiding Officer's question, Is there objection?

The PRESIDING OFFICER. To the unanimous consent for 5 minutes, or such time as may be consumed.

Mr. KERRY. The order would be that Senator ROCKEFELLER and Senator ROBERTS would introduce the modification on his amendment, at which point the debate would conclude with respect to the Kerry amendment. We would vote on the Kerry amendment prior to the Graham amendment, and then subsequently his unanimous consent request, as propounded, already would stand.

Mr. WARNER. Mr. President, I have to at this time object.

I suggest the absence of a quorum so we can hopefully resolve this.

The PRESIDING OFFICER. The clerk will call the roll.

The 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, I appreciate the patience of all of our colleagues, wherever they may be. We are continuing to make considerable progress. That progress will hopefully lead to final passage tonight.

Consistent with those objectives, I ask unanimous consent that the Roberts amendment now be modified with the changes that are at the desk; provided further that the amendment be agreed to. I further ask consent that no later than the hour of 4:45, the Senate proceed to votes in relation to the following amendments: the Kerry amendment, as amended; Lautenberg No. 2478, as modified with the changes at the desk; Graham amendment 2516; the Bingaman motion to strike is under the previous order; conference report to accompany the foreign operations bill; further, that no second degrees be in order to the Kerry or Lautenberg amendments prior to the vote; and that there be 2 minutes equally divided before the votes, with the Lautenberg amendment getting 8 minutes equally divided before the vote. I further ask that after the first vote, all subsequent votes be 10 minutes.

Mr. LEVIN. Reserving the right to object—I don't intend to object—I ask a parliamentary inquiry as to whether there is anything in this unanimous consent agreement which would preclude the offering of additional second-degree amendments to the Graham amendment should the Graham amendment 2516 be agreed to and should the Bingaman motion to strike be defeated.

The PRESIDING OFFICER. Depending on how the amendment is drafted, a further second-degree amendment could be in order.

Mr. LEVIN. Or amendments.

The PRESIDING OFFICER. Or amendments.

Mr. LEVIN. I thank the Presiding Officer.

Mr. WARNER. I hear no further comment or objection.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 2514), as modified, was agreed to as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. ___. REPORT ON ALLEGED CLANDESTINE DETENTION FACILITIES FOR INDIVIDUALS CAPTURED IN THE GLOBAL WAR ON TERRORISM.

(a) IN GENERAL.—The President shall ensure that the United States Government continues to comply with the authorization, reporting, and notification requirements of title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.).

(b) DIRECTOR OF NATIONAL INTELLIGENCE REPORT.—

(1) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Director of National Intelligence shall provide to the members of the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives a detailed report setting forth the nature and cost of, and otherwise providing a full accounting on, any clandestine prison or detention facility currently or formerly operated by the United States Government, regardless of location, where detainees in the global war on terrorism are or were being held.

(2) ELEMENTS.—The report required by paragraph (1) shall set forth, for each prison or facility, if any, covered by such report, the following:

(A) The location and size of such prison or facility.

(B) If such prison or facility is no longer being operated by the United States Government, the disposition of such prison or facility.

(C) The number of detainees currently held or formerly held, as the case may be, at such prison or facility.

(D) Any plans for the ultimate disposition of any detainees currently held at such prison or facility.

(E) A description of the interrogation procedures used or formerly used on detainees at such prison or facility, and a determination, in coordination with other appropriate officials, on whether such procedures are or were in compliance with United States obligations under the Geneva Conventions and the Convention Against Torture.

(3) FORM OF REPORT.—The report required by paragraph (1) shall be submitted in classified form.

The amendment (No. 2478), as modified, is as follows:

On page 286, strike lines 1 through 3, and insert the following:

SEC. 1072. IMPROVEMENTS OF INTERNAL SECURITY ACT OF 1950.

(a) PROHIBITION ON HOLDING OF SECURITY CLEARANCE AFTER CERTAIN VIOLATIONS ON HANDLING OF CLASSIFIED INFORMATION.—

(1) PROHIBITION.—Section 4 of the Internal Security Act of 1950 (50 U.S.C. 783) is amended by adding at the end the following new subsection:

''(B) No person, including individuals in the executive branch and Members of Congress and their staffs, who knowingly violates a law or regulation regarding the handling of classified information in a manner that could have a significant adverse impact on the national security of the United States, including the knowing disclosure of the identity of a covert agent of the Central Intelligence Agency or the existence of classified programs or operations, the disclosure

of which could have such an impact, to a person not authorized to receive such information, shall be permitted to hold a security clearance for, or obtain access to, classified information.''.

(2) APPLICABILITY.—Subsection (f) of section 4 of the Internal Security Act of 1950, as added by paragraph (1), shall apply to any individual holding a security clearance on or after the date of the enactment of this Act with respect to any knowing violation of law or regulation described in such subsection, regardless of whether such violation occurs before, on, or after that date.

(b) CLARIFICATION OF AUTHORITY TO ISSUE SECURITY REGULATIONS AND ORDERS.—

Mr. BINGAMAN. Mr. President, could I clarify, how long is this discussion going to take because I know this is set for 4:45.

Mr. ROBERTS. Five minutes.

Mr. WARNER. Mr. President, I see that the Senator from Kansas says 5 minutes, and the Senator from Massachusetts is indicating some time to help our colleague.

Mr. BINGAMAN. Mr. President, the concern is, we still need a few minutes to complete the debate on the Graham amendment and my second degree. I would hate to see that time all used up while they are discussing this other amendment.

The PRESIDING OFFICER. Consistent with the previous agreement, Senators Bingaman and Graham would each have 15 minutes, and they may yield that time to others.

The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, it is my understanding, from the colloquy we had around the desk of the chairman of the Armed Services Committee, in order to expedite the whole process, we would lead with the Kerry amendment, and we would then proceed onward. I thought that was the agreement.

Mr. WARNER. Mr. President, I can only say to my colleague, having been a part of this, we seemed to reach a consensus. Staffs on both sides compiled this UC request, which my understanding is it was cleared, subject to clarification by the Senator from Michigan, and it was a concluded matter.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I do not think we need to get hung up on this at all. I think the unanimous consent request was absolutely correct in the order it proceeded. We simply now have to agree that Senators ROCKEFELLER and ROBERTS would have a total of 5 minutes between them, and subsequently Senator GRAHAM and Senator BINGAMAN would follow with their 15 minutes, approximately, and the votes would follow immediately thereafter.

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

Mr. WARNER. Mr. President, do I understand now that the Presiding Officer has ruled that the UC is in place that I so stated?

The PRESIDING OFFICER. It is.

Mr. WARNER. I thank the Chair.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. I thank the Presiding Officer.

AMENDMENT NO. 2507

Mr. President, I support the objective of the underlying amendment proposed by Senator KERRY and others, those others being the minority leader and Senator BIDEN.

The information required by the Kerry amendment is essential if we are to ensure that the U.S. intelligence community is carrying out its intelligence collection mission against a dangerous and nefarious terrorist enemy.

In fact, earlier this year, I took to the Senate floor during the consideration of the emergency supplemental appropriations bill and offered a sense-of-the-Senate amendment calling for such an investigation in the Intelligence Committee. The amendment was ruled out of order by the Chair.

The reason I raise this point is that the Intelligence Committee is the only committee in the Senate with the expertise and the jurisdictional responsibility for overseeing the Central Intelligence Agency and the other agencies comprising the U.S. intelligence community. The Kerry amendment, as amended, correctly points out that all members of the Intelligence Committee must have answers to key questions concerning alleged clandestine detention facilities. We need the information so we can ensure that the intelligence activities of this Nation are both effective and lawful. The Senate Intelligence Committee was established 30 years ago to carry out precisely this type of matter.

I wish to commend, once again, the Senator from Massachusetts, Mr. KERRY, and the cosponsors for offering this amendment. I am pleased that the second-degree amendment has been agreed to.

I thank my colleagues. I hope we can adopt this amendment on the floor because I believe it is a good piece of legislation that John Kerry has put forward.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I will just take 1 minute.

I thank Senator ROCKEFELLER and Senator ROBERTS for their cooperation in this effort and Senator WARNER and Senator LEVIN for helping to proceed down the road here. We are happy to accept the modification, a modification that I think appropriately keeps the jurisdiction within the Intelligence Committee, but at the same time it also appropriately makes certain that the Senate will have the information necessary to be able to provide accountability with respect to these activities.

So I thank my colleagues and look forward to the vote. I hope my colleagues will overwhelmingly embrace this amendment.

I thank Senator BINGAMAN and Senator GRAHAM for their courtesy.

Mr. President, I yield back any time we have.

AMENDMENT NO. 2515

The PRESIDING OFFICER. The Senator from New Mexico and the Senator from South Carolina each have 12½ minutes under their control.

The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I yield 5 minutes to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I thank the Senator from New Mexico.

I do not see the Senator from South Carolina on the floor, and I wanted to propound a question to him. So I will wait until he returns.

Mr. President, I wonder if the Senator from South Carolina might make himself available to answer an inquiry by the Senator from Michigan.

Mr. GRAHAM. I say to the Senator, I would be glad to, if I could just wrap up my thoughts. But do you want to do that now? What would you like to do?

Mr. LEVIN. Mr. President, I wonder if the Senator from New Mexico, then, would like to proceed with his time and then yield to me in a few minutes? And then I could propound that question at a later moment.

Mr. GRAHAM. Shall I go first?

Mr. BINGAMAN. Go right ahead.

The PRESIDING OFFICER. The Senator from South Carolina.

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

The PRESIDING OFFICER. Twelve and a half minutes.

Mr. GRAHAM. Twelve and a half minutes.

Mr. President, one thing I have not done in this whole process is be willy-nilly about this amendment or about this issue. I am deeply concerned as a Senator that we have lost the moral high ground in the war, that we have confused our own troops, that our interrogation techniques have been out of bounds. That is why I support Senator MCCAIN and other Members of this body—90 to 9—to get it right, because we have to maintain the moral high ground.

We did not have hearings about that because we do not need hearings. We know that our interrogation techniques have been confusing and sometimes unacceptable. We know it is time for America to say to the world that no matter what agency is involved or where the person is, they are going to be treated humanely. We know that.

I have been dealing with this for a year. I have worked with Senator SPECTER. I have been trying to find some way to get a grip on the legal aspects of this war, as well as the moral aspects of this war. And before I got here—I am still an active member of the Reserves. I have been a judge advocate in the Air Force most of my adult life.

Senator LEAHY mentioned something: Let's be a nation of the rule of

law. I applaud that. The question is, What is the law here? What is the rule of law when you are at war? The rule of law when you are at war is the law of armed conflict. When we were attacked on 9/11, we went to war, ladies and gentlemen. We are not fighting a criminal enterprise. The rule of law in the law of armed conflict says that POWs and enemy combatants and irregular combatants will be detained within the guidelines of the Geneva Conventions. An enemy combatant is not entitled to Geneva Conventions protection because they do not wear a uniform, they do not fight for a nation. But an enemy combatant is entitled to certain things. We as Americans say you are entitled to be treated humanely, interrogated humanely, and you are entitled to due process to be kept off the battlefield. But you are what you are. You are someone who took up arms against our country. Never in the history of the rule of law of armed conflict has an enemy combatant, POW, person who is trying to kill U.S. troops, been given the right to sue those same troops for their medical care, for their exercise programs, or for their reading materials.

Do you want to be the Senator who has changed 200 years of law? Do you want to be the Senator who is changing the law of armed conflict to say that an enemy combatant—someone caught on the battlefield, engaged in hostilities against this country—is not a person in a war but a criminal and given the same rights as every other American citizen? Do you want to be the Senator who changes 200 years of that? I do not want to be. This is not complicated. One thing is for sure, this is not complicated. No POW in the history of this country has ever been allowed to sue our own troops in Federal court. Does it matter? The habeas corpus writ that is being exercised does not come from the Constitution. This is not a constitutional right that an enemy combatant has under our law. This is an interpretation of a statute we passed, 2241.

The question is, 4 years after 9/11, do we want to change our law and give a terrorist, an al-Qaida member, the ability to sue our own troops in Federal court, all over the country, for anything and everything? I do not. I want to treat them humanely. I want to get good information. And I want to prosecute them within the rule of law. But I do not want to do something that is absurd and is going to hurt our national security; that is, allowing a terrorist the ability to go to Federal court and sue our own troops, who are fighting for our freedom, as if they were an American citizen.

Do you know why the Nazis did not get to do that when we had them in our charge? Because that is not the law. It has never been the law. We caught six German saboteurs sneaking into this country, trying to blow up part of America. They were tried. Where? In a military commission, a military tribunal, not in a civilian court. We had German POWs who tried to come into Federal court, and our court said: As a member of an armed force, organized against the United States, you are not entitled to a constitutional right of habeas corpus.

Do you want to give these terrorists habeas corpus rights just like an average, everyday American citizen or a common criminal to sue our own troops? Well, if you do, vote against my amendment. If you want to get back to where we have been for 200 years, then you need to support me.

This is not complicated. We need to do more than one thing at a time. We need to have interrogation techniques we can be proud of. We need the McCain amendment. We need to standardize interrogation techniques so we do not lose the moral high ground. We need to make a statement that we are going to treat everybody humanely. Enemy combatant, POW—no matter who you are—we are going to treat you humanely.

The Congress does not need to give the executive branch a blank check on how to run this war. My amendment requires the executive branch to report to us about what they are doing at Guantanamo Bay. It requires the Senate to confirm the person in charge of releasing or retaining these enemy combats. My amendment gives them every right the Geneva Conventions afford an enemy combatant, and then some. It gives them an adversarial proceeding at Guantanamo Bay, where they can challenge their status. We go further. It gives them a right to go to the District Court of Appeals of the District of Columbia—something never done in the history of warfare—because we want to let the world know we are going to go out of our way to get it right.

But, ladies and gentlemen, if we do not rein in prisoner abuse, we are going to lose the war. But if we do not rein in legal abuse by prisoners, we are going to undermine our ability to protect ourselves.

I am making one simple request of this body: Do not give the terrorists, the enemy combatants, the people who blow up folks at weddings, who fly airplanes into the Twin Towers, the ability to sue our own troops all over the country for any and everything. Give them due process. Treat them humanely. Try them under the rule of law. But let's not change 200 years of the law of armed conflict.

Your vote today matters. Your vote today matters. We are going to make history one way or the other.

Does the Senate, honestly to God, want to give terror suspects the same rights as American citizens based on a statute we pass? That is what is at stake here. Our troops are counting on us.

They are being taken all over the country, and here is what is going on according to some of the people involved in these habeas petitions:

> We have over one hundred lawyers now from big and small firms working to represent these detainees. Every time an attorney goes down there, it makes it that much harder for the U.S. military to do what they're doing. You can't run an interrogation . . . with attorneys. What are they going to do now that we're getting court orders to get more lawyers down there?

Civilian judges cannot run this war. This is about the rule of law. The rule of law protects people in armed combat. This is about changing our law to give terror suspects rights of U.S. citizens.

Shame on us if we do that.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. BINGAMAN. How much time remains, Mr. President?

The PRESIDING OFFICER. The Senator from New Mexico has 11½ minutes.

Mr. BINGAMAN. And how much on the side of the proponent?

The PRESIDING OFFICER. Four minutes.

Mr. BINGAMAN. I yield 5 minutes to the Senator from Michigan.

Mr. LEVIN. I thank my friend from New Mexico. I wonder if I could inquire of the Senator from South Carolina, I agree with much of what he said, and I congratulate him for trying to get some rules and regulations into these proceedings. I believe that is important. But if the habeas corpus proceedings were added to the Senator's amendment—they were not part of the Senator's amendment to begin with, and I think all of us shared the original amendment of the Senator from South Carolina, but then the court-stripping provisions were added relative to habeas corpus. That is where we are getting into very precipitous trouble.

Given the language of the new amendment of the Senator from South Carolina, if one of these enemy combatants is sentenced to death, there would be no appeal; is that correct?

Mr. GRAHAM. No, sir. That is not correct.

Mr. LEVIN. Let me read the language of the Senator's amendment.

Mr. GRAHAM. The military commissions would be the sentencing body, not the CSRTs. I know this is a bit complicated, but the CSRT provision doesn't try people. It determines whether they are enemy combatants.

Mr. LEVIN. If I could read this, because I only have a few minutes, on page 3 of the amendment, Judicial Review:

United States Code is amended by saying no court, justice, or judge shall have jurisdiction to hear or consider an application for writ of habeas corpus filed by or on behalf of an alien outside the United States who is detained at Guantanamo Bay.

Is it not accurate to say that no court of the United States could review a conviction which even resulted in a death sentence for one of these people down at Guantanamo and that that is inconsistent with the decision of the Supreme Court in re Quirin?

Mr. GRAHAM. No, sir. That is not accurate. This says that no illegal, no foreign alien who is being detained as an enemy combatant can file a writ of habeas corpus. The reason for that being said is because that has been the law for 200 years. We didn't let German prisoners file writs. Under the Roosevelt administration, these six people were captured. They were tried. Four were executed. A writ of habeas corpus was not available to them. It should not have been available to them. The reason we have a military system and we have a civilian system is because we understand the military is a unique body. We don't try our own people in civilian court. We try them in military court. It has been the history of the law of armed conflict that when you have somebody tried for a violation of law of armed conflict, you don't go to Federal court. You go to a military commission or a military court. That is what happened in World War II. That is what will happen to these people, if they are tried.

Mr. LEVIN. Let me read from the opinion in the Hamdan case to see if the Senator would agree with it. Ex parte Quirin, in which captured German saboteurs challenged the lawfulness of the military commission before which they were to be tried, provides a compelling historical precedent for the power of civilian courts to entertain challenges that seek to interrupt the processes of military commissions. The Supreme Court ruled against the petitioners in Quirin but only after considering their arguments on the merits.

What the language of the Senator's amendment does—and I hope it is inadvertent—the Senator eliminates court review of the sentences of enemy combatants before these commissions. I understand that he provides a mechanism to review the status of those enemy combatants. That is fine. He sends them all to court. That creates the kind of problem which the Senator from Pennsylvania talked about. But he goes way beyond that. The Senator's language goes way beyond saying that we are substituting court review for habeas corpus relative to status determinations. The Senator's amendment eliminates habeas corpus on all issues for enemy combatants at Guantanamo. That would be a clear repeal of the decision in Quirin and would also do one other thing.

In the Rasul case, which has been already decided by the Supreme Court, the Supreme Court concluded that Federal courts have jurisdiction to determine the legality of the executive's potentially indefinite detention of individuals who claim to be wholly innocent of wrongdoing. This decision of the Supreme Court would be reversed if we adopted this language.

Finally, in the moment I have remaining, there is pending a decision at the Supreme Court which would be retroactively prohibited. The Supreme Court has agreed to hear a case recently, about a week ago, in the case of Hamdan v. Rumsfeld to decide whether military commissions established by the President—

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

Mr. BINGAMAN. I yield whatever time the Senator needs.

Mr. LEVIN. In the Hamdan case, the Supreme Court, a few days ago, agreed to determine the legality of the military commissions established by the President to try enemy combatants and about whether detainees at Guantanamo are entitled to protections under the Geneva Conventions. That case would be wiped out under the language which is retroactive in the Senator's amendment. The Supreme Court, although they have agreed to hear the case, would be stymied in hearing a case they have agreed to hear. This goes way beyond the question of whether we are substituting. I have no great problem in substituting the court review for habeas corpus relative to those determinations of status. I think that is a fair substitute because at least then there is a court review. But this goes way beyond that, because this amendment eliminates habeas corpus for all issues which might be raised by detainees, including a conviction which leads to a death sentence that violates Quirin.

It is inconsistent with what the Supreme Court did in the case which I already referred to. It would eliminate the jurisdiction already accepted by the Supreme Court in Hamdan.

I urge that we not adopt this amendment. It is far too broad. Senator SPECTER's argument that the Judiciary Committee should have an opportunity to look at this is an argument to which we ought to listen.

Although I disagree with the Senator's modified amendment, I do want to commend Senator GRAHAM because he has at least undertaken to tackle a very difficult issue which this body should tackle.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. To my good friend Senator LEVIN, we fundamentally disagree. There is a principle at stake here that is as old as war itself. Writs of habeas corpus have never been given to enemy combatants or POWs. They have never been allowed access to the Federal court to challenge their enemy combatant status tribunal which is new and different, beyond the Geneva Conventions. The German prisoners were tried by a military commission. Four of them were executed. They were not allowed to go into Federal court under writ of habeas corpus because the Constitution does not confer the right of a writ to a foreign alien involved in combat activities against the United States. The only reason we are talking about this is, the Court is inviting us: As the Senate, do you want al-Qaida members, under 2241, to have the writ of habeas corpus. The military commissions are set up to try these people. My amendment talks about the procedure of keeping them off the battlefield, allows them due process rights beyond Geneva Conventions article 5, allows them now to go to a district court and the Court of Appeals for the District of Columbia beyond what the Geneva Conventions ever envisioned. The military commissions are totally different. No one has been tried yet.

Here is the one thing I can tell you for sure as a military lawyer. A POW or an enemy combatant facing law of armed conflict charges has not been given the right of habeas corpus for 200 years because our own people in our own military facing court-martials, who could be sentenced to death, do not have the right of habeas corpus. It is about military law. I am not changing anything. I am getting us back to what we have done for 200 years.

If you want to give terrorists habeas corpus rights as if they were American citizens, that they are not part of an outfit trying to wage war on us, fine, vote against me. If you think they are common criminals like American citizens, vote against me. I will be the first to say that if these were criminals, we wouldn't treat them this way. These are not criminals. These are people caught on the battlefield as the Nazis were caught on the battlefield. They need to be held accountable. They need to be treated humanely. Does this body want to be the first Senate in the history of the United States to confer rights on a POW and an enemy combatant to sue the troops who are trying to protect us? There are 160 cases down there. There are going to be 300 cases. They are going to ruin the ability to get intelligence because we in the Senate haven't acted, and we need to act.

How are we going to act? Are we going to act in the best tradition of the United States in accordance with the rule of law, or are we going to give terrorist suspects, al-Qaida members, the right to sue our own troops in Federal court? If you want that, vote against me. If you think that is absurd, vote with me.

Mr. LEVIN. Does the Senator from South Carolina want to give those same terrorists due process, for heaven's sake? Of course, he does. He gets up on the floor and says he wants to provide due process. I say—

Mr. GRAHAM. May I respond?

Mr. LEVIN. I want an opportunity here. He is on the right track in doing it. The question is whether there will be an appeal. If there is a conviction of those alleged terrorists for committing a war crime, is there any appeal under this language in the amendment? I am afraid there is not. I don't think it is the intention of the amendment, because the Senator says, of course, there is going to be appeal. The trouble is, the language of the amendment, by its own specific terms, says: No court, justice, or judge shall have jurisdiction to hear or consider an application for a writ of habeas corpus filed by somebody at Guantanamo. That is the problem here. There would be no appeal.

Although the Senator makes a plea for due process for these same terrorists, he would eliminate the appeal of a conviction that led to a capital offense, the death penalty, for these same terrorists. I hope that is not his intent, but it would be the first time that that would ever happen, that we would purport, as the Senate, to strip the court of habeas corpus opportunity to review that kind of a conviction. Since ex parte Quirin, we have never done that.

Mr. GRAHAM. May I answer that? I say to the Senator, with all due respect, that is dead wrong. Military commissions that will be trying the people designated by the President, subject to be tried at Guantanamo Bay for violation of the law of armed conflict, do get appeals. They get more appeal rights than the people who were tried as German saboteurs under military commissions. They get a lawyer. They get the right to confront witnesses against them. They get the right to call witnesses. The military commissions are different than the CSRTs. There is a process in the military commissions for people to have every right under the Geneva Conventions and then some, to have more rights than the German saboteurs. The German saboteurs did not have habeas corpus rights. They had an appeal right within the military commission system, as the al-Qaida members do. To say that you can be tried at Guantanamo Bay for a war crime and not have an appeal is not true. It is like we did with the saboteurs. To say that people at Guantanamo Bay should have habeas corpus rights is doing something no one has ever had in the law of armed conflict, Nazi or otherwise.

Mr. LEVIN. My final question, to what court would the conviction of a detainee at Guantanamo for a capital offense subject to death, to what court would that appeal lie, if this language of the Senator is adopted? It is a very specific question, to what court?

Mr. GRAHAM. Under the military commission model, there is an appeal to a three-judge panel of civilians appointed to hear appeals. In the military commission model, under World War II, they didn't get that. There is an appeal process for civilian review of the trial of enemy combatants detained at Guantanamo Bay. My amendment doesn't affect that. It doesn't change that at all. My amendment prevents the use of habeas rights for POWs and enemy combatants, something we have never given in the history of the law of armed conflict to people in the military system because we don't want civilian judges coming in here and running the war. I am trying to get us back where we have always been. This is not complicated, but it is very important.

The PRESIDING OFFICER. The time of the Senator from South Carolina has expired.

Mr. LEVIN. If we are getting back to where we have always been, we don't need this amendment. The Senator just answered my question by not answering it. I asked him what court would an appeal of a death sentence be appealed to? His answer was, a three-judge panel. That three-judge panel is appointed by the Secretary of Defense. I asked specifically to what court would a death sentence be appealed, if this language is adopted. I read the language as to how broad it is. It eliminates explicitly any appeal: No court, justice, or judge shall have jurisdiction to hear or consider an application for writ of habeas corpus, and that is the way an appeal goes to a court from one of these people. It is eliminated. We strip courts of the right to hear a habeas corpus petition on a death sentence.

I agree with what the Senator started out to do with his amendment. He was on the right track. But this language goes way beyond it. That is why the chairman of the Judiciary Committee, Senator SPECTER, and the ranking member of the Judiciary Committee, Senator LEAHY, oppose this amendment.

Mr. GRAHAM. Mr. President, I want to end with this thought. Never in the history of military commissions where we have tried enemy combatants and spies have they appealed those convictions to Federal court. Never.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Mr. BINGAMAN. Mr. President, let me use the final minute of this debate to clarify for my colleagues what we are doing here. There are four parts to the amendment that the Senator from South Carolina has offered. There are parts A, B, C, and D. Parts A, B, and C are perfectly acceptable and provisions that I support and Senator LEVIN supports. They were worked out. They were added to the Defense appropriations bill.

The first deals with procedures for status review of detainees. The second sets out what those procedures would generally provide. The third is a report on modification of procedures that would be made to the Congress.

It is the last part, this section D, judicial review, that is such a terrible mistake, in my opinion. It has us, on a Thursday afternoon as part of a debate on a Defense authorization bill, making a very major change that is within the jurisdiction of the Judiciary Committee. The Judiciary Committee should be considering any effort by the Congress to limit or prohibit or suspend the writ of habeas corpus. We should not be trying to do that sort of ''oh, by the way, let's do this.''

The PRESIDING OFFICER. All time has expired.

Mr. BINGAMAN. I urge the defeat of the Graham amendment. Assuming it is defeated, I will not have to offer a second-degree amendment. If it is adopted, I will offer a second-degree amendment to retain the first three portions.

Mr. President, I yield the floor.

Mr. GRAHAM. I ask unanimous consent to add Senator CORNYN as a cosponsor to the amendment.

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

AMENDMENT NO. 2507, AS AMENDED

The PRESIDING OFFICER. Under the previous order, the question is on the Kerry amendment, as amended.

Mr. WARNER. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

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

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from New Mexico (Mr. DOMENICI), the Senator from Wyoming (Mr. ENZI), the Senator from Nebraska (Mr. HAGEL), the Senator from Indiana (Mr. LUGAR), the Senator from Pennsylvania (Mr. SANTORUM), and the Senator from Wyoming (Mr. THOMAS).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted ''yea.''

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) and the Senator from Hawaii (Mr. INOUYE) are necessarily absent.

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

The result was announced—yeas 82, nays 9, as follows:

[Rollcall Vote No. 318 Leg.]

YEAS—82

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

NAYS—9

Burr	Isakson	Sessions
Chambliss	Kyl	Stevens
DeMint	Martinez	Vitter

NOT VOTING—9

Alexander	Enzi	Lugar
Corzine	Hagel	Santorum
Domenici	Inouye	Thomas

The amendment (No. 2507), as amended, was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, I ask for the regular order.

The PRESIDING OFFICER. There is now 8 minutes equally divided on the Lautenberg amendment.

Mr. WARNER. Mr. President, I see the distinguished Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey.

AMENDMENT NO. 2478, AS MODIFIED

Mr. LAUTENBERG. Mr. President, this modified version of my amendment contains several good suggestions from the managers of this bill, Senator WARNER and Senator LEVIN. My underlying amendment stands for a very simple proposition: Those who knowingly compromise significant classified information should not continue to hold a security clearance and they should be denied further access to classified information. The modification to the amendment makes clear that it applies to Members of the Congress and to their staffs as well.

My amendment is similar to one offered by our Democratic leader, Senator REID, in July. Some of our colleagues reacted to Senator REID's amendment by expressing their concern that it was an open-ended standard. In deference to these concerns, I have added the ''knowing'' standard; in other words, if someone reveals information knowingly. I am pleased to see my colleagues find this version acceptable.

Senator WARNER and I served in World War II. We had an expression then. It said: ''Loose lips sink ships.'' Everybody was participating in protecting ourselves from revealing information to the enemy. Exposing our secrets was a grave offense then and it is a grave offense now.

No one is above this law and no one has a right to keep their security clearance if they knowingly reveal our secrets. Anybody in Government, whether the White House or the Congress or a Government employee, should have to live by the same standards as other hard-working Federal employees. The Los Angeles Times recently reported that an intelligence analyst lost his clearance because he faxed his resume using a commercial machine. A Defense Department employee had her clearance suspended because a jilted boyfriend called her office and said she was unreliable. An Army officer had his clearance revoked over $67 in personal calls charged to a military cell phone. There should not be a double standard for anybody.

I want to be clear with my colleagues. This amendment has nothing to do with criminal behavior. That is taken care of in other statutes. It merely governs under what circumstances someone should lose their security clearance for improper behavior. Given recent developments of which we are all aware, this is a necessary amendment. We need to make sure those who are careless with national security information are denied continued access to top-secret information. Anyone who leaks classified information should not continue to have a security clearance. I am sure across the country people would agree with that. If you are giving out information you should not reveal in the first place, why should you have access to that same type information on a continuing basis?

I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I worked on the amendment with the distinguished Senator from New Jersey. I have done so in consultation with my leadership and the leadership of the Intelligence Committee.

I would like to make this offer to my good friend. We have a rapidly moving bill. We have a number of amendments yet to vote on tonight. The leadership may well be addressing the Senate, the majority leader and Democratic leader, about this bill.

Is it at all possible that we can voice vote this amendment? I urge my colleague to do so.

Mr. LAUTENBERG. I want to be cooperative, but I do want to make sure it is clearly understood that we are all supporting—or those who are supporting this amendment. I would like it clearly on the record. Perhaps a 10-minute vote?

Mr. WARNER. Suppose we had a voice vote and you determined from the resounding ayes if it meets your specifications?

Mr. LAUTENBERG. If I were sitting in that chair, I would probably say yes, but I am not sitting in that chair.

I ask that we have a rollcall vote.

Mr. STEVENS. I will be glad to have you occupy the Chair right now, as President pro tempore.

Mr. LAUTENBERG. If we continue to talk about it, we will have lost the opportunity to move the bill along. This was the understanding that we had, for a rollcall vote. Forgive me, my colleagues, but like everybody else I want to have a rollcall vote.

Mr. STEVENS. Will the Senator take a division vote? A standing vote? A division of the Senate, a standing vote? All those in favor stand?

Mr. LAUTENBERG. No.

Mr. WARNER. Mr. President, I say to my good friend, we have worked with you in a most cooperative way.

I would like to have the attention of my good friend. We have worked with you in a most cooperative way. What I am trying to do is convenience a number of Members who have commitments tonight. I once more ask if you will not accept this on a voice vote.

Mr. LAUTENBERG. I don't want to be obstinate. If we could now declare the time that this session will end, perhaps we can then look at a standing vote. Other than that, if I agree to move my amendment along and find out that we still continue to drag on—will all the other amendments be subjected to voice votes?

Mr. WARNER. I will ask all.

Mr. STEVENS. Where there is no objection, yes.

Mr. WARNER. If there is no objection.

So once again I ask my colleague if we could voice vote this amendment?

Mr. STEVENS. How about a unanimous consent request?

Mr. LAUTENBERG. I have the yeas and nays on this.

Mr. KENNEDY. What is the parliamentary situation? Will the Senator yield? Will the Senator yield for a brief question?

Mr. WARNER. Yes.

Mr. KENNEDY. As I understand the rules, if you get a standing division and the Chair calls it and you are the author of the amendment and you are not satisfied, you can still ask for the yeas and nays, am I not correct?

Mr. WARNER. I think the Senator is correct in his interpretation of the rules.

Mr. KENNEDY. So you can say you want a voice vote and if you are not satisfied, you can ask for the yeas and nays. Can you get a standing division if you are not satisfied? You can still get the yeas and nays, am I not correct?

Mr. WARNER. The Senator is correct. Can we have a standing division?

Mr. LAUTENBERG. If that is the situation, I am going to cooperate.

Mr. WARNER. Will the Presiding Officer arrange for a division vote?

May we have order in the Chamber.

The PRESIDING OFFICER. A division is requested.

All those in favor of the amendment, stand and remain standing until counted. The ayes will be seated and the nays will rise.

On a division, the amendment (No. 2478), as modified, was agreed to.

Mr. REID. Mr. President, 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.

AMENDMENT NO. 2516

The PRESIDING OFFICER. The next amendment to be considered is the Graham amendment.

Mr. GRAHAM. Mr. President, I call up my amendment which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. GRAHAM], for himself, Mr. KYL, and Mr. CHAMBLISS proposes an amendment numbered 2516.

Mr. GRAHAM. 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: Relating to the review of the status of detainees of the United States Government)

Strike all after the word SEC.

___. REVIEW OF STATUS OF DETAINEES.

(a) SUBMITTAL OF PROCEDURES FOR STATUS REVIEW OF DETAINEES AT GUANTANAMO BAY, CUBA.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees, and to the Committees on the Judiciary of the Senate and the House of Representatives, a report setting forth the procedures of the Combatant Status Review Tribunals and the noticed Administrative Review Boards in operation at Guantanamo Bay, Cuba, for determining the status of the detainees held at Guantanamo Bay.

(b) PROCEDURES.—The procedures submitted to Congress pursuant to subsection (a) shall, with respect to proceedings beginning after the date of the submittal of such procedures under that subsection, ensure that—

(1) in making a determination of status of any detainee under such procedures, a Combatant Status Review Tribunal or Administrative Review Board may not consider statements derived from persons that, as determined by such Tribunal or Board, by the preponderance of the evidence, were obtained with undue coercion; and

(2) the Designated Civilian Official shall be an officer of the United States Government whose appointment to office was made by the President, by and with the advice and consent of the Senate.

(c) REPORT ON MODIFICATION OF PROCEDURES.—The Secretary of Defense shall submit to the committees of Congress referred to in subsection (a) a report on any modification of the procedures submitted under subsection (a) not later than 30 days before the date on which such modifications go into effect.

(d) JUDICIAL REVIEW OF DETENTION OF ENEMY COMBATANTS.—

(1) IN GENERAL.—Section 2241 of title 28, United States Code, is amended by adding at the end the following:

''(e) No court, justice, or judge shall have jurisdiction to hear or consider an application for a writ of habeas corpus filed by or on behalf of an alien outside the United States (as that term is defined in section 101(a)(38) of the Immigration and Naturalization Act (8 U.S.C. 1101(a)(38)) who is detained by the Department of Defense at Guantanamo Bay, Cuba.''.

(2) CERTAIN DECISIONS.—

(A) IN GENERAL.—Subject to subparagraphs (B), (C), and (D), the United States Court of Appeals for the District of Columbia Circuit shall have exclusive jurisdiction to determine the validity of any decision of a Designated Civilian Official described in subsection (b)(2) that an alien is properly detained as an enemy combatant.

(B) LIMITATION ON CLAIMS.—The jurisdiction of the United States Court of Appeals for the District of Columbia Circuit under this paragraph shall be limited to claims brought by or on behalf of an alien—

(i) who is, at the time a request for review by such court is filed, detained by the Department of Defense at Guantanamo Bay, Cuba; and

(ii) for whom a Combatant Status Review Tribunal has been conducted, pursuant to applicable procedures specified by the Secretary of Defense.

(C) SCOPE OF REVIEW.—The jurisdiction of the United States Court of Appeals for the District of Columbia Circuit on any claims with respect to an alien under this paragraph shall be limited to the consideration of whether the status determination of the Combatant Status Review Tribunal with regard to such alien was consistent with the procedures and standards specified by the Secretary of Defense for Combatant Status Review Tribunals.

(D) TERMINATION ON RELEASE FROM CUSTODY.—The jurisdiction of the United States Court of Appeals for the District of Columbia Circuit with respect to the claims of an alien under this paragraph shall cease upon the release of such alien from the custody of the Department of Defense.

(3) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to any application or other action that is pending on or after the date of the enactment of this Act. Paragraph (2) shall apply with respect to any claim regarding a decision covered by that paragraph that is pending on or after such date.

This section shall become effective 1 day after enactment.

Mr. WARNER. Mr. President, 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.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Debate is equally divided on the amendment. Is there further debate?

Mr. BINGAMAN. Mr. President, let me speak briefly in opposition to this amendment.

This amendment contains a provision that I think is a very major mistake. It essentially denies all courts anywhere the right to consider any petition from any prisoner being held at Guantanamo Bay. In my view, it is contrary to the way the court decisions have come down already. It is an extraordinary step for this Congress to be taking as an amendment to the Defense bill. This is an issue that should be dealt with in the Judiciary Committee. Senator SPECTER has spoken against the amendment. Senator LEVIN has spoken against the amendment. Senator LEAHY has spoken against the amendment. It is something that requires hearings. It is a very important issue, and we should not be dealing with it here on a late evening on Thursday as part of this authorization bill.

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

The Senator from South Carolina.

Mr. GRAHAM. Mr. President, we need to standardize our interrogation techniques because we have lost our way. We need to make a statement we are not going to treat people poorly during our charge. For 200 years in the law of armed conflict, no nation has given an enemy combatant, a terrorist, al-Qaida member the ability to go into every Federal court in the United States and sue the people who are fighting the war for us. There are 160 habeas corpus petitions being filed against Guantanamo Bay detention.

Let me read what one of them is saying, a motion by a high-level al-Qaida detainee complaining about basic security procedures: Speed of mail delivery, medical treatment, seek an order to be transferred to the least onerous condition at Gitmo, and asking the court to order Gitmo to allow him to keep any books and reading material sent to him, and report to the court on his opportunities for exercise, communication, recreation, and worship.

The Nazis couldn't go to a Federal court when we had them in our charge as prisoners of war. Never in the history of armed conflict has this been allowed.

Let us stand up for our troops in a reasonable way, protect them from abuses, and protect them from the court suits filed by the people they are fighting.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from New Mexico (Mr. DOMENICI), the Senator from Wyoming (Mr. ENZI), the Senator from Nebraska (Mr. HAGEL), the Senator from Indiana (Mr. LUGAR), the Senator from Pennsylvania (Mr. SANTORUM), and the Senator from Wyoming (Mr. THOMAS).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted ''yea.''

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) and the Senator from Hawaii (Mr. INOUYE) are necessarily absent.

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

The result was announced—yeas 49, nays 42, as follows:

[Rollcall Vote No. 319 Leg.]

YEAS—49

Allard	DeMint	McCain
Allen	DeWine	McConnell
Bennett	Dole	Murkowski
Bond	Ensign	Nelson (NE)
Brownback	Frist	Roberts
Bunning	Graham	Sessions
Burns	Grassley	Shelby
Burr	Gregg	Snowe
Chambliss	Hatch	Stevens
Coburn	Hutchison	Talent
Cochran	Inhofe	Thune
Coleman	Isakson	Vitter
Collins	Kyl	Voinovich
Conrad	Landrieu	Warner
Cornyn	Lieberman	Wyden
Craig	Lott	
Crapo	Martinez	

NAYS—42

Akaka	Dodd	Leahy
Baucus	Dorgan	Levin
Bayh	Durbin	Lincoln
Biden	Feingold	Mikulski
Bingaman	Feinstein	Murray
Boxer	Harkin	Nelson (FL)
Byrd	Jeffords	Obama
Cantwell	Johnson	Pryor
Carper	Kennedy	Reed
Chafee	Kerry	Reid
Clinton	Kohl	Rockefeller
Dayton	Lautenberg	Salazar

Sarbanes	Smith	Stabenow
Schumer	Specter	Sununu

NOT VOTING—9

Alexander	Enzi	Lugar
Corzine	Hagel	Santorum
Domenici	Inouye	Thomas

The amendment (No. 2516) was agreed to.

Mr. WARNER. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. BINGAMAN. Mr. President, I do not intend to call for a vote on my amendment at this time. We can proceed to the next item on the unanimous consent request.

Mr. WARNER. For clarification, does the Senator formally withdraw his amendment?

Mr. BINGAMAN. That is correct. I will not offer the amendment at this time so we can proceed to the remainder of the votes that are scheduled.

Mr. KENNEDY. Parliamentary inquiry: The Senator is not withdrawing his amendment permanently. Are you withdrawing your amendment permanently?

Mr. BINGAMAN. Mr. President, as I understand the unanimous consent agreement we have entered into, it is still possible to file second-degree amendments and to propose second-degree amendments to the Graham amendment even after we take the series of votes that are scheduled tonight. And it is not my intent to go to a vote on my amendment at this time so we can proceed to the remainder of the votes.

Mr. KENNEDY. I thank the Senator.

Mr. WARNER. Regular order. Has the Chair ruled on his request to withdraw the amendment?

The PRESIDING OFFICER. The amendment was never offered.

Mr. WARNER. I thank the Chair for the clarification.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2006—CONFERENCE REPORT—Continued

The PRESIDING OFFICER. We now move to the conference report to accompany the foreign operations bill, H.R. 3057.

Is there further debate? If not, the question is on agreeing to the conference report.

Mr. WARNER. I understand the leadership requests the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LEAHY. Parliamentary inquiry: What is the order for debate entered into on this conference report?

The PRESIDING OFFICER. Two minutes of debate equally divided.

Mr. LEAHY. Mr. President, I see the senior Senator from Kentucky. I praise him and his staff.

Mr. MCCONNELL. I yield back our time.

The PRESIDING OFFICER (Mr. CHAFEE). All time having been yielded back, the question is on agreeing to the conference report. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from New Mexico (Mr. DOMENICI), the Senator from Wyoming (Mr. ENZI), the Senator from Nebraska (Mr. HAGEL), the Senator from Indiana (Mr. LUGAR), the Senator from Pennsylvania (Mr. SANTORUM), and the Senator from Wyoming (Mr. THOMAS).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted ''yea.''

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) and the Senator from Hawaii (Mr. INOUYE) are necessarily absent.

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

The result was announced—yeas 91, nays 0, as follows:

[Rollcall Vote No. 320 Leg.]

YEAS—91

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

NOT VOTING—9

Alexander	Enzi	Lugar
Corzine	Hagel	Santorum
Domenici	Inouye	Thomas

The conference report was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. 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. FRIST. Mr. President, I ask unanimous consent that the only remaining first-degree amendments to the Defense bill, other than any further managers' amendments that are cleared, be an amendment offered by the majority leader or his designee on Iraq, and an amendment offered by the Democratic leader or his designee on Iraq, and that they be laid down this evening with no second degrees in order. I further ask unanimous consent that there be 3 second degrees in order to the Graham amendment, two offered by Senator LEVIN or his designee, and one offered by Senator GRAHAM. I further ask consent that all amendments be offered and debated on Monday, under the previous limitations, and that on Tuesday, at a time determined by the majority leader, after consultation with the Democratic leader, the Senate proceed to a vote in relation to the majority amendment on Iraq, to be followed by a vote in relation to the Democratic amendment, to be followed by votes in relation to the second degree amendments in order offered, to be followed by a vote on the underlying Graham amendment, as amended; and that following these votes the bill be read a third time and the Senate proceed to a vote on passage of the bill, with no intervening action or debate; finally, that there be 30 minutes equally divided between the two managers prior to the start of the votes.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Reserving the right to object, and I surely will not, is it my understanding that we had agreed that there would be some brief time period on Tuesday, prior to the votes on the Iraq amendments, I believe it was like 20 minutes?

Mr. FRIST. Mr. President, just for the information of our colleagues, there will be 30 minutes equally divided between the two managers prior to the start of the votes.

Mr. LEVIN. With that clarification, I am very content.

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

The Senator from Virginia.

Mr. WARNER. I thank the distinguished majority leader and the Democratic leader and all others who made possible that we will now have a Defense authorization bill, a strong bill, a good bill. The UC just propounded by the distinguished majority leader requires that the Iraq amendments be laid down tonight.

AMENDMENT NO. 2518

On behalf of the distinguished majority leader and myself, I now send to the desk the Iraq amendment as required by the UC. My understanding is the amendment by the distinguished Senator from Michigan on Iraq is at the desk; is that correct?

Mr. LEVIN. I was going to send that up immediately after the Senator sends up his amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for himself, and Mr. FRIST proposes an amendment numbered 2518.

The amendment is as follows:

(Purpose: To clarify and recommend changes to the policy of the United States on Iraq and to require reports on certain matters relating to Iraq)

At the end of title XII, add the following:

SEC. ___. UNITED STATES POLICY ON IRAQ.

(a) SHORT TITLE.—This section may be cited as the ''United States Policy on Iraq Act''.

(b) SENSE OF SENATE.—It is the sense of the Senate that, in order to succeed in Iraq—

(1) members of the United States Armed Forces who are serving or have served in Iraq and their families deserve the utmost respect and the heartfelt gratitude of the American people for their unwavering devotion to duty, service to the Nation, and selfless sacrifice under the most difficult circumstances;

(2) it is important to recognize that the Iraqi people have made enormous sacrifices and that the overwhelming majority of Iraqis want to live in peace and security;

(3) calendar year 2006 should be a period of significant transition to full Iraqi sovereignty, with Iraqi security forces taking the lead for the security of a free and sovereign Iraq, thereby creating the conditions for the phased redeployment of United States forces from Iraq;

(4) United States military forces should not stay in Iraq any longer than required and the people of Iraq should be so advised;

(5) the Administration should tell the leaders of all groups and political parties in Iraq that they need to make the compromises necessary to achieve the broad-based and sustainable political settlement that is essential for defeating the insurgency in Iraq, within the schedule they set for themselves; and

(6) the Administration needs to explain to Congress and the American people its strategy for the successful completion of the mission in Iraq.

(c) REPORTS TO CONGRESS ON UNITED STATES POLICY AND MILITARY OPERATIONS IN IRAQ.—Not later than 90 days after the date of the enactment of this Act, and every three months thereafter until all United States combat brigades have redeployed from Iraq, the President shall submit to Congress an unclassified report on United States policy and military operations in Iraq. Each report shall include to the extent practicable the following unclassified information:

(1) The current military mission and the diplomatic, political, economic, and military measures, if any, that are being or have been undertaken to successfully complete or support that mission, including:

(A) Efforts to convince Iraq's main communities to make the compromises necessary for a broad-based and sustainable political settlement.

(B) Engaging the international community and the region in the effort to stabilize Iraq and to forge a broad-based and sustainable political settlement.

(C) Strengthening the capacity of Iraq's government ministries.

(D) Accelerating the delivery of basic services.

(E) Securing the delivery of pledged economic assistance from the international community and additional pledges of assistance.

(F) Training Iraqi security forces and transferring security responsibilities to those forces and the government of Iraq.

(2) Whether the Iraqis have made the compromises necessary to achieve the broad-based and sustainable political settlement that is essential for defeating the insurgency in Iraq.

(3) Any specific conditions included in the April 2005 Multi-National Forces-Iraq campaign action plan (referred to in United States Government Accountability Office October 2005 report on Rebuilding Iraq: DOD Reports Should Link Economic, Governance, and Security Indicators to Conditions for Stabilizing Iraq), and any subsequent updates to that campaign plan, that must be met in order to provide for the transition of security responsibility to Iraqi security forces.

(4) To the extent that these conditions are not covered under paragraph (3), the following should also be addressed:

(A) The number of battalions of the Iraqi Armed Forces that must be able to operate independently or to take the lead in counter-insurgency operations and the defense of Iraq's territory.

(B) The number of Iraqi special police units that must be able to operate independently or to take the lead in maintaining law and order and fighting the insurgency.

(C) The number of regular police that must be trained and equipped to maintain law and order.

(D) The ability of Iraq's Federal ministries and provincial and local governments to independently sustain, direct, and coordinate Iraq's security forces.

(5) The criteria to be used to evaluate progress toward meeting such conditions.

(6) A schedule for meeting such conditions, an assessment of the extent to which such conditions have been met, information regarding variables that could alter that schedule, and the reasons for any subsequent changes to that schedule.

The PRESIDING OFFICER. The Senator from Michigan.

AMENDMENT NO. 2519

Mr. LEVIN. Mr. President, I send an amendment to the desk on behalf of myself, Senator BIDEN, Senator HARRY REID, and others.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself, Mr. BIDEN, Mr. REID, Mr. DODD, Mr. KERRY, Mr. FEINGOLD, Mr. DURBIN, Mr. REED, Mr. KENNEDY, Mrs. FEINSTEIN, Mr. OBAMA and Mrs. BOXER proposes an amendment numbered 2519.

The amendment is as follows:

(Purpose: To clarify and recommend changes to the policy of the United States on Iraq and to require reports on certain matters relating to Iraq)

At the end of title XII, add the following:

SEC. ___. UNITED STATES POLICY ON IRAQ.

(a) SHORT TITLE.—This section may be cited as the ''United States Policy on Iraq Act''.

(b) SENSE OF SENATE.—It is the sense of the Senate that, in order to succeed in Iraq—

(1) members of the United States Armed Forces who are serving or have served in Iraq and their families deserve the utmost respect and the heartfelt gratitude of the American people for their unwavering devotion to duty, service to the Nation, and selfless sacrifice under the most difficult circumstances;

(2) it is important to recognize that the Iraqi people have made enormous sacrifices and that the overwhelming majority of Iraqis want to live in peace and security;

(3) calendar year 2006 should be a period of significant transition to full Iraqi sovereignty, with Iraqi security forces taking the lead for the security of a free and sovereign Iraq, thereby creating the conditions for the phased redeployment of United States forces from Iraq;

(4) United States military forces should not stay in Iraq indefinitely and the people of Iraq should be so advised;

(5) the Administration should tell the leaders of all groups and political parties in Iraq that they need to make the compromises necessary to achieve the broad-based and sustainable political settlement that is essential for defeating the insurgency in Iraq, within the schedule they set for themselves; and

(6) the Administration needs to explain to Congress and the American people its strategy for the successful completion of the mission in Iraq.

(c) REPORTS TO CONGRESS ON UNITED STATES POLICY AND MILITARY OPERATIONS IN IRAQ.—Not later than 30 days after the date of the enactment of this Act, and every three months thereafter until all United States combat brigades have redeployed from Iraq, the President shall submit to Congress an unclassified report on United States policy and military operations in Iraq. Each report shall include the following:

(1) The current military mission and the diplomatic, political, economic, and military measures, if any, that are being or have been undertaken to successfully complete or support that mission, including:

(A) Efforts to convince Iraq's main communities to make the compromises necessary for a broad-based and sustainable political settlement.

(B) Engaging the international community and the region in the effort to stabilize Iraq and to forge a broad-based and sustainable political settlement.

(C) Strengthening the capacity of Iraq's government ministries.

(D) Accelerating the delivery of basic services.

(E) Securing the delivery of pledged economic assistance from the international community and additional pledges of assistance.

(F) Training Iraqi security forces and transferring security responsibilities to those forces and the government of Iraq.

(2) Whether the Iraqis have made the compromises necessary to achieve the broad-based and sustainable political settlement that is essential for defeating the insurgency in Iraq.

(3) Any specific conditions included in the April 2005 Multi-National Forces-Iraq campaign action plan (referred to in United States Government Accountability Office October 2005 report on Rebuilding Iraq: DOD Reports Should Link Economic, Governance, and Security Indicators to Conditions for Stabilizing Iraq), and any subsequent updates to that campaign plan, that must be met in order to provide for the transition of security responsibility to Iraqi security forces.

(4) To the extent that these conditions are not covered under paragraph (3), the following should also be addressed:

(A) The number of battalions of the Iraqi Armed Forces that must be able to operate independently or to take the lead in counter-insurgency operations and the defense of Iraq's territory.

(B) The number of Iraqi special police units that must be able to operate independently or to take the lead in maintaining law and order and fighting the insurgency.

(C) The number of regular police that must be trained and equipped to maintain law and order.

(D) The ability of Iraq's Federal ministries and provincial and local governments to

independently sustain, direct, and coordinate Iraq's security forces.

(5) The criteria to be used to evaluate progress toward meeting such conditions.

(6) A schedule for meeting such conditions, an assessment of the extent to which such conditions have been met, information regarding variables that could alter that schedule, and the reasons for any subsequent changes to that schedule.

(7) A campaign plan with estimated dates for the phased redeployment of the United States Armed Forces from Iraq as each condition is met, with the understanding that unexpected contingencies may arise.

Mr. WARNER. Mr. President, by way of preliminary debate on the Iraq amendment, I would simply advise my distinguished colleague from Michigan and other Senators that we were given, in a timely manner, the amendment that has just been sent to the desk by the Senator from Michigan, known as the leadership Iraq amendment. Senator FRIST, I, and others have simply taken that amendment and amended it in several ways, and that then becomes the Warner-Frist amendment.

So I just inform colleagues, basically, we are dealing with the basic amendment as provided by the Senator from Michigan, the distinguished Senator from Nevada, and others. We have modified our leadership amendment in a manner which we think is consistent with the strong needs of our country to achieve the objectives that we have in Iraq.

Having said that, I think we have pretty well concluded business for the day on this bill.

Mr. LEVIN. If the Senator will yield, Mr. President, I agree with the description which my dear friend from Virginia has provided, that I did provide him with our amendment. Even though our amendment has a later number, it was the amendment which was first provided. The Senator from Virginia, after consultation with his leader and others, has made some modifications in our amendment and that amendment, under the unanimous consent agreement which will be voted on first, is the amendment basically that we drafted over here with the modifications made by the Senator from Virginia and others. So that is the chronology, that is the history, and that is the order we will be voting on and will be debating these on Monday under the unanimous consent agreement.

There are some differences. I would not describe them as major differences but, nonetheless, there are some differences that now exist between the two versions, and we can debate which is the preferable version. But in any event, under either version, it strikes me that there is clearly a call here for some changes in course in policy in Iraq. But that again is something we can debate further on Monday.

Mr. WARNER. Mr. President, I thank my colleague. I do believe it is very wise for the Senate to have this debate. We are prepared for that debate.

I would simply advise colleagues—and the leadership later will in wrap-up give more specifics—my understanding is there will be a vote at 5:30, preceded by 1 hour of debate on that vote, which is on one of the appropriations bills. That is my understanding. Can the Presiding Officer advise me as to what the vote is that is scheduled on Monday at 5:30?

I am advised it is the Energy and Water Conference Report. Am I reasonably correct in preliminarily informing the Senate that vote will take place at about 5:30, and the 1 hour prior to it will be reserved for debate on that? I interpret that to mean that from the time the Senate comes in on Monday up until 4:30, that would be available for the important debate on the respective Iraqi amendments.

Mr. LEVIN. If the Senator will yield, also I believe the debate on the second-degree amendments to the Graham amendment would occur on Monday since the only time on Tuesday prior to votes on the amendments would be 30 minutes equally divided and that would be needed, perhaps, for both second degrees to Graham and the Iraqi amendments, all wrapped into that 30 minutes.

There may be and I think there probably would be debate on Monday on the second-degree amendments, referred to in this unanimous consent agreement, to the Graham amendment.

Mr. WARNER. I wonder if the distinguished Senator from Michigan and I can visit here for 1 minute.

The PRESIDING OFFICER (Mr. ALLEN). The Senator from Virginia.

Mr. WARNER. The Senator from Michigan and I desire to accommodate colleagues. Again, the hour from 4:30 to 5:30 is on the appropriations bill. The time from whenever the Senate convenes on Monday up until 4:30 is subject to debate on the Iraqi amendments; indeed, if Senators want to comment on the bill and such amendments as may be filed in connection with the Graham issues.

I think we would urge our colleagues to try to contact our respective offices as to their needs for time to vote on these matters so the Senator from Michigan and I can try to accommodate them. But I also wish to remind colleagues that presumably the vote on the appropriations bill starts at 5:30, and by all measures should be completed sometime after 6. Then, subject to leadership, I would think there would be time that evening, Monday evening, to continue votes for those Senators whose travel plans otherwise do not enable them to get here before 4:30. So the same framework for debate that can take place prior to 4:30 can take place after 6:30.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, if the Senator will yield, I agree with his comments and I reinforce the importance of our colleagues notifying our offices and our cloakrooms if they desire to have time to speak on Monday afternoon so we can schedule that time. It would be very helpful for us to be so informed as early as possible on Monday. I want to reiterate there are two groups of amendments we are talking about here that will need to be debated Monday. One is the Iraqi amendment. The other one is the second-degree amendments to the Graham amendment. We are going to have to fit all that in on Monday afternoon, and possibly, as the Senator from Virginia mentions, after the vote on Monday. So it is important that our colleagues let us, our offices and our cloakrooms, know on Monday morning if they want time on either or both of those subjects. We will try to work the best we can and protect everybody's opportunity to speak.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, may I pause momentarily.

Mr. President, I think our respective staffs can incorporate in the wrap-up document such that the Senator from Michigan and I will share equally the time before 4:30, after leadership, and in that way be able to work more effectively with our colleagues.

Mr. LEVIN. That is fine.

Mr. WARNER. Mr. President, I again thank all Senators. I thank our staff. I thank the professional staff of the Senate, who in many ways have made possible the completion of this bill. We are owing a debt of gratitude to many to get where we are.

Mr. LEVIN. We are almost there. We are going to be there on Monday. We thought we would be there tonight, but we will on Monday.

Mr. WARNER. In a way we are. We have charted the course.

Mr. LEVIN. Fixed stars.

AMENDMENT NO. 2485, AS MODIFIED

Mr. WARNER. Mr. President, I say to my colleague, we have some cleared amendments we can do.

Mr. President, I ask unanimous consent the previously agreed-to amendment 2485 be modified with a technical correction. I send that modification to the desk. I understand it has been cleared on both sides.

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

The amendment (No. 2485), as modified, is as follows:

On page 286, between lines 7 and 8, insert the following:

SEC. 1073. ESTABLISHMENT OF NATIONAL FOREIGN LANGUAGE COORDINATION COUNCIL.

(a) ESTABLISHMENT.—There is established the National Foreign Language Coordination Council (in this section referred to as the ''Council''), which shall be an independent establishment as defined under section 104 of title 5, United States Code.

(b) MEMBERSHIP.—The Council shall consist of the following members or their designees:

(1) The National Language Director, who shall serve as the chairperson of the Council.

(2) The Secretary of Education.

(3) The Secretary of Defense.

(4) The Secretary of State.

(5) The Secretary of Homeland Security.

(6) The Attorney General.

(7) The Director of National Intelligence.

(8) The Secretary of Labor.
(9) The Director of the Office of Personnel Management.
(10) The Director of the Office of Management and Budget.
(11) The Secretary of Commerce.
(12) The Secretary of Health and Human Services.
(13) The Secretary of the Treasury.
(14) The Secretary of Housing and Urban Development.
(15) The Secretary of Agriculture.
(16) The Chairman and President of the Export-Import Bank of the United States.
(17) The heads of such other Federal agencies as the Council considers appropriate.
(c) RESPONSIBILITIES.—
(1) IN GENERAL.—The Council shall be charged with—
(A) developing a national foreign language strategy, within 18 months of the date of enactment of this section, in consultation with—
(i) State and local government agencies;
(ii) academic sector institutions;
(iii) foreign language related interest groups;
(iv) business associations;
(v) industry;
(vi) heritage associations; and
(vii) other relevant stakeholders;
(B) conducting a survey of the status of Federal agency foreign language and area expertise and agency needs for such expertise; and
(C) monitoring the implementation of such strategy through—
(i) application of current and recently enacted laws; and
(ii) the promulgation and enforcement of rules and regulations.
(2) STRATEGY CONTENT.—The strategy developed under paragraph (1) shall include—
(A) identification of crucial priorities across all sectors;
(B) identification and evaluation of Federal foreign language programs and activities, including—
(i) any duplicative or overlapping programs that may impede efficiency;
(ii) recommendations on coordination;
(iii) program enhancements; and
(iv) allocation of resources so as to maximize use of resources;
(C) needed national policies and corresponding legislative and regulatory actions in support of, and allocation of designated resources to, promising programs and initiatives at all levels (Federal, State, and local), especially in the less commonly taught languages that are seen as critical for national security and global competitiveness during the next 20 to 50 years;
(D) effective ways to increase public awareness of the need for foreign language skills and career paths in all sectors that can employ those skills, with the objective of increasing support for foreign language study among—
(i) Federal, State, and local leaders;
(ii) students;
(iii) parents;
(iv) elementary, secondary, and postsecondary educational institutions; and
(v) employers;
(E) recommendations for incentives for related educational programs, including foreign language teacher training;
(F) coordination of cross-sector efforts, including public-private partnerships;
(G) coordination initiatives to develop a strategic posture for language research and recommendations for funding for applied foreign language research into issues of national concern;
(H) recommendations for assistance for—
(i) the development of foreign language achievement standards; and
(ii) corresponding assessments for the elementary, secondary, and postsecondary education levels, including the National Assessment of Educational Progress in foreign languages;
(I) recommendations for development of—
(i) language skill-level certification standards;
(ii) frameworks for pre-service and professional development study for those who teach foreign language;
(iii) suggested graduation criteria for foreign language studies and appropriate non-language studies, such as—
(I) international business;
(II) national security;
(III) public administration;
(IV) health care;
(V) engineering;
(VI) law;
(VII) journalism; and
(VIII) sciences;
(J) identification of and means for replicating best practices at all levels and in all sectors, including best practices from the international community; and
(K) recommendations for overcoming barriers in foreign language proficiency.
(d) SUBMISSION OF STRATEGY TO PRESIDENT AND CONGRESS.—Not later than 18 months after the date of enactment of this section, the Council shall prepare and transmit to the President and the relevant committees of Congress the strategy required under subsection (c).
(e) MEETINGS.—The Council may hold such meetings, and sit and act at such times and places, as the Council considers appropriate, but shall meet in formal session at least 2 times a year. State and local government agencies and other organizations (such as academic sector institutions, foreign language-related interest groups, business associations, industry, and heritage community organizations) shall be invited, as appropriate, to public meetings of the Council at least once a year.
(f) STAFF.—
(1) IN GENERAL.—The Director may—
(A) appoint, without regard to the provisions of title 5, United States Code, governing the competitive service, such personnel as the Director considers necessary; and
(B) compensate such personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title.
(2) DETAIL OF GOVERNMENT EMPLOYEES.—Upon request of the Council, any Federal Government employee may be detailed to the Council without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege
(3) EXPERTS AND CONSULTANTS.—With the approval of the Council, the Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.
(4) TRAVEL EXPENSES.—Council members and staff shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Council.
(5) SECURITY CLEARANCE.—
(A) IN GENERAL.—Subject to subparagraph (B), the appropriate Federal agencies or departments shall cooperate with the Council in expeditiously providing to the Council members and staff appropriate security clearances to the extent possible pursuant to existing procedures and requirements.
(B) EXCEPTION.—No person shall be provided with access to classified information under this section without the appropriate required security clearance access.
(6) COMPENSATION.—The rate of pay for any employee of the Council (including the Director) may not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.
(g) POWERS.—
(1) DELEGATION.—Any member or employee of the Council may, if authorized by the Council, take any action that the Council is authorized to take in this section.
(2) INFORMATION.—
(A) COUNCIL AUTHORITY TO SECURE.—The Council may secure directly from any Federal agency such information, consistent with Federal privacy laws, including The Family Educational Rights and Privacy Act (20 U.S.C. 1232g) and Department of Education's General Education Provisions Act (20 U.S.C. 1232(h)), the Council considers necessary to carry out its responsibilities.
(B) REQUIREMENT TO FURNISH REQUESTED INFORMATION.—Upon request of the Director, the head of such agency shall furnish such information to the Council.
(3) DONATIONS.—The Council may accept, use, and dispose of gifts or donations of services or property.
(4) MAIL.—The Council may use the United States mail in the same manner and under the same conditions as other Federal agencies.
(h) CONFERENCES, NEWSLETTER, AND WEBSITE.—In carrying out this section, the Council—
(1) may arrange Federal, regional, State, and local conferences for the purpose of developing and coordinating effective programs and activities to improve foreign language education;
(2) may publish a newsletter concerning Federal, State, and local programs that are effectively meeting the foreign language needs of the nation; and
(3) shall create and maintain a website containing information on the Council and its activities, best practices on language education, and other relevant information.
(i) REPORTS.—Not later than 90 days after the date of enactment of this section, and annually thereafter, the Council shall prepare and transmit to the President and the relevant committees of Congress a report that describes—
(1) the activities of the Council;
(2) the efforts of the Council to improve foreign language education and training; and
(3) impediments to the use of a National Foreign Language program, including any statutory and regulatory restrictions.
(j) ESTABLISHMENT OF A NATIONAL LANGUAGE DIRECTOR.—
(1) IN GENERAL.—There is established a National Language Director who shall be appointed by the President. The National Language Director shall be a nationally recognized individual with credentials and abilities across the sectors to be involved with creating and implementing long-term solutions to achieving national foreign language and cultural competency.
(2) RESPONSIBILITIES.—The National Language Director shall—
(A) develop and monitor the implementation of a national foreign language strategy across all sectors;
(B) establish formal relationships among the major stakeholders in meeting the needs of the Nation for improved capabilities in foreign languages and cultural understanding, including Federal, State, and local government agencies, academia, industry, labor, and heritage communities; and
(C) coordinate and lead a public information campaign that raises awareness of public and private sector careers requiring foreign language skills and cultural understanding, with the objective of increasing interest in and support for the study of foreign

languages among national leaders, the business community, local officials, parents, and individuals.

(k) ENCOURAGEMENT OF STATE INVOLVEMENT.—

(1) STATE CONTACT PERSONS.—The Council shall consult with each State to provide for the designation by each State of an individual to serve as a State contact person for the purpose of receiving and disseminating information and communications received from the Council.

(2) STATE INTERAGENCY COUNCILS AND LEAD AGENCIES.—Each State is encouraged to establish a State interagency council on foreign language coordination or designate a lead agency for the State for the purpose of assuming primary responsibility for coordinating and interacting with the Council and State and local government agencies as necessary.

(l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as necessary to carry out this section.

AMENDMENT NO. 1550, AS FURTHER MODIFIED

Mr. WARNER. Mr. President, I ask the previously agreed-to amendment 1550 be modified and I send the modification to the desk.

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

The amendment (No. 1550) as further modified, is as follows:

At the appropriate place, insert the following:

SEC. ___. PILOT PROJECT FOR CIVILIAN LINGUIST RESERVE CORPS.

(a) ESTABLISHMENT.—The Secretary of Defense (referred to in this section as the ''Secretary''), through the National Security Education Program, shall conduct a 3-year pilot project to establish the Civilian Linguist Reserve Corps, which shall be composed of United States citizens with advanced levels of proficiency in foreign languages who would be available, upon request from the President, to perform any services or duties with respect to such foreign languages in the Federal Government as the President may require.

(b) IMPLEMENTATION.—In establishing the Civilian Linguist Reserve Corps, the Secretary, after reviewing the findings and recommendations contained in the report required under section 325 of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107–306; 116 Stat. 2393), shall—

(1) identify several foreign languages that are critical for the national security of the United States and the relative priority of each such language;

(2) identify United States citizens with advanced levels of proficiency in those foreign languages who would be available to perform the services and duties referred to in subsection (a);

(3) cooperate with other Federal agencies with national security responsibilities to implement a procedure for calling for the performance of the services and duties referred to in subsection (a); and

(4) implement a call for the performance of such services and duties.

(c) CONTRACT AUTHORITY.—In establishing the Civilian Linguist Reserve Corps, the Secretary may enter into contracts with appropriate agencies or entities.

(d) FEASIBILITY STUDY.—During the course of the pilot project, the Secretary shall conduct a study of the best practices in implementing the Civilian Linguist Reserve Corps, including—

(1) administrative structure;

(2) languages to be offered;

(3) number of language specialists needed for each language;

(4) Federal agencies who may need language services;

(5) compensation and other operating costs;

(6) certification standards and procedures;

(7) security clearances;

(8) skill maintenance and training; and

(9) the use of private contractors to supply language specialists.

(e) REPORTS.—

(1) EVALUATION REPORTS.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter until the expiration of the 3-year period beginning on such date of enactment, the Secretary shall submit to Congress an evaluation report on the pilot project conducted under this section.

(B) CONTENTS.—Each report required under subparagraph (A) shall contain information on the operation of the pilot project, the success of the pilot project in carrying out the objectives of the establishment of a Civilian Linguist Reserve Corps, and recommendations for the continuation or expansion of the pilot project.

(2) FINAL REPORT.—Not later than 6 months after the completion of the pilot project, the Secretary shall submit to Congress a final report summarizing the lessons learned, best practices, and recommendations for full implementation of the Civilian Linguist Reserve Corps.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $3,100,000 for fiscal year 2006 to carry out the pilot project under this section.

(g) OFFSET—The amounts authorized to be appropriated by section 301(4) are hereby reduced by $3,100,000 from operation and maintenance, Air Force.

Mr. LEVIN. I understand this also is technical?

Mr. WARNER. That is correct. It was cleared on both sides. Has the vote been taken?

The PRESIDING OFFICER. Consent has been granted.

Mr. DURBIN. Mr. President, noting that tomorrow is Veterans Day, I rise to discuss an amendment which will make it clear that returning combat veterans of the National Guard and Reserve will receive the same consideration as other combat veterans when applying for a Federal job.

I am offering this bipartisan amendment along with Senators VITTER, CHAMBLISS, WYDEN, LANDRIEU, SCHUMER, CLINTON and DAYTON.

Since the time of the Civil War, veterans of the Armed Services have been given some degree of preference in the consideration process for employment with the Federal Government. This usually takes the form of an additional 5 points added to the score received by a veteran on the test they must take to qualify for the job. If the veteran is disabled, he or she receives an additional 5 points for a total of 10 added points. This program is known as ''Veterans Preference.''

The way the law reads now, veterans applying for a Federal job can receive preferential consideration if they served on active duty during a war in a campaign or expedition for which a campaign badge has been authorized and have been separated from the Armed Forces under honorable conditions.

Unfortunately, the term ''separated'' is not defined in the Veterans Preference law and this lack of clarity has had the practical effect of causing some veterans, who saw combat as mobilized members of the Guard or Reserve, to be denied the veterans preference they had earned.

That is exactly what happened to an Army reservist from my own State of Illinois.

Earlier this year, I was contacted by a young woman serving in the Army Reserve as a military police officer. Her name is Kylene Conlon. Since 9/11, Kylene has been mobilized twice. The first time she spent nearly a year in Guantanamo Bay, Cuba. The second time she spent a full year in Iraq.

Upon her return she learned that the United States Marshals Service was hiring. When she requested an application, she was informed that the hiring program was open only to those eligible for Veterans Preference. She provided copies of her two different Department of Defense forms verifying her overseas service over two major mobilizations, yet she was told that that was not good enough for veterans preference. She was told that she had to have a discharge. But Kylene did not have a discharge certificate, which she would receive after ending military service because she had not quit the Army Reserve. She had come home from Iraq and gone back to attending weekend drills and annual training periods. She had two Department of Defense forms 214 which stated that her type of separation was a ''release from active duty.'' To be given a discharge certificate, Kylene would have to quit the Army Reserve.

She was stunned. She could not believe that the Federal Government would require her to quit the Army Reserve before being able to receive the veterans preference she had earned. So, she came to my office for help.

I sent a letter to the Marshals Service in the Department of Justice to ask why Kylene Conlon was being denied veterans preference.

They wrote back. Here is what their letter said:

> The Office of Personnel Management (OPM) administers the veterans preference program for the Federal Government in accordance with statute and regulation. Unfortunately, service as a member of the Army Reserve does not qualify for veterans preference. The OPM VetGuide states ''to receive preference, a veteran must have been separated from active duty in the Armed Forces with an honorable discharge.'' Ms. Conlon has not been discharged from the Army.

Every word of that letter was 100 percent true. OPM administers the program according to the law. OPM's guide requires a discharge. Reservists completing a mobilization and returning to part-time status don't receive discharges. Therefore, reservists were being deemed ineligible for Veterans Preference.

I knew right then that the law had to be changed.

My staff checked into this and found that it was that vague word ''separated'' in the current Veterans Preference law that was the problem. Somebody could read that word and assume it means only ''discharged'' and so they had.

That was not Congress's intent. Elsewhere in Federal law, rather than the term ''separated,'' one finds the phrase ''discharged or released.'' That's a better phrase. It covers both those who end full-time, active duty service completely with an honorable discharge as well as reservists who are released after a tour of active duty and go back to reserve duty. Troops leaving the military altogether are given a discharge. Reservists who are simply ending a period of active duty and reverting to their previous part-time reservist status are given a release from active duty.

The measure which I introduce today clarifies title 5 by replacing the vague term ''separated'' with the clearer and more precise phrase ''discharged or released.'' While this may seem a small change in wording, it will have an important effect. It will make it absolutely clear that a member of the National Guard or Reserve who serves honorably in a war, campaign or expedition for which a campaign medal has been authorized can receive full access to veterans preference in Federal hiring. We want these honorable veterans to receive this preference without any pressure or incentive whatsoever to terminate their valuable service in the reserve components of our Armed Forces.

This change in the law is merely a clarification to avoid future errors of interpretation as have occurred in the past. It will have no effect on previous grants of veterans preference and it will in no way limit or reduce future considerations for veterans preference eligibility.

The measure is endorsed by the Reserve Officers Association. I am very grateful to the managers of the Defense authorization bill for agreeing to accept this measure as an amendment. It is important and timely legislation as we approach Veterans Day and honor all those who serve our Nation in uniform.

Mr. KENNEDY. I support the extension of the Defense Department's program ensuring that its Federal contracting process in no way supports or subsidizes the discrimination that has long been a problem in the contracting business. The extension of the program through September 2009 is needed to help achieve that goal.

The Senate Armed Services Committee has learned a great deal about the effects of discrimination in denying contracting opportunities for minority-owned businesses. The ugly reality is that contracting has long been dominated by ''old-boy'' networks that make it very difficult for African Americans, Latinos, Asians, and Native Americans to participate fairly in these opportunities, or even obtain information about them.

Years of congressional hearings have shown that minorities historically have been excluded from both public and private construction contracts in general, and from Federal defense contracts in particular. Since its adoption, the Defense Department program, called the 1207 Program, has helped level the playing field for minority contractors. But there is still more to do, as the additional information we have received since the program was last reauthorized makes clear.

Ever since the program was first adopted in 1986, racial and ethnic discrimination—both overt and subtle—have continued to erect significant barriers to minority participation in Federal contracting. In some cases, overt discrimination has prevented minority-owned businesses from obtaining needed loans and bonds. Prime contractors, unions, and suppliers of goods and materials have preferred to do business with White contractors rather than with minority firms.

We have seen repeated reports of bid-shopping and of minority businesses being denied contracts despite submitting the lowest bid.

The Department's decision to award a growing number of defense contracts noncompetitively has had the unfortunate effect of excluding minority-owned businesses from a significant number of contracting opportunities. No-bid contracts also hurt White-owned businesses, but they disadvantage minority-owned firms in particular.

These problems affect a wide variety of areas in which the Department offers contracts, and the problems are detailed in many recent disparity studies, including:

City of Dallas Availability and Disparity Study, Mason Tillman Associates, Ltd. (2002); City of Cincinnati Disparity Study, Griffin & Strong, P.C. (2002); Ohio Multi-Jurisdictional Disparity Studies, Mason Tillman Associates, Ltd. (2003); Procurement Disparity Study of the Commonwealth of Virginia, MGT of America, Inc. (2004); Alameda County Availability Study, Mason Tillman Associates (2004); City of New York Disparity Study, Mason Tillman Associates, Ltd. (2005).

We are also mindful that the data contained in the Department of Commerce benchmark study supports the need for efforts to improve contracting opportunities for minority-owned businesses.

The 1207 Program helps to correct these problems of discrimination without imposing an undue burden on White-owned businesses. Small businesses owned by White contractors are eligible to receive the benefits of the program if they are socially or economically disadvantaged.

All of us benefit when recipients of Federal opportunities reflect America's diversity, and I am proud to support the reauthorization of the 1207 Program.

Mr. ROBERTS. Mr. President, I thank my friend and colleague Chairman CRAIG, for offering this amendment to correct current law, which permits capital offenders to be buried in a national cemetery with full military funeral honors. I am pleased to be an original cosponsor of this amendment, which would deny capital offenders a hero's funeral.

I believe that the congressional intent was crystal clear on this issue when Congress passed two laws denying capital offenders eligibility for burial in a national cemetery and certain funeral benefits in 1997 and 2002. However, a loophole remains and is vulnerable to misapplication. It is unfortunate that it took the mistaken internment of double murderer Russell Wayne Wagner in Arlington National Cemetery earlier this summer to shed light on this egregious loophole.

I commend Chairman CRAIG's immediate response to this oversight by quickly convening a hearing to study how big this loophole really is. According to a study of the law conducted by the Congressional Research Service, CRS, because Wagner's double life sentences carried the possibility of parole, he was technically eligible for burial in a national cemetery. Upon further study, it was determined that this same parole loophole also would apply to Dennis Rader, the serial killer who terrorized Kansans for over three decades.

In Kansas, we take honoring those who made the ultimate sacrifice very seriously. Entire towns make their way in the funeral procession of the hometown hero to pay their respects and say a quiet prayer as he or she is laid to rest. This respect was recently demonstrated in South Haven, KS, as the community gathered en mass to honor Sgt. Evan Parker, who died of wounds from a bomb attack during Operation Iraqi Freedom. Neighbors and fellow members of the community poured out their front doors to silently watch the funeral procession and 150 members of the American Legion convened to erect a barrier to block protesters from interrupting the mourners. This is what small town America does to honor those who gave all.

It is unconscionable that Dennis Rader, BTK for short, as he referred to himself, who brutally bound, tortured, and killed 10 innocent victims would be granted a hero's funeral. A criminal who is facing 10 life sentences and no less than 175 years of prison could be honored among our Nation's heros under the law as it stands today because his sentence included the phrase ''with parole.'' The idea that the brave men and women of our Nation's military forces like SGT Evan Parker could be memorialized and laid to rest in the same sacred ground as the BTK Killer is outrageous and simply wrong.

If current law cannot prevent this brutal murderer from internment in a national cemetery or with military funeral honors, then the law needs to be fixed. This amendment closes the parole loophole by tying eligibility for

burial in a national cemetery and military funeral honors to the underlying action of the capital offender rather than to the sentence, which can vary from State to State.

I understand that Chairman WARNER and Ranking Member LEVIN are including this amendment as a part of a broader manager's amendment. I appreciate the inclusion of this important legislation that ultimately protects the honor and memory of our Nation's heros and the hallowed ground in which they rest.

Mrs. FEINSTEIN. Mr. President, I rise today to voice my concern over apparent discrepancies between the administration's rhetoric with respect to our treatment of detainees, and the clear reality of the situation.

We all agree, I hope, that individuals in the custody of the United States must be treated humanely. We certainly agree that under no circumstances must American military and government personnel engage in torture. That is why we ratified the United Nations Convention Against Torture in 1994.

And that is why Senator MCCAIN's provision prohibiting the use of ''cruel, inhuman, or degrading treatment'', and adopting the Army Field Manual as the standard for interrogation procedures passed the Senate as part of the Defense appropriations bill by a 90 to 9 vote on October 5. It was also unanimously adopted to be included in this Defense authorization bill.

Senator MCCAIN's amendment simply makes it clear that the Convention Against Torture applies without geographical limitation.

It states that conduct that is unacceptable on U.S. soil is also unacceptable in Guantanamo Bay, in Abu Ghraib, or anywhere else the United States government may be holding detainees.

President Bush has repeatedly stated that captives are to be treated humanely, and just this week he reiterated his policy that:

> In this effort, any activity we conduct, is within the law. We don't torture.

And yet, the administration, led by Vice President CHENEY, has been making a great effort to lobby Members of Congress to alter the McCain provision by exempting the CIA and members of the intelligence community from its prohibition on torture.

According to Human Rights Watch, the language he circulated on October 20th proposes that:

''Subsection (a)''—that is, the prohibition against cruel, inhuman or degrading treatment or punishment—''shall not apply with respect to clandestine counterterrorism operations conducted abroad, with respect to terrorists who are not citizens of the United States, that are carried out by and element of the United States Government other than the Department of Defense and are consistent with the Constitution and laws of the United States and treaties to which the United States is a party, if the President determines that such operations are vital to the protection of the United States or its citizens from terrorist attack.''

Why? The President has stated that it is not his policy to torture. We all know the catastrophic effects that even the appearance of impropriety in this area has on the image of the United States abroad. We know the irreparable harm that reports of abuse and secret detention centers do to our war effort. And, we know that torture does not produce good and effective intelligence. So why fuel that fire by enacting a specific exemption to our long-standing policy of humane treatment?

Earlier this month, the Washington Post reported that the CIA has been ''hiding and interrogating'' its most valuable prisoners at so-called ''black sites'' at several locations in Eastern Europe and Asia.

If this is true, it would allow the intelligence community to engage in ''unconventional'' interrogation procedures at secret locations outside of Congressional oversight or military directives on the treatment of prisoners.

Earlier this week, I wrote a letter to the chairman and vice chairman of the Senate Intelligence Committee requesting that the committee conduct hearings into these allegations that the CIA is holding prisoners in ''black sites'' around the world.

The Senate Intelligence Committee has jurisdiction over the entire intelligence community. And therefore, it is critical that it have access to all information and material related to these disturbing allegations.

Moreover, I believe that the committee must do a better job with its oversight responsibilities, particularly as they relate to detention, interrogation, and rendition activities by our intelligence agencies.

The fact is that our policy to date with respect to detainees has been confused, and that that confusion has led to disturbing allegations of abuse and even torture.

The Senate has already acted to clarify the rules by passing the McCain amendment. I have heard it argued that this will somehow ''tie the hands'' of the President in his prosecution of the war, but I strongly disagree.

In the first place, the President himself insists that detainees should be treated humanely. We are simply acting to codify his policy.

Secondly, the Constitution is perfectly clear with regard to the authority for regulating the United States military: that authority lies with the Congress.

Some claim that the Founding Fathers intended the executive branch to have a free hand in prosecuting this Nation's wars.

But their consideration and deliberation on this issue resulted in Article VII, Section 8 of the Constitution, which states that Congress shall have the power to ''make Rules concerning Captures on Land and Water,'' and also ''To make Rules for the Government and Regulation of the land and naval Forces.''

It is clear that this administration has been inconsistent and mistake-prone in regulating the Armed Forces with respect to the treatment of detainees.

There is the case of Captain Ian Fishback of the 82nd Airborne Division, who attempted for 17 months to determine what regulations were in force.

He determined that, years after President Bush had declared that all prisoners, regardless of their Geneva status, were to be treated ''humanely,'' the definition of what constituted humane treatment was still being left to individual commanders.

He reports:

> We've got people with different views of what ''humane'' means and there's no Army statement that says ''this is the standard for humane treatment for prisoners to Army officers.'' Army officers are left to come up with their own definition of humane treatment.

The results of this lapse are well documented. Even the Pentagon's own reports are highly critical:

The Taguba Report found ''numerous incidents of sadistic, blatant, and wanton criminal abuses,'' which the report described as ''systemic.''

Along the same lines, the Mikolashek Report examined 94 cases of confirmed abuse in Iraq and Afghanistan, and found that ''ambiguous guidance from command on the treatment of detainees'' was a contributing factor.

Further, the Fay-Jones Report implicated 35 soldiers, including the top two military intelligence officers at Abu Ghraib prison, in 44 cases of abuse.

So the problem goes far beyond a ''few, isolated bad apples.'' Decent, hardworking American soldiers simply do not know how they may or may not treat their captives.

I note that on Tuesday, the Department of Defense released a new directive banning the use of unmuzzled dogs in interrogations, or to harass or intimidate prisoners. I welcome this directive, but it is too little, too late. The ban comes after dozens of confirmed reports of soldiers using dogs to intimidate inmates of Abu Ghraib, and it is limited in scope and details.

The McCain amendment would give a clear baseline standard of human rights, which all Americans will always recognize—the rights which our Founders believed were inalienable rights; the rights they chose to enshrine in our Constitution.

It is not for the Vice President, or anyone else for that matter, to circumvent those rights in the name of fighting terrorism.

This week the White House Press Secretary, Scott McClellan, tried to justify the exemption, saying, ''You're talking about people like Khalid Shaykh Muhammad; people like Abu Zubaydah.''

I agree that these are terrible men, but we must also consider men like Mr.

Dilawar, an innocent taxi driver who was beaten to death in Afghanistan.

We are talking about thousands of innocent Iraqis rounded up in sweeping neighborhood raids and systematically abused.

And we are talking about their friends and families, and an entire generation of young people around the world who are watching and judging the actions of the United States.

If we fail, in their eyes, to live up to our ideals, if the promise of America is reduced to self-serving hypocrisy, then I fear we will breed more terrorists than we can ever stop.

In fact, the scale of the problem is such that the narrowly-focused Pentagon reports do not provide us an adequate picture.

In conclusion, let me state this—it is essential that we answer these three fundamental questions:

Is our current policy legal?

Is it moral?

And does it work?

From my work on this issue in the Judiciary Committee and Intelligence Committee, I fear the answer to all three is ''No.''

I believe that Congress did not intend to permit torture abroad when it ratified the Convention Against Torture. The overwhelming support enjoyed by Mr. MCCAIN's amendment is evidence of that.

Furthermore, I do not believe that violating fundamental human rights is ever justified.

There are some absolutes in this world, and some activities that the United States simply cannot condone.

I am convinced that our detainee policy has been a costly failure. Far from making us safer, the aggressive interrogation of terror suspects has served to breed more terrorists, and to make us more vulnerable to attack.

Should Congress refuse to statutorily codify the legal and humane treatment of prisoners, we risk endangering those Americans who become prisoners themselves.

We must set an honorable example for the entire international community; to do otherwise would be a betrayal of the values we hold dear.

American values, such as the humane treatment of detainees, are truly at the very core of this debate.

We must not fail—America's future will rest on it.

AMENDMENT NO. 2519

Mr. President, I rise today in support of an amendment introduced by Senator LEVIN and several colleagues that formulates our military strategy and foreign policy in Iraq.

We need clear, defined benchmarks that lay out how and when we can begin a structured downsizing of the 160,000 Americans currently serving in Iraq.

Increasingly, Americans are demanding answers about how we intend to transition sovereign control of Iraq to the newly elected government.

If we do not heed the call of the American people, popular support for this war will continue to wane.

We must have a well-reasoned approach that will allow our Armed Forces to remove themselves from the constant crossfire between Sunnis and Shia.

As we look forward, I believe the parliamentary election on Dec. 15 represents one such opportunity.

For the first time in history, the Iraqi people will have democratically elected their permanent leaders to serve full 4-year terms. Their constitution, problematic as it may be, has been adopted, and it is time for Iraqis to take greater control.

A growing perception is that U.S. military forces buttress the Shiites. As a result, we pay a high cost, in lives lost and casualties.

We need to change course to remove ourselves from being the literal and figurative target of Sunni enmity.

Frankly, this battle cannot be won militarily by American forces.

A structured downsizing of our presence in Iraq will not only take our service men and women out of harm's way, but it will also force Iraq's religious and political leaders to confront the insurgency and find a balance of power acceptable to Shiites, Sunnis, and Kurds.

The first and primary impetus for transitioning our forces will be a better trained Iraqi Security Force.

Ultimately, the Iraqis will have to defend themselves and confront the insurgency, both militarily and politically. The question is when.

Training of the Iraqi Security Forces has been too slow, and the administration has been less than forthright about the capabilities of the Iraqi troops on the ground.

In the interim period ahead, U.S. forces may continue to have a significant role to play, especially in the areas of training and rebuilding infrastructure. But this requires a change of focus for American troops from leading combat missions to buttressing and backing Iraqis as they seek to quell the insurgency and growing violence.

For starters, we need to increase the number of U.S. military personnel providing initial training to the Iraqi forces from the current 1,200. This number is frankly inadequate, and raises questions about our military's priorities in Iraq.

This does not necessarily mean that all Iraqi forces will be trained to the level of U.S. forces—that is unlikely—but the real benchmark is for Iraqi units to have a basic level of training and equipment to safeguard their towns, cities and communities.

The Pentagon recently estimated that an additional 125,000 Iraqi security personnel will be needed to bring total endstrength to 325,000.

If it is going to take a force of 325,000 Iraqis, then it is incumbent upon the U.S. military to prioritize this training and put enhanced efforts into recruiting qualified individuals to serve.

It is only fair to our service men and women, and to their families, if we put every effort into properly training Iraqis so that American troops can come home as soon as possible.

America needs to change course, reassess its mission in light of this escalating insurgency, place more responsibility on Iraq for a negotiated settlement, and begin a structured drawdown of American forces.

This structured drawdown must come in the form of a consistent, planned strategy. This amendment uses the word ''redeployment,'' which I frankly believe is confusing.

Our military leaders must establish a framework for a careful, cautious removal of our troops from Iraq, in conjunction with the rising number of trained Iraqis.

This might mean the removal of 10,000 American troops for every 20,000 trained Iraqis, or a similar but concrete formula.

Certainly, we should prioritize what troops are most needed in the training process and begin to drawdown our endstrength in other areas.

This amendment rightly requires the President to report regularly on American policy in regards to Iraq and our military operations there.

The administration needs to define and lay out an endgame.

The Levin provision ensures that Congress will be receiving regular updates on the administration's strategy in Iraq, and as it must be unclassified, will provide the American people the opportunity to see whether there truly is a plan for success.

Again, I believe it is time to reevaluate our policy and strategies in Iraq.

We have lost over 2,000 American troops, and tens of thousands of Iraqis have died.

Americans are tired of hearing daily about the chaos and violence that has beset Iraq. With American soldiers and scores of Iraqi civilians dying every day, there has to be a better course.

In my view, it is clear that now is the time to consider a comprehensive plan for the structured downsizing of our mission, while we greatly increase the emphasis on training Iraqis to protect themselves.

Mr. ROCKEFELLER. Mr. President, today, I want to commend my colleagues on the Armed Services Committee for taking a step forward to help our soldiers who are wounded, and removed from the combat zone for medical treatment.

Under current law, when soldiers are removed from a combat zone, even if it is for a severe wound, they lose all of their special duty pay, which for some enlisted soldiers can reduce their pay by half. It does not seem right to cut a soldier's pay at the time of an injury when that soldier and his family will face personal and financial hardships. For example, if a young soldier is sent to Walter Reed Hospital to recover, it is often important to have family nearby to assist in recovery. But that often means a young wife or husband must leave their home and job to help the

wounded soldier. They may face new temporary housing costs or added expenses just to live nearby and support in the soldier's recovery.

Thanks to action in our Armed Services Committee, there is a provision to continue some of the specialty pays for imminent danger for our wounded soldiers as long as they are in the hospital. The House Defense authorization includes a similar provision that creates a new pay provision specifically for rehabilitation from combat-related injuries.

I support such provisions, and in fact, I introduced S. 461, the Crosby-Puller Combat Wounds Compensation Act, to maintain full pay for soldiers during recovery. I was proud to have Senators KENNEDY, CLINTON, and SALAZAR as cosponsors.

My commitment to this legislation was based on hearing the plight of wounded soldiers. My West Virginia caseworkers have heard from many soldiers and families who are struggling. While everyone is tragically aware of the more than 2,000 soldiers, including 15 West Virginians, who have lost their lives, we do not hear as much about our wounded soldiers.

Current estimates are that 16,220 soldiers have been wounded in Iraq and Afghanistan, and 104 are West Virginians. Thanks to better medical care and better equipment, when it is available, our soldiers are surviving devastating attacks, but too often at high costs including the loss of limbs. Such soldiers face long recoveries, and they need their families nearby to support them. But there are extra costs for families at this time, and we should not be substantially reducing the pay of our wounded heroes.

As the conference committee is appointed and we begin the hard work of resolving the differences between these two bills, I hope that we will keep in mind the struggles and financial hardships of our wounded soldiers and their families. We need to provide them with adequate pay in honor of their distinguished service.

MORNING BUSINESS

TRIBUTE TO MR. HENRY OSCAR WHITLOW

Mr. MCCONNELL. Mr. President, I today honor the life of a prominent Kentuckian, Mr. Henry Oscar Whitlow, and to pay tribute to the numerous contributions he made to his community and to the Commonwealth of Kentucky.

A native of Ballard County, KY, Mr. Whitlow spent his professional life practicing law in Paducah. In addition to being a respected attorney, he was also an active member of the Broadway United Methodist Church, and served as President of the Paducah Area Chamber of Commerce, the Paducah Jaycees, and the Paducah Rotary Club.

People like Henry Whitlow are what make Kentucky such a special place. I extend my condolences to his wife of 55 years, Elizabeth Ann Clement Whitlow, his son Mark Whitlow, his daughter Rebecca Gutherie, and all those that mourn the passing of this great man.

Earlier this week the Paducah Sun marked the passing of this community icon in a piece titled, ''Whitlow remembered for community contributions.'' I ask that the full article be printed in the RECORD and that the entire Senate join me in paying our respect to this beloved Kentuckian.

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

[From the Paducah Sun, Nov. 8, 2005]

WHITLOW REMEMBERED FOR COMMUNITY CONTRIBUTIONS

(By Bill Bartleman)

Henry Oscar Whitlow was remembered Monday as soft-spoken and unassuming, but strong and powerful in his contribution to the community and the legal profession.

Whitlow, 91, died at 5:42 a.m. Monday at Lourdes hospital. His son, Mark Whitlow, said he had suffered from Alzheimer's and had been in a nursing home since last year.

Visitation will be held at the Milner and Orr Funeral Home of Paducah from 4 to 7 p.m. Thursday. Services will be at Broadway United Methodist Church in Paducah at 1:30 p.m. Friday followed by burial in Mount Kenton Cemetery.

Whitlow, a native of Monkey's Eyebrow in Ballard County, began practicing law in Paducah in 1937 with the Waller and Threlkeld law firm. He eventually became a partner and the firm is now known as Whitlow Roberts Houston and Straub. It is one of Paducah's largest and most prestigious firms.

He was a member of Broadway United Methodist Church for almost 70 years and held every leadership position in the church. He also was a lay speaker and a Sunday School teacher.

He also was active in civic affairs and served as president of what is now the Paducah Area Chamber of Commerce, the Paducah Rotary Club, the Paducah Jaycees and many other organizations.

Senior U.S. District Judge Edward H. Johnstone described Whitlow as a leader with humility, a litigator with compassion and a scholar with the common touch.

''He was a great man,'' Johnstone said. ''The thing that distinguished him from present-day lawyers is that he built his reputation by what he did, not how much he advertised or blew his own horn. His work is what sold him to the public. He never sought glory or credit. He was unselfish and always a perfect gentleman.''

U.S. District Judge Thomas Russell said Whitlow had a profound effect on those around him. Russell was associated with Whitlow's firm for almost 25 years.

Without Whitlow as a mentor, Russell said he would have never risen to the federal judgeship. ''You can learn the practice of law from a lot of people, but he taught me what it takes to represent people—to feel their sorrow, their joys and their concerns.''

Whitlow served as the attorney for the Paducah Board of Education for more than 40 years. Bill Black Jr., a long-time board member, said Whitlow viewed his work with the board as public service. ''The fees he charged were not what he could get investing his time in other legal work,'' Black said.

He said Whitlow never tried to influence board decisions and only got involved when he thought the board was straying in the wrong legal direction.

''He listened very carefully and said very little,'' Black said. ''But when he did speak, we always knew it was our time to listen to his wisdom and take his advice.''

Black noted that Whitlow was the board attorney in 1956 when the city schools were integrated. He said Whitlow's legal advice undoubtedly played an important role in the successful and peaceful integration that had been mandated by the U.S. Supreme Court.

''Many schools in the South started integrating in the 1st grade and did it over 12 years,'' Black said. ''Paducah allowed any African American who wanted to attended a previously all-white school to do it in the first year.''

Away from the legal profession, Russell said Whitlow set an example of how a person should be a good citizen. In addition to being a church leader, Russell said Whitlow was active in the Boy Scouts, charitable work ''and was past president of the Rotary Club and every other civic organization that he belonged to. ''In all that he ever did, he didn't seek any kind of recognition.''

Mark Whitlow, also an attorney, said his father was an inspiration.

''We all love our fathers,'' Whitlow said. ''But he also was an outstanding mentor in terms of being a scholar of the law and in his love for the community and public service. He set a good example for all of us.''

Fred Paxton, chairman of the board of Paxton Media which owns the Paducah Sun, said Whitlow's slight frame and soft voice were deceiving.

''He was a very rugged individual and very, very strong,'' Paxton said. ''If you exchange a hand shake with him, you knew that. He also had a delightful sense of humor. It was very low key and subtle, but rich.''

In 1993 Whitlow was honored as the Kentucky Bar Association's ''Lawyer of the Year.''

He was humbled by the honor. ''It was like a bolt out of the blue,'' he told the Paducah Sun. ''I still don't know how the lightning happened to strike me. I am just an old country boy who came up in the Depression.''

In addition to his son, Whitlow is survived by his wife of 55 years, Elizabeth Ann Clement Whitlow; a daughter, Rebecca Gutherie of Maryland; a sister, Mildred Hughes of Tucson, Ariz., and two grandchildren.

TRIBUTE TO MR. EVERETT RAINS

Mr. MCCONNELL. Mr. President, I pay tribute to a great leader in public service, Mr. Everett Rains. Everett served as county clerk in Whitley County, KY, for 24 years. I first met him when I started my political career in Kentucky, more than two decades ago. Everett was known for his numerous acts of kindness and generosity. He inspired others to serve, including his own nephew Tom Rains, who succeeded him as Whitley County clerk.

Last month, Everett passed away at the age of 88. He spent his career serving the people of Whitley County, and will be missed by all who knew and loved him.

On October 26, 2005, The Williamsburg News Journal published an article highlighting Everett's contributions, caring nature, and strong character. I ask that the full article be printed in the RECORD and that the entire Senate join me in paying our respect to this beloved Kentuckian.

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

[From the Williamsburg News Journal, Oct. 26, 2005]

FAMILY, FRIENDS HAVE FOND MEMORIES OF RAINS, FORMER COUNTY CLERK

(By Mark White)

Everett Rains will undoubtedly go down in history as one of the most successful politicians in Whitley County history, but his nephew, current Whitley County Clerk Tom Rains, says he will remember Everett more as a generous man that always tried to help people.

''Many times at the Corbin hospital we would go visit the sick men, who were his friends. If the men didn't have a pair of socks on, that really bothered him the most,'' Rains said Monday afternoon, unsuccessfully trying to choke back tears. ''He would pull his socks off and give them to them. He would leave and go home without any socks on. I've never seen anybody do that before in my life; that was how generous he was.''

Everett Rains, who served as Whitley County Clerk for 24 years, passed away Saturday afternoon at the Oak Tree Hospital in Corbin at the age of 88.

''He was a tremendous gentleman. They called him the best politician in Whitley County, but it all came from his heart. Everything came out of Everett's heart. He did things for people out of his heart, not because he was county clerk. He was just that type of person,'' said Tom Rains, who worked for Everett for eight years before succeeding him as county clerk. ''He treasured this office. He was a good county clerk.''

Everett Rains began his career in politics serving one term as Whitley County sheriff from 1954 through 1957. At the time, sheriffs couldn't succeed themselves, and Rains made a failed bid for county clerk in 1957 against incumbent Ernie Hickey. He ran again for county clerk in 1961, and was elected to the first of his six terms in office. Rains was unopposed in his bid for re-election during three of his six terms, and left office in 1985. Kay Schwartz, who has worked in the county clerk's office for nearly 31 years and who worked for Everett Rains for 11 years until he left office, described her former boss as an easygoing person, who never raised his voice to any workers.

''He would always tell us in a kind way how things needed to be done, or what he needed done. He never did anything to humiliate you. He always wanted to help you,'' she noted.

''He was a very good man. He was always kind to people. It didn't matter if they came in mad, they never left mad. He always calmed them down, and took care of their needs. It didn't matter what they needed, he always tried to help them,'' Schwartz said. ''Even if he knew somebody was against him, he was kind to them when they came in. He shook their hand, and he helped them. It didn't matter to him. He was a man that would turn the other cheek. He was always good to people.''

Tom Rains said some of his fondest memories as a child were of he and his twin brother riding around with Everett as he traveled the county buying and selling cattle.

''We used to come down and sit on the sheriff's counter. While he was working we used to get to stay a few hours at the courthouse. It was the biggest treat ever. He was a special person, who made you feel so good,'' Tom Rains said.

Everett Rains and his wife of 46 years, Delois, never had any children. The couple didn't marry until they were 42 years old, Tom Rains noted. Still, the couple had a large family, including seven nephews and five nieces.

Everett and Delois attended 73 birthday parties for their great-nephews and nieces in Tom Rains' family, only missing one birthday party due to illness.

Tom Rains noted that Everett had a great love for children, period. ''There is probably not anyone in this county that Everett Rains didn't buy a bottle of soda pop for when he was young. Young boys would run to the county store when they saw Everett coming down the road because they knew Everett would buy them a pop. Every child everywhere he went, he would give them a quarter and in later years he would give a dollar to every child he saw. He was really so generous,'' Tom Rains said.

In addition to being a politician, Rains was also an active farmer, who raised crops and cattle on his farm near Dal Road until last year.

''He had a real closeness to all the farmers in Whitley County,'' Tom Rains noted Monday. ''Back in the '40s, '50s and '60s, everyone had a milk cow; in Whitley County that was the most valuable thing on your place. Everett would loan people milk cows. So many people came to me today, and said, 'I remember when your uncle brought us a milk cow.' He didn't ask nothing.''

Rains said about a year ago, Everett suffered a bump on his head that required surgery in Lexington for internal bleeding in his brain. After the stint in the hospital, he developed lung problems, and had suffered from pneumonia for the past month until he passed away Saturday.

Funeral services were scheduled for 2 p.m. today at the Ellison Funeral Home Chapel with the Rev. Bill Mitchell officiating. He will be buried at the Highland Park Cemetery in the Davis Addition.

The Whitley County Courthouse closed at noon Wednesday for the funeral, and remained closed for the remainder of the day.

VALARIE YOUNG—2005 MILKEN FAMILY FOUNDATION NATIONAL EDUCATOR AWARD WINNER

Mr. REID. Mr. President, I rise today to congratulate Valarie Young, a high school social studies teacher at the Advanced Technologies Academy in Las Vegas, who was selected as one of two winners from Nevada of the Milken Family Foundation National Educator Award for 2005.

The Milken Family Foundation National Educator Awards program, which began in the early 1980s, provides public recognition and financial rewards to elementary and secondary school teachers, principals, and other education professionals who strive for excellence in education. By honoring outstanding educators from across the United States, the program's goals are to attract, develop, motivate, and retain talented educators.

It takes a special, dedicated educator to make a subject come alive for students and to teach them that knowledge about history will serve them in their future.

Mrs. Young's creativity makes history come alive for her students, and this Milken Family Foundation distinction validates her efforts. I salute Valarie Young for her service and dedication to the students of the Advanced Technologies Academy, and extend my best wishes for a successful future.

ELLEN FALLON—2005 MILKEN FAMILY FOUNDATION NATIONAL EDUCATOR AWARD WINNER

Mr. REID. Mr. President, I rise today to congratulate Ellen Fallon, a sixth an eighth grade teacher of advanced mathematics at Carson Middle School in Carson City, who was selected as one of two winners from Nevada of the Milken Family Foundation National Educator Award for 2005.

The Milken Family Foundation National Educator Awards program, which began in the early 1980s, provides public recognition and financial rewards to elementary and secondary school teachers, principals, and other education professionals who strive for excellence in education. By honoring outstanding educators from across the United States, this program seeks to attract, develop, motivate, and retain talented educators.

Strong mathematics instruction is an integral part of preparing students for the global economy. Her dedication to this goal is what makes Mrs. Fallon's recognition all the more significant.

Carson Middle School is all in the family for the Fallons: Mrs. Fallon is an alumni, her husband is a sixth grade English teacher, and her daughtr is a seventh grade student at the school.

I trust that her example will influence others to pursue teaching excellence and applaud the Milken Family Foundation for recognizing her leadership. I salute Ellen Fallon for her service and dedication to the students of Carson Middle School, and extend my best wishes for a successful future.

Mrs. BOXER. Mr. President, today I rise to pay tribute to 20 young Americans who have been killed in Iraq since October 7. This brings to 477 the number of soldiers who were either from California or based in California who have been killed while serving our country in Iraq. This represents 23 percent of all U.S. deaths in Iraq.

LANCE CORPORAL SERGIO H. ESCOBAR

At age 18, Lance Corporal Escobar died October 9 from an improvised explosive device while conducting combat operations against enemy forces in Ar Ramadi.

He was assigned to the 3rd Battalion, 7th Marine Regiment, 1st Marine Division, Twentynine Palms, CA. During Operation Iraqi Freedom, his unit was attached to the 2nd Marine Division.

He was from Pasadena, CA.

STAFF SERGEANT JERRY L. BONIFACIO

At age 28, Staff Sergeant Bonifacio died in Baghdad on October 10 when a vehicle-borne improvised explosive device detonated near his checkpoint.

He was assigned to the Army National Guard's 1st Battalion, 184th Infantry Regiment, Dublin, CA.

He was from Vacaville, CA.

SPECIALIST TIMOTHY D. WATKINS

At age 24, Specialist Watkins died in Ar Ramadi on October 15 when an improvised explosive device detonated near their Bradley Fighting Vehicle during combat operations.

He was assigned to the 2nd Battalion, 69th Armor Regiment, 3rd Brigade, 3rd Infantry Division, Fort Benning, GA.

He was from San Bernardino, CA.

LANCE CORPORAL CHRISTOPHER M. POSTON

At age 20, Lance Corporal Poston died October 17 from a nonhostile vehicle accident in Hit.

He was assigned to Battalion Landing Team 2nd Battalion, 1st Marine Regiment, 13th Marine Expeditionary Unit, Camp Pendleton, CA.

LANCE CORPORAL CHAD R. HILDEBRANDT

At age 22, Lance Corporal Hildebrandt died October 17 from small-arms fire while conducting combat operations against enemy forces in Al Rutbah.

He was assigned to 1st Light Armored Reconnaissance Battalion, 1st Marine Division, Camp Pendleton, CA. During Operation Iraqi Freedom, his unit was attached to the 2nd Marine Division.

LANCE CORPORAL DANIEL SCOTT R. BUBB

At age 19, Lance Corporal Bubb died October 17 from small-arms fire while conducting combat operations against enemy forces in Al Rutbah.

He was assigned to the 1st Light Armored Reconnaissance Battalion, 1st Marine Division, Camp Pendleton, CA. During Operation Iraqi Freedom, his unit was attached to the 2nd Marine Division.

SERGEANT ARTHUR A. MORA

At age 23, Sergeant Mora died in Balad on October 19 when his Humvee was struck by enemy indirect fire during patrol operations.

He was assigned to the 5th Squadron, 7th Cavalry Regiment, 1st Brigade Combat Team, 3rd Infantry Division, Fort Stewart, GA.

He was from Pico Rivera, California.

SERGEANT JACOB D. DONES

At age 21, Sergeant Dones died in Hit on October 20 when his forward operating base was attacked by enemy forces using indirect fire.

He was assigned to the 2nd Squadron, 11th Armored Cavalry Regiment, Fort Irwin, CA.

LANCE CORPORAL JONATHAN R. SPEARS

At age 21, Lance Corporal Spears died October 23 from enemy small-arms fire while conducting combat operations against enemy forces in Ar Ramadi.

He was assigned to 3rd Battalion, 7th Marine Regiment, 1st Marine Division, Twentynine Palms, CA. During Operation Iraqi Freedom, his unit was attached to the 2nd Marine Division.

SERGEANT JAMES WITKOWSKI

At age 32, Sergeant Witkowski died on October 26 near Ashraf of injuries sustained there earlier that day when an improvised explosive device detonated near his Humvee during convoy operations.

He was assigned to the Army Reserve's 729th Transportation Company, Fresno, CA.

CAPTAIN MICHAEL J. MACKINNON

At age 30, Captain Mackinnon died on October 27 in Baghdad when an improvised explosive device detonated near his Humvee during convoy operations.

He was a Regular Army soldier assigned to the Army National Guard's 1st Battalion, 184th Infantry Regiment, Modesto, CA.

COLONEL WILLIAM W. WOOD

At age 44, Colonel Wood died in Baghdad on October 27 when he was directing security operations in response to the detonation of an improvised explosive device. During this response, a second improvised explosive device detonated near his position.

He was a Regular Army soldier assigned to the Army National Guard's 1st Battalion, 184th Infantry Regiment, Modesto, CA.

CAPTAIN RAYMOND D. HILL, II

At age 39, Captain Hill died in Baghdad on October 29 when an improvised explosive device detonated near his Humvee during patrol operations.

He was assigned to the Army National Guard's 1st Battalion, 184th Infantry Regiment, Modesto, CA.

He was from Turlock, CA.

SERGEANT SHAKERE T. GUY

At age 23, Sergeant Guy died in Baghdad on October 29 when an improvised explosive device detonated near his Humvee during patrol operations.

He was assigned to the Army National Guard's 1st Battalion, 184th Infantry Regiment, Modesto, CA. He was from Pomona, CA.

SERGEANT FIRST CLASS JONATHAN TESSAR

At age 36, Sergeant Tessar died in Al Mahmudiyah on October 31 when an improvised explosive device detonated near his Humvee during patrol operations.

He was assigned to the Army's 2nd Battalion, 502nd Infantry Regiment, 2nd Brigade Combat Team, 101st Airborne Division, Fort Campbell, KY. He was from Simi Valley, CA.

SERGEANT DANIEL A. TSUE

At age 27, Sergeant Tsue died November 1 from an improvised explosive device while conducting combat operations in the vicinity of Ar Ramadi.

He was assigned to the 7th Engineer Support Battalion, 1st Marine Logistics Group, Camp Pendleton, CA. During Operation Iraqi Freedom, his unit was attached to the 2nd Force Support Group.

PETTY OFFICER SECOND CLASS ALLAN M. CUNDUNGA ESPIRITU

At age 28, Petty Officer Espiritu died November 1 from an improvised explosive device while conducting combat operations in the vicinity of Ar Ramadi.

He was assigned to 2nd Force Service Support Group, II Marine Expeditionary Force. He was from Oxnard, CA.

CAPTAIN MICHAEL D. MARTINO

At age 32, Captain Martino died November 2 when his Super Cobra helicopter crashed while flying in support of security and stabilization operations near Ar Ramadi.

He was with Marine Light-Attack Helicopter Squadron 369, Marine Aircraft Group 39, 3rd Marine Aircraft Wing, Camp Pendleton, CA. During Operation Iraqi Freedom, his unit was attached to the 2nd Marine Aircraft Wing.

MAJOR GERALD M. BLOOMFIELD, II

At age 38, Major Bloomfield died November 2 when his Super Cobra helicopter crashed while flying in support of security and stabilization operations near Ar Ramadi.

He was with Marine Light-Attack Helicopter Squadron 369, Marine Aircraft Group 39, 3rd Marine Aircraft Wing, Camp Pendleton, CA. During Operation Iraqi Freedom, his unit was attached to the 2nd Marine Aircraft Wing.

SERGEANT FIRST CLASS JAMES F. HAYES

At age 48, Sergeant Hayes died in Taji on November 6 when an improvised explosive device detonated near his Humvee during patrol operations.

He was assigned to the 1st Battalion, 320th Field Artillery Regiment, 101st Airborne Division, Fort Campbell, KY. He was from Barstow, CA.

Mr. President, 477 soldiers who were either from California or based in California have been killed while serving our country in Iraq. I pray for these young Americans and their families.

I would also like to pay tribute to the two soldiers from or based in California who have died while serving our country in Operation Enduring Freedom since October 7.

PRIVATE FIRST CLASS JOSEPH CRUZ

At age 22, Private First Class Cruz died in Bagram, Afghanistan, on October 16, of non combat-related injuries sustained in an accident at Organ-E, Afghanistan, on October 15.

He was assigned to the 1st Battalion, 508th Infantry Regiment, Vicenza, Italy. He was from Whittier, CA.

PETTY OFFICER THIRD CLASS FABRICIO MORENO

At age 26, Petty Officer Moreno was killed Oct. 14 in a single-vehicle accident in Manda Bay, Kenya.

He was assigned to Naval Mobile Construction Battalion 3, Port Hueneme, CA. In support of Operation Enduring Freedom, he was deployed as part of a Combined Joint Task Force Horn of Africa construction team.

Mr. President, 34 soldiers who were either from California or based in California have been killed while serving our country in Operation Enduring Freedom. I pray for these Americans and their families.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On October, 15, 2005, in Missoula, MT, two gay students were near their home on the University of Montana campus when they were chased by a group of men and beaten. According to police,

the group of men were shouting derogatory terms regarding their sexual orientation before and during the beating.

I believe that our Government's first duty is to defend its citizens, in all circumstances, from threats to them at home. The Local Law Enforcement Enhancement Act is a major step forward in achieving that goal. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

THE 10TH ANNIVERSARY OF THE DEATH OF KEN SARO-WIWA

Mr. OBAMA. Mr. President, I rise today in support of a resolution submitted by Mr. LEAHY, Mr. KENNEDY, Mr. FEINGOLD, and myself on the 10th anniversary of Ken Saro-Wiwa's death. On November 10, 1995, a terrible injustice occurred when Mr. Saro-Wiwa and eight of his countrymen were hanged by Sani Abacha's regime in Nigeria. While we cannot undo that tragedy, we must never forget it.

Mr. Saro-Wiwa led the Movement for the Survival of the Ogoni People, dedicated to defending the rights of his fellow Ogoni in the Niger Delta through nonviolent means. Over the course of his life, he had dozens of opportunities to take a different path, to stop speaking out, to let someone else intervene. Instead, he risked everything, over and over again, to call the world's attention to suffering and injustice, to demand action. In May 1994, Abacha responded by imprisoning Mr. Saro-Wiwa and eight other Ogoni men, the Ogoni Nine, and unjustly accusing them of murder.

Ten years ago on this day, Mr. Saro-Wiwa is said to have told his executioners: ''Lord, take my soul, but the struggle continues.''

Sadly, the struggle has indeed continued for the Ogoni people, whose standard of living is among the lowest in the world, and whose oil rich land remains severely polluted. The names of the Ogoni Nine have yet to be cleared, and they remain convicted of the crime for which they were unfairly tried and hanged.

This resolution acknowledges not only the tremendous legacy left by Ken Saro-Wiwa, but also the battles that remain to be fought in the Niger Delta and beyond. I urge my colleagues to join me in this effort to honor his memory, his vision, and his struggle which continues today.

LABOR-HHS APPROPRIATIONS

ENHANCED STUDY AND EXCHANGE ACTIVITIES

Mr. COLEMAN. Mr. President, I want to bring the attention of my colleague from Kentucky to a provision Senator BINGAMAN and I offered to the Labor-HHS appropriations bill regarding a strategic plan for enhancing access of legitimate foreign students, scholars, scientists, and exchange visitors in the United States for study and exchange activates. Since September 11, restrictive visa policies and negative perceptions of the United States have led to a drastic decline in the number of foreign students studying in the United States, a development which has a negative consequences for both American foreign policy and economic competitiveness. A strategy is needed to proactively counter negative perceptions about America as unwelcoming to foreign students, and to enable us to successfully compete with places like the EU, the UK, and Australia, which have developed strategies to recruit the world's best and brightest. In my amendment to the Labor-HHS bill, I initially requested the Secretary of Education, in consultation with the Secretaries of State, Commerce, Homeland Security and Energy and others, to prepare this plan.

Mr. MCCONNELL. I am aware of this provision and have been alerted by the State Department that they would prefer that the Secretary of State take the lead in coordinating this strategic plan, given Secretary Rice's jurisdiction over this matter. Had this provision been offered to the fiscal year 2006 Foreign Operations Appropriations Act, I can assure my friend that it would have been included as a requirement for the State Department to fulfill.

Mr. COLEMAN. I, too, have been informed of the State Department's jurisdictional concern. Given that this issue is more appropriate to the Foreign Operations bill, I wonder if my friend from Kentucky will work with me and the State Department to ensure that this provision is fulfilled, specifically that within 180 days of enactment of the foreign aid bill the Department provide the relevant congressional committees with a report detailing this strategic plan, in consultation with the Departments of Education, Commerce, Homeland Security, and Energy, as well as institutions and organizations involved in international education. The strategy should seek to use innovative media like the Internet to develop a marketing strategy. It should also include policy recommendations for streamlining the procedures related to international student access.

Mr. MCCONNELL. My staff has already discussed this matter with the State Department and they have committed to providing such a plan within that timeframe.

Mr. COLEMAN. I thank the chairman of the State, Foreign Operations, and Related Programs Subcommittee.

DECEPTIVE PRACTICES AND VOTER INTIMIDATION PREVENTION

Mr. KERRY. Mr. President, I proudly join as a cosponsor of Senator OBAMA's Deceptive Practices and Voter Intimidation Prevention Act of 2005. This important legislation will protect voters from the deceptive practices that aimed to keep them from the polls on election day.

Free and fair elections are the foundation of our democracy—a democracy built on the unassailable principle that every single American should have an equal say in their government. No American should ever approach their polling place in fear. No American should ever worry that they will somehow be penalized for exercising their fundamental right to vote. No American should ever be tricked into thinking they do not have the right to vote.

The Deceptive Practices and Voter Intimidation Prevent Act takes great strides towards ensuring that no American will ever be denied the right to vote. It both criminalizes deceptive practices and provides affected individuals with a private right of action. It prevents the negative effects of deceptive practices by ensuring voters get accurate election information. It also requires the Attorney General to report allegations of deceptive practices, the actions taken to correct them, and any prosecutions resulting from those allegations.

We have worked hard to bring fair and free elections to people around the word-including the people of Iraq and Afghanistan. We must do everything in our power to ensure that our own elections are at least as fair and as free.

ADDITIONAL STATEMENTS

TRIBUTE TO CAROLYN HARRIS

• Mr. JEFFORDS. Mr. President, I am here today to honor my fellow Vermonter, Carolyn Harris, who has spent the last four decades improving the management and implementation of long-term health care.

A nurse by training, Carolyn Harris has worked in the management, administration, and certification of long-term care systems, as well as acting as a care provider. Additionally, through her work with the Vermont association of the American Health Care Association, AHCA, a national health organization representing more than 10,000 long-term care facilities and providers Ms. Harris has trained fellow physicians, nurses, and other health care professionals to provide appropriate and effective long-term care to patients.

Along with the Vermont Health Care Association, VHCA, Ms. Harris has worked for more than 30 years to promote affordable, accessible quality care in Vermont nursing and assisted-living facilities. Her efforts have gone a long way to assure the privacy, rights, dignity, comfort, and well-being of Vermont nursing home residents and to foster a spirit of cooperation and excellence in long-term care. Most remarkably, Ms. Harris continues to provide personal attention and care to her patients while sharing her wisdom, energy, and compassion with her colleagues. Carolyn Harris has met the

challenge of providing long-term health care head on and has become a trusted adviser to long-term care providers and patients throughout Vermont.

Today, at the Helen Porter Nursing Home in Middlebury, VT, Carolyn Harris is being honored by the VHCA and the AHCA for her service to all long-term care recipients and Vermonters. Ms. Harris is a valuable member of the long-term health care community, and I am proud to be able to honor her before the Senate.●

TRIBUTE TO PAULA YEAGER

●Mr. LUGAR. Mr. President, I rise today to honor the memory of Paula Yeager, a distinguished Hoosier and executive director of the Indiana Wildlife Federation, who passed away yesterday following a 7-year battle with cancer. Over the years, I have valued Paula counsel and advocacy on behalf of conservation in Indiana.

After studying business at the University of Nebraska, Paula began a career as a travel agent. Eventually, this career brought her into close contact with John Denver, a singer who shared Paula's respect for the importance of nature and dedication to wildlife conservation. The two became close friends and their friendship inspired Paula to use her remarkable talents to make a difference in conservation.

This dedication led Paula to pursue an opportunity as executive director of the Indiana Wildlife Federation. In that role, she reinvigorated the organization as she worked with like-minded groups to advance initiatives and become effectively engaged in the political process at both the State and Federal level.

Paula's efforts have been recognized across Indiana. She has twice been recognized with the President Award from the Indiana Wildlife Federation and was named Conservationist of the Year in 2001 by the Indiana Department of Natural Resources.

While I know that this is a difficult time for Paula's family and many friends, my thoughts are with her husband John and their two children Stephanie and Corey as they remember her life of leadership.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a treaty which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 9:32 a.m., a message from the House of Representatives, delivered to Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 2490. An act to designate the facility of the United States Postal Service located at 442 West Hamilton Street, Allentown, Pennsylvania, as the ''Mayor Joseph S. Daddona Memorial Post Office''.

H.R. 3339. An act to designate the facility of the United States Postal Service located at 2061 South Park Avenue in Buffalo, New York, as the ''James T. Molloy Post Office Building''.

The enrolled bill was signed subsequently by the President pro tempore (Mr. STEVENS).

At 1:58 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1751. An act to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes.

The message also announced that the House has passed the following bill, without amendment:

S. 1894. An act to amend part E of title IV of the Social Security Act to provide for the making of foster care maintenance payments to private for-profit agencies.

At 5:03 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1953. An act to require the Secretary of the Treasury to mint coins in commemoration of the Old Mint at San Francisco, otherwise known as the ''Granite Lady'', and for other purposes.

H.R. 3665. An act to provide adaptive housing assistance to disabled veterans residing temporarily in housing owned by a family member, to make certain improvements in veterans employment assistance programs, and for other purposes.

ENROLLED BILL SIGNED

At 7:30 p.m., a message from the House of Representatives, delivered by one of its clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 3057. An act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes.

Under authority of the order of the Senate of November 10, 2005, the enrolled bill was signed subsequently on today, November 10, 2006, by the Majority Leader (Mr. FRIST).

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1751. An act to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes; to the Committee on the Judiciary.

H.R. 1953. An act to require the Secretary of the Treasury to mint coins in commemoration of the Old Mint at San Francisco, otherwise known as the ''Granite Lady'', and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 3665. An act to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to provide adaptive housing assistance to disabled veterans residing temporarily in housing owned by a family member and to make direct housing loans to Native American veterans, and for other purposes; to the Committee on Veterans' Affairs.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–4604. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Exclusion of Vendor Purchases Made Under the Competitive Acquisition Program for Outpatient Drugs and Biologicals Under Part B for the Purpose of Calculating the Average Sales Price'' (RIN0938–AN58) received on November 4, 2005; to the Committee on Finance.

EC–4605. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; E-Prescribing and the Prescription Drug Program'' (RIN0938–AN49) received on November 4, 2005; to the Committee on Finance.

EC–4606. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Home Health Prospective Payment System Rate Update for Calendar Year 2006'' (RIN0938–AN44) received on November 4, 2005; to the Committee on Finance.

EC–4607. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Changes to the Hospital Outpatient Prospective Payment System and Calendar Year 2006 Payment Rates'' (RIN0938–AN46) received on November 4, 2005; to the Committee on Finance.

EC–4608. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Revisions to Payment Policies Under the Physician Fee Schedule for Calendar Year 2006 and Certain Provisions Related to the Competitive Acquisition Program of Outpatient Drugs and Biologicals Under Part B'' (RIN0938–AN84 and RIN0938–AN58) received on November 4, 2005; to the Committee on Finance.

EC–4609. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''Review and Report on Current Standards of

Practice for Pharmacy Services Provided to Patients in Nursing Facilities''; to the Committee on Finance.

EC–4610. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Sunset Date of Section 1441 Voluntary Compliance Program under Rev. Proc. 2004–59'' (Rev. Proc. 2005–71) received on November 4, 2005; to the Committee on Finance.

EC–4611. A communication from the Secretary, Judicial Conference of the United States, transmitting, the report of a draft bill relative to amending the Internal Revenue Code of 1986 to make certain rules regarding sales of property to comply with conflict-of-interest requirements applicable to the federal judiciary, and for other purposes, received on November 7, 2005; to the Committee on the Judiciary.

EC–4612. A communication from the Director, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Special (Occupational) Tax'' (RIN1513–AB04) received on November 7, 2005; to the Committee on the Judiciary.

EC–4613. A communication from the General Counsel, Department of Housing and Urban Development, transmitting, pursuant to law, the report of nomination confirmations for the following Presidentially-appointed Senate-confirmed positions within the Department of Housing and Urban Development: Assistant Secretary for Fair Housing and Equal Opportunity; Assistant Secretary for Administration; Assistant Secretary for Policy Development and Research; and General Counsel, received on November, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–4614. A communication from the Chairman and President (Acting), Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Qatar (Qatar Liquefied Gas Company Limited); to the Committee on Banking, Housing, and Urban Affairs.

EC–4615. A communication from the Chairman and President (Acting), Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Mexico (credit guarantee facility); to the Committee on Banking, Housing, and Urban Affairs.

EC–4616. A communication from the Counsel for Legislation and Regulations, Office of Public and Indian Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Project-Based Voucher Program'' ((RIN2577–AC25)(FR–4636–F–02)) received on November 7, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–4617. A communication from the Executive Director, United States Access Board, transmitting, pursuant to law, the Board's report under the Inspector General Act and the Federal Managers' Financial Integrity Act for fiscal year 2005; to the Committee on Governmental Affairs.

EC–4618. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 05–260—05–276); to the Committee on Foreign Relations.

EC–4619. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Western Aleutian District of the Bering Sea and Aleutian Islands Management Area'' (I.D. No. 092805A) received on November 7, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4620. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Western Aleutian District of the Bering Sea and Aleutian Islands Management Area'' (I.D. No. 100605B) received on November 7, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4621. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Western Aleutian District of the Bering Sea and Aleutian Islands Management Area'' (I.D. No. 100605C) received on November 7, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4622. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area'' (I.D. No. 100705A) received on November 7, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4623. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Trawl Gear in the Gulf of Alaska'' (I.D. No. 092805E) received on November 7, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4624. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska'' (I.D. No. 100705B) received on November 7, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4625. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area'' (I.D. No. 100405D) received on November 7, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4626. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Fiscal Year 2002 and 2003 Annual Reports on the Child Support Enforcement Program; to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. COCHRAN, from the Committee on Appropriations:

Special Report entitled ''Further Revised Allocation to Subcommittees of Budget Totals from the Concurrent Resolution for Fiscal Year 2006'' (Rept. No. 109–176).

By Mr. CRAIG, from the Committee on Veterans' Affairs, with an amendment in the nature of a substitute:

S. 1182. A bill to amend title 38, United States Code, to improve health care for veterans, and for other purposes (Rept. No. 109–177).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. REED (for himself and Mr. CHAFEE):

S. 1989. A bill to designate the facility of the United States Postal Service located at 57 Rolfe Square in Cranston, Rhode Island, shall be known and designated as the ''Holly A. Charette Post Office''; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BURR:

S. 1990. A bill to amend title 38, United States Code, to improve the outreach activities of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BURR:

S. 1991. A bill to amend title 38, United States Code, to establish a financial assistance program to facilitate the provision of supportive services for very low-income veteran families in permanent housing, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. LEVIN:

S. 1992. A bill for the relief of Marcos Antonio Sanchez-Diaz; to the Committee on the Judiciary.

By Mr. KERRY:

S. 1993. A bill to provide for a comprehensive, new strategy for success in Iraq that includes a sustainable political solution and the redeployment of United States forces tied to specific political and military benchmarks; to the Committee on Foreign Relations.

By Mr. HARKIN (for himself, Mr. LUGAR, and Mr. OBAMA):

S. 1994. A bill to require that an increasing percentage of new automobiles be dual fueled automobiles, to revise the method for calculating corporate average fuel economy for such vehicles, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. JEFFORDS (for himself, Mr. LAUTENBERG, Mrs. BOXER, and Mr. OBAMA):

S. 1995. A bill to amend the Federal Water Pollution Control Act to enhance the security of wastewater treatment works; to the Committee on Environment and Public Works.

By Mr. KOHL:

S. 1996. A bill to authorize the Secretary of Energy to temporarily prohibit the exportation of a finished petroleum product or liquefied petroleum gas from the United States if the Secretary determines that the supply of the product or gas in any Petroleum Allocation Defense District has fallen or will fall below expected demand; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HARKIN (for himself, Mr. SCHUMER, Mrs. CLINTON, Mr. BINGAMAN, and Mr. REED):

S. 1997. A bill to authorize the Secretary of Energy to establish a program of energy assistance grants to local educational agencies; to the Committee on Energy and Natural Resources.

By Mr. CONRAD (for himself, Mr. VITTER, Mr. SALAZAR, Mr. NELSON of Nebraska, Mr. JOHNSON, Mr. CHAMBLISS, Mr. THUNE, Mr. HAGEL, Mr. ISAKSON, Mr. LAUTENBERG, and Mrs. DOLE):

S. 1998. A bill to amend title 18, United States Code, to enhance protections relating to the reputation and meaning of the Medal of Honor and other military decorations and awards, and for other purposes; to the Committee on the Judiciary.

By Mr. KERRY:

S. 1999. A bill to amend the Workforce Investment Act of 1998 to transfer the YouthBuild program from the Department of Housing and Urban Development to the Department of Labor, to enhance the program, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. MURKOWSKI (for herself and Mr. STEVENS):

S. 2000. A bill to amend the Alaska Native Claims Settlement Act to provide for equitable allotment of land to Alaska Native veterans; to the Committee on Energy and Natural Resources.

By Mr. THUNE:

S. 2001. A bill to amend title 38, United States Code, to improve the management of information technology within the Department of Veterans Affairs by providing for the Chief Information Officer of that Department to have authority over resources, budget, and personnel related to the support function of information technology, and for other purposes; to the Committee on Veterans' Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BINGAMAN (for himself, Mr. ROCKEFELLER, Mr. REED, Mrs. CLINTON, Mrs. MURRAY, Mr. BAUCUS, Ms. MIKULSKI, Mr. CORZINE, Mr. LAUTENBERG, Mr. DODD, and Mr. SALAZAR):

S. Res. 302. A resolution to express the sense of the Senate regarding the impact of medicaid reconciliation legislation on the health and well-being of children; to the Committee on Finance.

By Mr. LEAHY (for himself, Mr. KENNEDY, Mr. OBAMA, Mr. FEINGOLD, Mr. DODD, and Mr. DURBIN):

S. Res. 303. A resolution calling for the Government of Nigeria to conduct a thorough judicial review of the Ken Saro-Wiwa case, and for other purposes; to the Committee on Foreign Relations.

By Mr. SPECTER (for himself and Mr. CORZINE):

S. Res. 304. A resolution to designate the period beginning on November 1, 2005 and ending on October 31, 2006 as the Year of Polio Education; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FRIST (for himself, Mr. REID, Mr. MCCONNELL, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. ALLEN, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWNBACK, Mr. BUNNING, Mr. BURNS, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARPER, Mr. CHAFEE, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORNYN, Mr. CORZINE, Mr. CRAIG, Mr. CRAPO, Mr. DAYTON, Mr. DEMINT, Mr. DEWINE, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LOTT, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TALENT, Mr. THOMAS, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, and Mr. WYDEN):

S. Res. 305. A resolution expressing the sense of the Senate regarding Veterans Day 2005; considered and agreed to.

By Mr. AKAKA (for himself and Mr. BOND):

S. Res. 306. A resolution recognizing that Veterans Day is a day to honor all veterans of the Army and to support the Army Freedom Team Salute's mission to recognize the unsung heroes who have served this country; considered and agreed to.

By Mr. ALLEN (for himself, Mr. INOUYE, Ms. MIKULSKI, Mrs. BOXER, Mr. WARNER, and Mr. AKAKA):

S. Res. 307. A resolution to recognize and honor the Filipino World War II veterans for their defense of democratic ideals and their important contribution to the outcome of World War II; considered and agreed to.

By Mr. DURBIN (for himself, Mr. ALEXANDER, Mr. FEINGOLD, Mr. CRAIG, Mr. AKAKA, Mr. COLEMAN, and Mr. COCHRAN):

S. Res. 308. A resolution designating 2006 as the ''Year of Study Abroad''; considered and agreed to.

By Mr. FRIST (for himself, Mr. REID, Mr. LUGAR, Mr. BIDEN, Mr. BROWNBACK, and Mr. CHAFEE):

S. Res. 309. A resolution expressing sympathy for the people of Jordan in the aftermath of the deadly terrorist attacks in Amman on November 9, 2005; considered and agreed to.

By Mr. LAUTENBERG (for himself, Mr. VOINOVICH, Mr. BIDEN, Mr. LUGAR, Mr. CHAFEE, and Mr. BROWNBACK):

S. Res. 310. A resolution honoring the life, legacy, and example of Israeli Prime Minister Yitzhak Rabin on the tenth anniversary of his death; considered and agreed to.

ADDITIONAL COSPONSORS

S. 146

At the request of Mr. INOUYE, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 146, a bill to amend title 38, United States Code, to deem certain service in the organized military forces of the Government of the Commonwealth of the Philippines and the Philippine Scouts to have been active service for purposes of benefits under programs administered by the Secretary of Veterans Affairs.

S. 484

At the request of Mr. WARNER, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 484, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 625

At the request of Mr. SCHUMER, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 625, a bill to amend the Internal Revenue Code of 1986 to allow a $1,000 refundable credit for individuals who are bona fide volunteer members of volunteer firefighting and emergency medical service organizations.

S. 633

At the request of Mr. JOHNSON, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 633, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 855

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 855, a bill to improve the security of the Nation's ports by providing Federal grants to support Area Maritime Transportation Security Plans and to address vulnerabilities in port areas identified in approved vulnerability assessments or by the Secretary of Homeland Security.

S. 1014

At the request of Ms. SNOWE, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 1014, a bill to provide additional relief for small business owners ordered to active duty as members of reserve components of the Armed Forces, and for other purposes.

S. 1173

At the request of Mr. DEMINT, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 1173, a bill to amend the National Labor Relations Act to ensure the right of employees to a secret-ballot election conducted by the National Labor Relations Board.

S. 1399

At the request of Mr. THOMAS, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1399, a bill to improve the results the executive branch achieves on behalf of the American people.

S. 1496

At the request of Mr. CRAPO, the names of the Senator from Alaska (Mr. STEVENS) and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of S. 1496, a bill to direct the Secretary of the Interior to conduct a pilot program under which up to 15 States may issue electronic Federal migratory bird hunting stamps.

S. 1504

At the request of Mr. ENSIGN, the name of the Senator from Georgia (Mr.

CHAMBLISS) was added as a cosponsor of S. 1504, a bill to establish a market driven telecommunications marketplace, to eliminate government managed competition of existing communication service, and to provide parity between functionally equivalent services.

S. 1508

At the request of Mr. FEINGOLD, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1508, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S. 1735

At the request of Ms. CANTWELL, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1735, a bill to improve the Federal Trade Commissions's ability to protect consumers from price-gouging during energy emergencies, and for other purposes.

S. 1791

At the request of Mr. SMITH, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1791, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for qualified timber gains.

S. 1926

At the request of Mr. INHOFE, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 1926, a bill to provide the Department of Justice the necessary authority to apprehend, prosecute, and convict individuals committing animal enterprise terror.

S. 1930

At the request of Mr. REID, the names of the Senator from Connecticut (Mr. DODD), the Senator from California (Mrs. FEINSTEIN), the Senator from Maryland (Mr. SARBANES), the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 1930, a bill to expand the research, prevention, and awareness activities of the National Institute of Diabetes and Digestive and Kidney Diseases and the Centers for Disease Control and Prevention with respect to inflammatory bowel disease.

S. 1959

At the request of Mr. KERRY, the names of the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Minnesota (Mr. DAYTON) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 1959, a bill to direct the Architect of the Capitol to obtain a statue of Rosa Parks and to place the statue in the United States Capitol in National Statuary Hall.

S. 1975

At the request of Mr. OBAMA, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1975, a bill to prohibit deceptive practices in Federal elections.

S. 1986

At the request of Mr. SALAZAR, his name was added as a cosponsor of S. 1986, a bill to provide for the coordination and use of the National Domestic Preparedness Consortium by the Department of Homeland Security, and for other purposes.

S. CON. RES. 62

At the request of Mr. MCCONNELL, the names of the Senator from Nevada (Mr. REID), the Senator from Michigan (Mr. LEVIN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Washington (Ms. CANTWELL), the Senator from Maryland (Ms. MIKULSKI), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Wisconsin (Mr. KOHL), the Senator from Minnesota (Mr. DAYTON), the Senator from Vermont (Mr. LEAHY), the Senator from Tennessee (Mr. FRIST), the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Texas (Mrs. HUTCHISON), the Senator from Arizona (Mr. KYL), the Senator from North Carolina (Mrs. DOLE), the Senator from Utah (Mr. BENNETT), the Senator from Tennessee (Mr. ALEXANDER), the Senator from Virginia (Mr. ALLEN), the Senator from Kansas (Mr. BROWNBACK), the Senator from Rhode Island (Mr. CHAFEE), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Texas (Mr. CORNYN), the Senator from South Carolina (Mr. DEMINT), the Senator from Ohio (Mr. DEWINE), the Senator from Utah (Mr. HATCH), the Senator from Georgia (Mr. ISAKSON), the Senator from Alabama (Mr. SESSIONS), the Senator from Alabama (Mr. SHELBY), the Senator from Oregon (Mr. SMITH) and the Senator from Missouri (Mr. TALENT) were added as cosponsors of S. Con. Res. 62, a concurrent resolution directing the Joint Committee on the Library to procure a statue of Rosa Parks for placement in the Capitol.

S. RES. 9

At the request of Mr. SALAZAR, his name was added as a cosponsor of S. Res. 9, a resolution expressing the sense of the Senate regarding designation of the month of November as ''National Military Family Month''.

S. RES. 219

At the request of Mrs. FEINSTEIN, the names of the Senator from Connecticut (Mr. DODD) and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. Res. 219, a resolution designating March 8, 2006, as ''Endangered Species Day'', and encouraging the people of the United States to become educated about, and aware of, threats to species, success stories in species recovery, and the opportunity to promote species conservation worldwide.

S. RES. 232

At the request of Mr. ALLEN, his name was added as a cosponsor of S. Res. 232, a resolution celebrating the 40th anniversary of the enactment of the Voting Rights Act of 1965 and reaffirming the commitment of the Senate to ensuring the continued effectiveness of the Act in protecting the voting rights of all citizens of the United States.

AMENDMENT NO. 2304

At the request of Mr. HAGEL, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of amendment No. 2304 intended to be proposed to H.R. 3010, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 2474

At the request of Mr. MARTINEZ, the names of the Senator from Florida (Mr. NELSON), the Senator from Arizona (Mr. KYL) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of amendment No. 2474 intended to be proposed to S. 1042, an original bill to authorize appropriations for fiscal year 2006 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.

AMENDMENT NO. 2476

At the request of Mr. DORGAN, the names of the Senator from Minnesota (Mr. DAYTON) and the Senator from West Virginia (Mr. BYRD) were added as cosponsors of amendment No. 2476 proposed to S. 1042, an original bill to authorize appropriations for fiscal year 2006 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.

AMENDMENT NO. 2477

At the request of Mr. TALENT, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of amendment No. 2477 proposed to S. 1042, an original bill to authorize appropriations for fiscal year 2006 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.

AMENDMENT NO. 2481

At the request of Mr. SALAZAR, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of amendment No. 2481 intended to be proposed to S. 1042, an original bill to authorize appropriations for fiscal year 2006 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.

AMENDMENT NO. 2485

At the request of Mr. AKAKA, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from Connecticut (Mr. DODD), the Senator from Illinois (Mr. DURBIN) and the Senator from Wisconsin (Mr. FEINGOLD) were

added as cosponsors of amendment No. 2485 proposed to S. 1042, an original bill to authorize appropriations for fiscal year 2006 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.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REED (for himself and Mr. CHAFEE):

S. 1989. A bill to designate the facility of the United States Postal Service located at 57 Rolfe Square in Cranston, Rhode Island, shall be known and designated as the ''Holly A. Charette Post Office''; to the Committee on Homeland Security and Governmental Affairs.

Mr. REED. Mr. President, I rise today to pay tribute to one of Rhode Island's brave soldiers, Lance Corporal Holly A. Charette, who was killed in Iraq on June 23, 2005. In honor of her sacrifice, I am introducing a bill, along with Senator CHAFEE, to name the post office at 57 Rolfe Square in Cranston, RI, the ''Holly A. Charette Post Office.''

Twenty-one year old Holly Charette died when a suicide bomber in Fallujah attacked the military convoy in which she was riding. This was the deadliest attack on women in the U.S. military since the start of operations in Iraq, and yet another example of the violence that continues to plague our soldiers serving in this conflict.

Those who were close to Holly describe her as a happy and positive young woman loved by all those who knew her. She was a cheerleader at Cranston East High School, where she worked hard in college-prep courses. Her teachers remember her as a ''bright, shining star.''

Holly had dreams of becoming a postal worker. Instead, in 2002, she made the choice to serve her Nation by joining the U.S. Marine Corps.

She was deployed to Iraq in March of this year with her unit from Camp Lejeune, NC, and assigned to Headquarters Battalion, 2nd Marine Division, II Marine Expeditionary Force. It was here that Holly was able to combine her dreams of postal service with that of serving her Nation.

During her service in Iraq, Holly utilized her strong organizational skills to take on and complete various administrative tasks, including that of mail delivery to the troops. She became known as the ''Marine who brought the good news.'' Holly never forgot a name, and would often stop Marines in the mess hall to let them know that they had mail.

The day that Holly was killed, she was working with Iraqi security forces to prevent insurgents from gaining a foothold in that country.

Her tragic passing has touched the lives of Rhode Islanders. Holly's presence will be deeply missed by all those who knew and loved her.

This legislation will pay proper tribute to this remarkable young woman, and commemorate her valor for future generations. I ask my colleagues to join me in honoring Lance Corporal Holly A. Charette by supporting this bill.

I ask unanimous consent that the text of this legislation to name the post office in Cranston after Lance Corporal Charette be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1989

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. HOLLY A. CHARETTE POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 57 Rolfe Square in Cranston, Rhode Island, shall be known and designated as the ''Holly A. Charette Post Office''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Holly A. Charette Post Office''.

By Mr. BURR:

S. 1990. A bill to amend title 38, United States Code, to improve the outreach activities of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BURR:

S. 1991. A bill to amend title 38, United States Code, to establish a financial assistance program to facilitate the provision of supportive services for very low-income veteran families in permanent housing, and for other purposes; to the Committee on Veterans' Affairs.

Mr. BURR. Mr. President, I rise today to honor our Nation's veterans for their service and their sacrifice. We will celebrate Veterans Day tomorrow, and I am proud of the improvements we have made in providing benefits and care to our country's heroes.

In the past 10 years, since I first came to Congress, the veterans budget has increased by 77 percent, an annual average increase of over 7 percent. The VA's health care budget has increased over 85 percent during this time. We have also enacted a fix to the concurrent receipt problem and made groundbreaking progress with computerized health records at the Veterans Department. I am proud of these efforts, but I certainly understand the need to do more to stay ahead of the curve.

I also want to detail the recent growth in the veterans population in North Carolina. Our State's veteran population has increased by over 100,000, to 780,000 veterans since 1980.

This growth rate comes at a time when the number of veterans in the United States is decreasing. Veterans are moving to the State because many of them were stationed there while on active duty, and they have moved back because of the quality of life in North Carolina.

I have two bills I have introduced today that I believe will improve the services we currently provide to our veterans. The first is the Services to Prevent Veterans Homelessness Act which makes grants to nonprofit and faith-based organizations to provide services to extremely low-income veterans who are in permanent housing. The goal is to keep them from becoming homeless. The services provided for in this bill—from vocational counseling and personal finance planning to health and rehabilitation—were designed to address the root causes of homelessness.

The VA estimates on any given night as many as 200,000 veterans are homeless and as many as 400,000 are homeless at some point during the year. We also know that 45 percent of the homeless veterans have a mental illness, and 50 percent have some sort of addiction.

The cost of this bill is $25 million annually, a small sum to help the poorest of our veterans. In North Carolina alone, over 43,000 veterans live below the poverty line. This bill would allow the VA to partner with nonprofits in order to help poor veterans escape the root causes of homelessness. I urge the Senate to consider whether we are doing enough on this issue. More importantly, I invite my colleagues to study this bill and to become a cosponsor.

Next, I introduced the Veterans Outreach Improvement Act which authorizes the Secretary of Veterans Affairs to partner with State and local governments for outreach to veterans. This bill provides grants to State veterans agencies and county veterans service offices to help them with outreach and claims development and to provide education and training of officers. The bill would also authorize $25 million annually for this outreach program.

County veterans service officers are charged with assisting veterans and their dependents in seeking benefits as a supplement to the work being performed by the Department of Veterans Affairs. They are overseen by the Division of Veterans Affairs in North Carolina and receive accreditation from organizations approved by the Secretary of Veterans Affairs. Many veterans need assistance in filing claims in order to make sure that the claim is accurate and complete. County veterans service officers and officials from State veterans agencies are often the officials who can actually sit down face to face with a veteran to develop a claim and to send it to the VA. This bill makes the VA a partner in that outreach process.

On the eve of Veterans Day this year, I join my colleagues in honoring veterans across this country for their heroic service to our Nation.

By Mr. HARKIN (for himself, Mr. LUGAR, and Mr. OBAMA):

S. 1994. A bill to require that an increasing percentage of new automobiles be dual fueled automobiles, to revise the method for calculating corporate average fuel economy for such vehicles, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. HARKIN. Mr. President, when we talk about moving toward energy independence in this country, we are really speaking to the issue of reducing America's dangerous dependence on imported oil. Our addiction to oil is most acute in the U.S. transportation sector where a stunning ninety-seven percent of our fuel comes from petroleum—97 percent. In the electricity sector we have largely turned away from oil but not so in transportation.

Fortunately a growing percentage of transportation energy is now coming from clean, domestically-produced renewable fuels like ethanol and biodiesel. With the nearly 8-billion-gallon Renewable Fuels Standard now the law of the land, renewable fuels will supply 5 percent of the energy for our passenger vehicles by 2012, perhaps more. These home-grown, environmentally friendly alternatives made from corn, soybeans and other sources of biomass are helping to improve air quality, reduce greenhouse gas emissions and enhance the rural economy while substantially reducing dependence on foreign oil.

The best part of this trend is that the health, community, and domestic security benefits of renewable fuels come with the bonus of price savings at the pump. Ethanol prices in this country can be as much as 70 cents a gallon less than regular gasoline. Drivers in my State of Iowa are saving as much as 10 cents a gallon on E10—a blend of just 10 percent ethanol and 90 percent gasoline. This is a savings of about $100 a year for a typical family.

A report earlier this year by the Consumer Federation of America found that consumers throughout our country would experience similar savings if all refiners offered E10. That is a significant savings in all regions of the country. Now, consider the savings if ethanol and other renewable fuels were blended not at 10 percent, but at 85 percent or more. That $100 a year savings turns into hundreds of dollars each year for a typical family.

Unfortunately, right now only about two percent of vehicles on the road in the United States can use ethanol blends of 85 percent—what we call E85. It turns out standard gasoline engines aren't designed for the different fuel to oxygen ratio.

The good news is, manufacturing a new vehicle to run on E85 or other clean alternative fuel blends is simple—the manufacturer adds a fuel sensor and modifies the engine calibration and fuel line to allow the vehicle to run on gasoline or a combination of gas and alternative fuels.

Right now, these ''flex-fuel'' vehicles cost at most an additional $100 or so to produce. Some cost estimates are as low as $50. Many auto manufacturers offer them to customers at no additional cost. But few Americans are even aware of the option.

At a time of record-high gas prices and continued instability in the Middle East and other oil-producing countries of the world, I believe that all Americans deserve the option to choose the fuel they put in their car.

In Brazil, all new vehicles on the road are expected to be flex-fuel-ready by 2008—meaning every new vehicle owner will have the choice to fill up with gasoline, ethanol, or a combination of the two. If the Brazilians can do it, why can't we?

That's why today Mr. LUGAR, Mr. OBAMA and I are introducing the Fuel Security and Consumer Choice Act to require that automobile manufacturers equip a growing percentage of new vehicles sold in the U.S. for flexible fuel operation. Mr. LUGAR is a leader in promoting research and development into the conversion of cellulosic biomass into useable fuels. Mr. OBAMA is a leader in promoting renewable fuels and in particular E85.

Starting eighteen months after the bill's enactment, manufacturers will be required to equip 10 percent of their cars and light trucks with flex-fuel vehicle, FFV, capability. This is a modest proposal. Several manufacturers are close to meeting or beating this requirement already.

Each model year thereafter, the requirement increases 10 percentage points, so in the second year the manufacturers would have to make at least 20 percent of their vehicles FFVs, and so on, until in about ten years' time 100 percent of new vehicles sold in the United States are flex fuel. I recognize that we could be more aggressive in our timetable, but I believe we've struck the right balance here in pushing and prodding.

In addition, the bill allows auto manufacturers to bank and trade FFV credits toward meeting the requirements. In other words, if one company produced more than its required percentage of FFV vehicles in a given year, it could trade or sell extra credits earned to another company that would then use them to meet the bill's requirements. Credits would have a three-year window if banked or traded. This banking and trading provision is similar to others in law, in the RFS for example, making it that much easier for companies to meet statutory obligations at the lowest possible cost.

Finally, the bill would leave intact the corporate average fuel economy (CAFE) credits for FFV production. However, the bill would change the way the credits are calculated for vehicles produced above the required percentages. Rather than keeping the assumption that the vehicle runs 50 percent of the time on fuel like E85, which isn't an appropriate figure since most don't run yet on E85, we phase-down the assumed use from 50 percent in the first model year the requirement applies to 30 percent in the second year, 10 percent the third year, and 0 percent thereafter. This should still spur interest among automakers in the early years of the requirement to go beyond the minimum FFV production levels outlined in the bill to get the extra credits. And in the meantime the FFV requirement is kicking in and the ramp up of FFVs won't dilute or weaken CAFE.

This bill will give American consumers true choice in fuel selection for the first time. Drivers will have the option to choose low-price, high-performance E85, or another fuel. My firm belief is that consumers will choose to buy home-grown renewable fuels that directly reduce oil dependence rather than buy traditional fossil fuels often derived from unstable regimes around the globe.

Now, I don't doubt some automobile manufacturers will complain that this requirement is unduly onerous, that it will hurt the industry somehow. Well, I heard the same thing back in 1989 when I proposed another revolutionary idea: closed captioning for TV sets. Industry was in an uproar when I suggested that the hearing impaired should have access to television programming on the public airwaves. The industry said closed captioning would bankrupt it and drive the price of televisions through the roof.

But then, an amazing thing happened. Electronics manufacturers realized that they could reach a broad range of new audiences, including not just the hearing impaired, but also the learning disabled, and immigrants for whom English is a second language. Sales for several companies reached an all-time high, and with implementation across the electronics industry, the cost of the closed captioning chip dropped dramatically to less than a dollar a set.

I have no doubt that vehicle manufacturers will discover similar unexpected efficiencies and benefits with flex fuel vehicles. As more Americans discover the savings from flexible fuels, the more they will seek them out. What better way to boost car sales than to market the fuel cost savings that flexible fuel vehicles offer? Any very small additional cost of the flex-fuel vehicle will be more than offset by the price benefits drivers will achieve from a flexible fuel supply over time, not to mention the tremendous energy security benefits for our Nation.

The country will benefit from cleaner air, reduced greenhouse gas emissions, reduced dependence on foreign oil, and an enhanced rural economy. Simply, put, this is a low-cost measure with a tremendous payoff.

It is already well-established that federal auto standards for the benefit of our Nation are an appropriate policy option. It's also important to note that auto manufacturers already comply

with literally dozens of other requirements having to do with the make-up, design, and performance of their vehicles. Making an FFV is a lot cheaper than putting in air bags, or many other components.

Agriculture and renewable fuels producers are ready to provide the fuel. Automobile manufacturers have the technology to do it. Given the country's great energy and security challenges, all sectors must do their part to chart a path toward energy independence: government, individual citizens, energy companies, and yes, auto manufacturers.

I'm grateful that this legislation has been endorsed by a wide array of renewable fuel, agriculture, clean energy and security organizations, including the Renewable Fuels Association, American Coalition for Ethanol, Alliance to Save Energy, Set America Free, and National Corn Growers Association.

In closing I want to recognize Mr. LUGAR and Mr. OBAMA for co-sponsoring this legislation with me today. Mr. LUGAR and I have teamed up many times over the years, most recently to enact the national Renewable Fuels Standard, which we did as part of the comprehensive energy bill. This bill builds upon the RFS, to guarantee that renewable fuels which are being produced in ever greater abundance can find a home in just about any vehicle on the market a few short years from now. I am thankful for his leadership on this and so many other important energy security issues. I am also grateful to Mr. OBAMA for his leadership.

I hope we can rapidly enact this legislation.

Mr. OBAMA. Mr. President, oil companies recently announced record profits. Those of us who drive cars and trucks could feel our wallets shrink at the news. Throughout most of this year, American drivers have paid the highest gas prices of all time—more so in the wake of refinery disruptions caused by Hurricane Katrina. While petroleum company shareholders enjoy healthy stock dividends, the rest of us hemorrhage the cash. Industry analysts explain it away as ''business is business.''

Sound familiar? In the 1970s, political conflicts compelled Middle East oil sheiks to tighten their reins on oil production, sending shockwaves throughout our economy and creating long lines at the gas pump. Congress responded with laws promoting energy conservation and fuel efficiency that we thought would reduce our dependence on foreign oil.

Unfortunately, 30 years later, here we are again. The Middle East remains in turmoil, and the engines of America remain firmly fueled on foreign oil. Exacerbating the problem is that the economies of China and India—two nations totaling over 2 billion citizens—are quickly expanding, and they are competing with the U.S. for the same pool of oil. Quite simply, worldwide production capacity cannot keep pace. And that means U.S. gas prices likely will remain high for the foreseeable future.

More so than at any other time in a generation, our economy is exposed. In the year 2035, will the American market be shackled still to foreign oil? Will we question whether bolder past policies could have prevented future crisis?

The response to these questions can be ''no'' if we begin now.

For about $100 worth of hoses and sensors, we can make our cars run on ethanol made from homegrown corn. Automakers made 1 million of these cars this year. We have the technology, and it is proven. With 200 million cars on the road, and 17 million more each year, why can't more cars run on ethanol?

The answer is they can, and that is why I am pleased to join my colleagues from Iowa and Indiana, Senators HARKIN and LUGAR, in introducing legislation to require all cars made in the United States to be ethanol-capable vehicles within 10 years.

Making ethanol cars is not expensive. It is less than the cost of airbags. It is less than the cost of a sunroof. It is less than the cost of foglights. It is less than the cost of a fancy CD player. It is less than the cost of heated seats.

Making ethanol cars is not restrictive. These cars are known as flexible fuel vehicles. Where ethanol is not yet available, you simply fill up with regular gas.

And making ethanol cars is good for American automakers, because American automakers have a head start. Already, 5 percent to 7 percent of their fleet can run on ethanol. We are only asking for an increase over a decade.

I remind my colleagues that the renewable fuels standard enacted in the Energy bill of 2005 will incorporate enough ethanol into our fuel supply to reduce the use of foreign oil. The Harkin-Lugar-Obama bill, if enacted, would accelerate that reduction. And we can do it without hardship, without requiring drivers to purchase matchbox cars, without proposing futuristic technologies that only our great-great-grandchildren's children will see.

The Harkin-Lugar-Obama bill transforms existing, inexpensive, and simple technology into a genuine movement towards energy independence for the United States within a time period that we all can witness. I urge my colleagues' swift approval of this legislation.

By Mr. JEFFORDS (for himself, Mr. LAUTENBERG, Mrs. BOXER, and Mr. OBAMA):

S. 1995. A bill to amend the Federal Water Pollution Control Act to enhance the security of wastewater treatment works; to the Committee on Environment and Public Works.

Mr. JEFFORDS. Mr. President, today I rise to introduce the Wastewater Treatment Works Security Act of 2005. This legislation is designed to improve the safety and security of our Nation's wastewater treatment systems.

There are 16,000 wastewater treatment facilities across the United States serving almost 190 million people. Approximately 1,600 facilities are located near large metropolitan areas. These industrial facilities use large quantities of toxic chemicals in their treatment and disinfection processes, and their collection systems run beneath every city and town in America.

A recent Department of Homeland Security planning scenario estimates that a chlorine tank explosion could result in 17,500 deaths, 10,000 severe injuries, and 100,000 hospitalizations. In February 2005, the Government Accountability Office (GAO) released a report on wastewater security which ranks the release of chlorine as the number two security risk after damage to sewer collection systems.

In the past few years alone, fatal accidents involving large quantities of chlorine have reminded us of the highly volatile nature of this popular wastewater disinfection agent. In January 2005, 9 people were killed in South Carolina when a train carrying chlorine gas was involved in a crash. In June 2004, 3 people died when two freight trains collided in Texas and caused a chlorine tank to rupture.

At the very least, wastewater facilities that use chlorine should evaluate how the chemical is stored on site and how to react in the event of a harmful intentional act. The GAO report on wastewater security recommends mandatory vulnerability assessments and emergency response plans as an immediate step towards addressing the security concerns.

The Wastewater Treatment Works Security Act takes the essential first step in closing the security gaps that make our wastewater treatment systems vulnerable to terrorist attack. The provisions contained in this bill are the product of four years worth of lessons learned since 9/11, mirroring similar legislative efforts to secure critical infrastructure and minimize potential terrorist targets.

This legislation requires all wastewater facilities to conduct vulnerability assessments and to develop or modify site security and emergency response plans to incorporate the results of the vulnerability assessments. Treatment works must certify that alternative approaches, such as using smaller quantities or replacing substances of concern, were considered in their site security plans. It requires that these documents be submitted to EPA for review, and it includes significant security measures to protect this information from unauthorized disclosure.

Additionally, the legislation authorizes $250 million for assistance in completing vulnerability assessments, for immediate security improvements, and for assistance to small treatment works. Finally, it authorizes $15 million for research to identify threats,

detection methods and response actions. This bill makes tangible progress towards more secure and better prepared wastewater treatment works.

By contrast, drinking water facilities have conducted vulnerability assessments under the Safe Drinking Water Act since 2002, when Congress passed H.R. 3448, the Public Health and Bioterrorism Preparedness Response Act, P.L. 107–188. These plants are often colocated. It makes no sense to adopt strong standards for one infrastructure sector and not the other. In anticipation of congressional action on wastewater security, EPA has already issued guidance on conducting vulnerability assessments of wastewater treatment works, and many plants have already completed them.

The Wastewater Treatment Works Security Act will codify what are now voluntary prevention and security measures and require all wastewater facilities to complete vulnerability assessments and emergency response plans, just as drinking water facilities have done since 2002.

Our homeland security strategy begins with protecting critical infrastructure, and wastewater treatment facilities can no longer remain the exception. I urge my colleagues to support this legislation.

By Mr. KOHL:

S. 1996. A bill to authorize the Secretary of Energy to temporarily prohibit the exportation of a finished petroleum product or liquefied petroleum gas from the United States if the Secretary determines that the supply of the product or gas in any Petroleum Allocation Defense District has fallen or will fall below expected demand; to the Committee on Banking, Housing, and Urban Affairs.

Mr. KOHL. Mr. President, I would like to address an issue that I know my constituents in Wisconsin are worried about; indeed, something that all Americans should be concerned about. On Tuesday, the Energy Information Administration (EIA) announced the most recent outlook for home heating costs. For the average family, the cost of heating oil will increase approximately $325. And for families relying on propane, they can expect to pay an increase of about $230. I would like to stress that this is the average; in some areas, the prices could be much higher. And while these increased costs will place an undue burden on all sectors of the economy, the heaviest toll will clearly be on middle and low-income families.

Yesterday, executives from several major oil companies were called to Capitol Hill, to defend the nearly $33 billion they earned last quarter. The answers they gave, for why Americans could expect to pay significantly more to heat their homes this winter, often were directed at the economics of supply and demand. The Chairman and CEO of ConocoPhillips argued that prices are ''a function of longer-term supply-and-demand trends, and lost energy production during the recent hurricanes.'' John Hofmeister, the President of Shell Oil Company, told Senators that the industry is doing everything in its power to ''supply shortfalls.''

Given the testimony of Mr. Hofmeister, I find it surprising to note that currently, American companies are actually exporting products that could be used for home heating. According to the EIA, between January and August 2005 more than 48 million barrels of refined product was exported out of the U.S. This amount is 24 times the size of what is stored in the Northeast Heating Oil Reserve. While some of this went to both Canada and Mexico, large quantities were also sent to Argentina, Chile, France and Peru.

I believe my constituents would be shocked to hear that while the oil companies are blaming high prices on low supplies, they are also reaping the benefits of exporting home heating oil abroad. That is why, on November 4th, I, along with 11 of my colleagues, wrote to several of the major oil companies and refiners, asking them to voluntarily halt all unnecessary exports of products that could be used for home heating. Such action would not be without precedent: in 2000, some refiners, including Shell Oil, voluntarily suspended heating oil exports after consulting with then Energy Secretary Richardson. We have not yet heard a response from any of the companies.

I remain hopeful that these companies will help American consumers by temporarily suspending their unnecessary exports. Yesterday's hearing, however, did not inspire confidence in the companies to act on behalf of consumers rather than profits. That is why I am introducing the Stop Heating Oil Exports bill today.

My legislation would grant emergency powers to the Energy Secretary to halt all unnecessary exports in the face of a serious price spike or supply shortfall. It is that simple. If the Secretary finds that demand will heavily outpace supply, then he or she should be able to stop exports—thereby temporarily improving supply, and preventing a major price spike, such as the one we can expect this winter.

Yesterday, the oil companies cautioned those of us in Congress against policy changes that would amount to long-term involvement in energy markets. I would assure these executives that my legislation is a simple, short-term answer that is designed to protect American consumers. The companies have a chance to do the right thing, to increase supply and avoid the significantly increased home heating prices that have been forecasted.

I believe that in the future, if they fail to use such an opportunity, the Energy Secretary should have the power to intervene on behalf of consumers. I would remind my colleagues that in 2000, as many as 4 refiners voluntarily suspended exports, citing ''market conditions'' and the desire to ensure adequate supplies of home heating oil for the winter. And I would remind the President of Shell that his company was one of them.

Americans across the country could face potentially life-threatening conditions this winter, when temperatures drop and home heating prices soar. I believe that the oil companies have it in their power to prevent such a crisis—if they fail to use it, I believe it is the responsibility of the Federal Government to protect American families. I ask unanimous consent that the text of our legislation be printed in the RECORD.

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

S. 1996

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Stop Heating Oil Exports Act of 2005''.

SEC. 2. FINDINGS.

Congress finds that—

(1) according to the Energy Information Administration, households heated primarily with heating oil can expect to pay an average increase of $378, or 32 percent more than last year, to heat their homes;

(2) households relying on propane can expect to pay, on average, $325 more this winter;

(3) the National Oceanic and Atmospheric Administration projects a 3.2-percent colder winter than last year, and if colder weather prevails, home heating expenditures will be significantly higher;

(4) high home heating prices will disproportionately impact moderate- and low-income families;

(5) in October 2000, the Secretary of Energy, Bill Richardson, successfully worked with major refiners to temporarily halt heating oil exports, to ensure adequate supplies of home heating oil for the winter;

(6) between January and August 2005, refiners in the United States have exported more than 48,000,000 barrels, or 2,000,000,000 gallons, of product that could be used for home heating; and

(7) at a time when consumers in the United States can expect nearly double their home heating costs in 2004, refiners in the United States should not be diminishing the supply by exporting home heating products.

SEC. 3. AUTHORITY TO TEMPORARILY PROHIBIT EXPORT OF CERTAIN PETROLEUM PRODUCTS.

If the Secretary of Energy determines that the supply of a finished petroleum product or liquefied petroleum gas in any of the 5 Petroleum Allocation Defense Districts has fallen or will fall below expected demand for the product or gas, the Secretary may temporarily prohibit the exportation of the product or gas from the United States.

By Mr. HARKIN (for himself, Mr. SCHUMER, Mrs. CLINTON, Mr. BINGAMAN, and Mr. REED):

S. 1997. A bill to authorize the Secretary of Energy to establish a program of energy assistance grants to local educational agencies; to the Committee on Energy and Natural Resources.

Mr. HARKIN. Mr. President, today, I am introducing the School Energy Crisis Relief Act. This bill would authorize the Secretary of Energy to award School Energy Grants to the poorest school districts in each State. I am pleased that Senators Schumer, Clinton, and Bingaman have joined me in sponsoring this bill.

With cold weather setting in, people all across the country are worried about the sky-high cost of energy. Americans are feeling pain at the pump, and they are feeling even more pain at home, with home-heating costs expected to rise as much as 70 percent above last year's levels.

At the same time, many public school districts across the country are struggling to cope with a dramatic, unexpected surge in their energy costs. Schools are facing a double hit: they operate large fleets of buses, and they must heat large, sprawling buildings. This problem is especially acute in the West and Midwest, where many school districts cover large geographic areas, and in urban areas, which are burdened with some of the nation's oldest and often least energy-efficient buildings.

For affluent suburban districts, these unanticipated energy costs are a challenge. But for poor school districts, they are a full-blown crisis. Many school boards face a choice between paying their higher energy bills or cutting instructional staff and programs.

My bill would allow the Secretary of Energy to award grants to schools districts with the highest percentage and highest number of students eligible for Title I assistance. The grant amounts would be awarded based on the population of school-age children in the district, as well as the regional costs of transportation and heating fuel.

This is a nationwide crisis, and it calls for an urgent Federal response. School districts across the country are already implementing drastic measures in response to higher energy costs. In Kentucky, for instance, several school districts have cut back to four days of classes per week. In September, most of Georgia's schools cancelled classes for two days in an effort to conserve energy and cut costs.

In my State, the Iowa Association of School Boards estimates that, this winter, there will be $40 million shortfall in funding to cover school heating costs. Higher fuel costs for school buses could worsen the shortfall by another $8 million. And because that will come out of the fixed general fund for public education, every additional dollar spent on energy costs will come at the expense of classroom and instructional quality. For example, Charles City, IA, expects to spend $140,000 more on fuel this winter. That's enough to pay the salaries of four teachers.

According to the Iowa Association of School Boards, school districts are responding to the energy crisis by reducing staff, increasing class sizes, reducing course offerings, postponing technology purchases, or cutting Headstart transportation programs. Many school districts are lowering their thermostats to unhealthful levels. In fact, just yesterday, I heard that the school district in Ottumwa, IA, has asked parents to start sending kids to school with coats to keep them warm indoors. This is just not acceptable.

In addition, I remind my colleagues that school districts—especially high-poverty school districts—are struggling heroically to try to meet the requirements of the No Child Left Behind Act. It is penny wise and pound foolish to force these districts to cut instructional staff and classroom resources in order to pay their higher energy bills. And none of us can be comfortable with the prospect of children sitting at their school desks in coats and scarves to fight off the chill. As I said, this is just not acceptable.

The poorest school districts all across America are in desperate need of assistance with their energy costs. Low-income children deserve the opportunity to learn and achieve in classrooms that are properly heated. And we certainly don't want schools to be eliminating school days and laying off teachers because of higher energy costs. So we need to act. I urge my colleagues to support the School Energy Crisis Relief Act so we can respond to this emergency as expeditiously as possible. According to the Iowa Association of School Boards, this has led to some schools deciding to scale back after-school activities because of heating costs and to cut non-varsity sports because they lack funding necessary to take them to games. It is very troubling to me that schools have been forced to make cuts that have directly affected the educational experience of the children in their schools, in the name of rising fuel costs. For instance, some schools have had to cut back on field trips, put off buying new text books and school supplies, while reducing course offerings in fine arts and academics.

In addition, the Iowa Association of School Boards has reported that schools have cut back on staff and increased class sizes while also turning down the thermostat in the classroom. I ask, Mr. President, are we supposed to expect students to learn at a high-level when rising energy costs have put them in overcrowded, cold classrooms?

But this problem is not specific to my home State of Iowa. As the sponsor of companion legislation in the House of Representatives, Congressman Joe Baca, pointed out that some schools in Kentucky have cut back to four-day school weeks to keep their energy costs down. Recently, Georgia schools cancelled two days of classes in an attempt to keep their costs down. In Colton Joint Unified District in Congressman Baca's congressional district, the price of a gallon of diesel fuel has risen from under a dollar at one point to $2.72 a gallon increasing annual fuel costs by over $300,000.

So I have come to the floor today to introduce the School Energy Crisis Relief Act. This legislation meets the needs of struggling school districts by authorizing the Secretary of Energy to award grants to poor school districts struggling to balance skyrocketing energy costs with providing a quality education. Grants would be awarded to the poorest urban and rural school districts in each state. In Iowa alone, this means both poor rural and urban districts would be eligible to receive grants.

I ask for my colleagues support for the School Energy Crisis Relief Act and urge the Senate to work quickly to pass this crucial legislation and provide relief to those school districts in need.

By Mr. CONRAD (for himself, Mr. VITTER, Mr. SALAZAR, Mr. NELSON of Nebraska, Mr. JOHNSON, Mr. CHAMBLISS, Mr. THUNE, Mr. HAGEL, Mr. ISAKSON, Mr. LAUTENBERG, and Mrs. DOLE):

S. 1998. A bill to amend title 18, United States Code, to enhance protections relating to the reputation and meaning of the Medal of Honor and other military decorations and awards, and for other purposes; to the Committee on the Judiciary.

Mr. CONRAD. Mr. President, it is an honor for me to introduce the Stolen Valor Act of 2005. This legislation will honor the brave veterans of our Nation who have been awarded valorous medals for their service to our Nation. It is only appropriate that this bill be introduced today, the day before our country remembers all servicemen and women—past and present—who have served America in uniform.

Recipients of the Medal of Honor, Distinguished Service Awards, Silver Star, or Purple Heart have made incredible sacrifices for our country. They deserve our thanks and respect.

Unfortunately, however, there are some individuals who diminish the accomplishments of award recipients by using medals they have not earned. These imposters use fake medals—or claim to have medals that they have not earned—to gain credibility in their communities. These fraudulent acts can often lead to the perpetration of very serious crimes.

Currently, Federal law enforcement officials are only able to prosecute those who wear counterfeit medals. The statute does not apply to individuals who claim to be award recipients either verbally or in writing, or to those who display fake medals in their offices or homes.

My legislation will allow law enforcement officials to prosecute those who falsely claim, either verbally or in writing, to be medal recipients. It calls for a six-month jail sentence and a fine for improper use of most medals, and includes a maximum sentence of one year for perpetrators who claim to have earned the Medal of Honor, Distinguished Service Awards, Silver Star, or Purple Heart.

The Military Order of the Purple Heart, the VFW, and the FBI Agents

Association have endorsed this legislation because of the capabilities it will provide law enforcement officials to prosecute these fraudulent acts.

It is my hope that this legislation will serve to honor the courageous heroes who have rightfully earned these awards. We must never allow their service and sacrifice to be cheapened by those who wish to exploit these honors for personal gain.

By Mr. KERRY:

S. 1999. A bill to amend the Workforce Investment Act of 1998 to transfer the YouthBuild program from the Department of Housing and Urban Development to the Department of Labor, to enhance the program, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. KERRY. Mr. President, today I am introducing legislation that would transfer the YouthBuild program from its current home in the Department of Housing and Urban Development to the Department of Labor. Transferring departmental jurisdiction over this program will help ensure that Youthbuild continues to receive the funds it needs to help unemployed and undereducated young people ages 16–24 work toward their GED or high school diploma while learning job skills by building affordable housing for homeless and low-income people. It is supported by the YouthBuild Coalition.

Poverty, neglect, abuse, and deprivation of all kinds can prevent people from reaching their true potential. Many of those who have fallen off track, suffered losses, and made mistakes can recover. If given the opportunity, they can learn to cope with obstacles and care effectively about themselves, their families and their communities. YouthBuild helps young people who have lost their way to turn their lives around.

YouthBuild is a uniquely comprehensive program that offers at-risk youth an immediate productive role rebuilding their communities. While attending basic education classes for 50 percent of program time, students also receive job skills training in the construction field, personal counseling from respected mentors, a supportive peer group with positive values, and experience in civic engagement. They build houses for homeless and low-income people while earning their own GED or high school diploma.

YouthBuild is built on success. The first YouthBuild program was created in 1978. At that time, YouthBuild's future founder, Dorothy Stoneman, formed the Youth Action Program to rebuild homes in New York City. The successful renovation of an East Harlem tenement led to a city-wide coalition and in 1990, led to YouthBuild USA, an organization created to replicate this program around the Nation.

In 1992, I introduced legislation which was enacted into law as part of the Cranston-Gonzalez National Affordable Housing Act, authorizing federal funding for YouthBuild through the Department of Housing and Urban Development.

In its first 10 years of Federal funding, YouthBuild has demonstrated the ability to bring the most disadvantaged youth into productive employment, higher education, and civic engagement. Since 1994, more than 40,000 YouthBuild students have helped rebuild their communities, creating more than 12,000 units of affordable housing, while transforming their lives at the same time.

YouthBuild has earned majority bipartisan support for Federal funding in the Senate due to its great success in local communities. Today there are 226 YouthBuild programs in 44 States engaging 7,000 young adults.

The number of programs could easily be expanded. Last year alone, 260 communities were denied YouthBuild funding. The programs that exist could easily grow. In 2004, local programs turned away 10,000 applicants solely for lack of funds.

The expansion of YouthBuild would help address critical national problems: the construction industry is short 80,000 workers; over 500,000 youth are dropping out of high school every year with no prospects of becoming gainfully employed; states are spending huge amounts on prisons, housing 365,000 16 to 24 year olds, 65 percent of whom have dropped out of high school.

Consider this story of success: Manny Negron grew up in New Britain, CT. He left school during his Sophomore year after having some personal problems. He started selling drugs and getting into trouble. Then he joined YouthBuild, obtained a GED and learned more about the construction industry. ''Before YouthBuild, I didn't know what I wanted to do with my life.'' Manny said. ''I had no goals, no plans—I had nothing. If it was a weekend when I was partying and in the street, I had no plans. Now it's completely different and YouthBuild did that for me. Now that I'm away from all that, I actually see a future for myself and see what I'm capable of and what I can do with my life.''

Research on 900 YouthBuild graduates several years after program completion showed that 75 percent were employed at an average wage of $10/hour or in college. They were voting and paying taxes. Of those who had committed felonies, the recidivism rate was a strikingly low, 15 percent.

The legislation I am introducing today responds to the Bush administration's attempt to move YouthBuild from HUD to DoL in its FY 2006 budget request. I did not agree with the Administration attempt to transfer YouthBuild in the budget; it was simply the wrong approach. However, my staff has met with Administration officials, with YouthBuild and with YouthBuild's strong supporters. And I believe that we can find a way to do this, and I appreciate that the Administration has shown a willingness to work with us so far. If done properly, I transferring YouthBuild from HUD to DoL could increase YouthBuild's scope, helping it to reach the communities and young people that are currently denied access due to a lack of funds. This legislation not only authorizes the transfer of YouthBuild from HUD to DoL, but also allows unlimited future federal funding, continues centralized management at DoL and continues the historic role of YouthBuild USA as the partner and contractor for quality assurance.

This legislation is an attempt to help move the process of transferring the YouthBuild program forward. I look forward to working with Senators Enzi and Kennedy, the Chairman and Ranking Member of the Senate Committee on Health, Education, Labor and Pensions to develop compromise legislation that will ensure that YouthBuild continues to assist young people around the nation. I ask that all my colleagues support this legislation and continue to support the YouthBuild.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 302—TO EXPRESS THE SENSE OF THE SENATE REGARDING THE IMPACT OF MEDICAID RECONCILIATION LEGISLATION ON THE HEALTH AND WELL-BEING OF CHILDREN

Mr. BINGAMAN (for himself, Mr. ROCKEFELLER, Mr. REED, Mrs. CLINTON, Mrs. MURRAY, Mr. BAUCUS, Ms. MIKULSKI, Mr. CORZINE, Mr. LAUTENBERG, Mr. DODD, and Mr. SALAZAR) submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 302

Whereas the Medicaid program provides health insurance for more than ¼ of children in the United States and pays for more than ⅓ of the births and health care costs for newborns in the United States each year;

Whereas the Medicaid program provides critical access to health care for children with disabilities, covering more than 70 percent of poor children with disabilities and children with special needs in low-income working families, including 1 in 9 military children with special health care needs;

Whereas low-income children who depend on the Medicaid program experience a rate of health conditions and health risks much greater than those found among children who are not low-income;

Whereas the Medicaid program is the largest source of payment for health care provided to children with special health care needs in the Nation and is also a critical source of funding for health care provided to children in foster care and for health care services provided in schools to children eligible for coverage under the Medicaid program;

Whereas the Medicaid program is the single largest source of revenue for the Nation's safety net hospitals, including children's hospitals and community health centers, and is critical to the ability of these providers to adequately serve all children;

Whereas the Medicaid program, in combination with the State Children's Health Insurance Program, has helped to dramatically

reduce the number of uninsured children, cutting the rate by more than ⅓ between 1997 and 2003;

Whereas without the Medicaid program, the number of children without health insurance—8,300,000 in 2004—would be substantially higher;

Whereas the Medicaid program's guarantee of affordable coverage and access to necessary health care is essential to the ability of the Medicaid program to adequately serve children whose families have low-incomes and whose health care expenses often exceed the norm;

Whereas for nearly 40 years, the Medicaid program has ensured particularly comprehensive benefits for infants, young children, school-age children, and adolescents, in recognition of the unique growth and development needs of children and the importance of strong and healthy young adults to the safety and welfare of the Nation;

Whereas the Medicaid program's special benefits, added in 1967, were a direct response to findings of the Department of Defense regarding pervasive physical, dental, and developmental conditions among low-income military recruits, and the implications of these findings for national preparedness;

Whereas the Medicaid program's benefits for children are comprehensive, in order to ensure that all low-income infants, even those born too soon and too small, have the chance to survive and thrive into a healthy childhood;

Whereas the Medicaid program's benefits for children help ensure that young children grow and develop properly, arrive at school ready to learn, and have the opportunity to achieve their full educational potential;

Whereas the Medicaid program ensures that children have the benefits, health services, and health care support they need to be fully immunized, and that children can secure eyeglasses, dental care, and hearing aids when necessary, and have access to comprehensive, regularly scheduled, and as-needed health examinations, as well as preventive interventions, to correct physical and mental conditions that threaten to delay proper growth and development;

Whereas the Medicaid program ensures that the sickest and highest risk infants, toddlers, and children have access to the specialized diagnostic and treatment care that become essential when serious illness strikes;

Whereas title III of the budget reconciliation bill of the House of Representatives, as reported out by the Committee on Energy and Commerce, would eliminate Medicaid Early and Periodic Screening Diagnosis and Treatment (EPSDT) benefit rules outright for approximately 6,000,000 low-income children, whose family incomes are only slightly above the Federal poverty level and who are therefore without the resources to secure basic health care or essential medical care;

Whereas title III of the budget reconciliation bill of the House of Representatives permits States to eliminate the following benefits for children: comprehensive developmental assessments, assessment and treatment for elevated blood lead levels, eyeglasses, dental care, hearing aids, wheelchairs and crutches, respiratory treatment, comprehensive mental health services, prescription drugs, and speech and physical therapy services;

Whereas title III of the budget reconciliation bill of the House of Representatives would allow States to impose premiums, deductibles, and copayments on children whose families have incomes only slightly above the Federal poverty level and who therefore cannot afford the cost of medically necessary care and millions of children, especially infants, young children, and school-age children with serious disabilities and high health care needs, would potentially be affected;

Whereas although title III of the budget reconciliation bill of the House of Representatives purports to exempt poor children, it permits States to redefine the meaning of poverty virtually without limitation, in order to eliminate cost sharing safeguards for poor children currently available under the law;

Whereas title III of the budget reconciliation bill of the House of Representatives would permit States to require that even the poorest children pay copayments for prescription drugs, without providing exemptions to this requirement, not even in the case of children in foster care or special needs adoptions;

Whereas title III of the budget reconciliation bill of the House of Representatives would permit States to allow hospital emergency departments to impose cost sharing requirements on the poor and on near-poor infants, toddlers, and young children, without providing exemptions to this requirement, not even in the case of children in foster care or special needs adoptions;

Whereas title III of the budget reconciliation bill of the House of Representatives would permit providers to turn children away because their families are unable to pay deductibles and copayments;

Whereas title III of the budget reconciliation bill of the House of Representatives would potentially eliminate medical case management coverage for Medicaid-enrolled children in foster care, even though Federal foster care programs expressly assume that medical case management services for such children will be furnished through the Medicaid program;

Whereas title III of the budget reconciliation bill of the House of Representatives would permit States to entirely replace the Medicaid program for children with ''health opportunity accounts'' that eliminate all Medicaid coverage in favor of cash accounts of $1,000 and catastrophic-only, high deductible health insurance coverage for children with family incomes only slightly above the Federal poverty level; and

Whereas title III of the budget reconciliation bill of the House of Representatives would only exempt the poorest children from participation in health opportunity accounts during the first 5 years of the demonstration projects under which the accounts are available and would permit States to redefine the meaning of poverty to any level, no matter how low: Now, therefore, be it

Resolved, That it is the sense of the Senate that the conferees for any budget reconciliation bill of the 109th Congress shall not report a reconciliation bill that would—

(1) allow States to—

(A) reduce coverage for medically necessary health care for poor or low-income children; or

(B) impose premiums, deductibles, copayments, or coinsurance on poor or low-income children;

(2) reduce coverage of, or payment for, medical case management services under title XIX of the Social Security Act for children in foster care, including targeted case management services; or

(3) allow the Secretary to undertake any Health Opportunity Account demonstrations involving poor or low-income children.

Mr. BINGAMAN. Mr. President, I am submitting a Senate resolution today with Senators ROCKEFELLER, REED, CLINTON, MURRAY, BAUCUS, AKAKA, MIKULSKI, CORZINE, LAUTENBERG, and DODD that does three things: 1. Explains the importance of Medicaid to children; 2. Explains the consequences of the various provisions in the House budget reconciliation bill that will negatively impact the health and well-being of children's health; and 3. Expresses the Sense of the Senate that the conferees for the budget reconciliation bill shall not report back language that has negative consequences for the health and well-being of children.

This resolution highlights the many ways in which the House of Representatives budget reconciliation bill affects the health of low-income children across this Nation. According to the Congressional Budget Office (CBO), the House budget reconciliation package increases cost-sharing placed on low-income Medicaid beneficiaries, even while reducing health services by $6.5 billion over 5 years and an astounding $30.1 billion over 10 years.

In sharp contrast, the Senate budget reconciliation bill includes only one provision—the targeted case management reduction of $750 million over 5 years—that could negatively affect young Medicaid beneficiaries.

For children, the impact would be devastating. Medicaid covers more than 27 million children—or almost one in four—American children. Medicaid also covers more than one-third of all the births and health care costs of newborns in the United States each year.

In spite of the importance of Medicaid, the House budget package increases cost-sharing for all children who rely on it for prescription drugs and emergency room services. The bill also allows States to impose premiums for the first time under Medicaid for children's coverage and deny children coverage even if their family cannot afford to pay the premium or other cost-sharing.

The House budget bill also allows States to eliminate the Early and Periodic Screening Diagnosis and Treatment (EPSDT) benefit rules that are so critical to the health of children with special health care needs or disabilities. Benefits that could be lost include: comprehensive developmental assessments, assessment and treatment for elevated blood lead levels, eyeglasses, dental care, hearing aids, wheelchairs and crutches, respiratory treatment, comprehensive mental health services, prescription drugs, and speech and therapy services.

In short, the vast majority or three-fourths of the savings in the House bill come at the expense of low-income Medicaid beneficiaries. By CBO's estimate, half of the beneficiaries affected by the increased cost sharing provisions in the House package are imposed on children, and half of those who will lose Medicaid benefits would be children.

Without the Medicaid program, the number of children without health insurance—8.3 million in 2004—would be substantially higher. In fact, the number of uninsured children has dropped

by over one-third of a million children over the past 4 years due in large part to Medicaid and the State Children's Health Insurance Program, or SCHIP.

As Representative FRANK PALLONE noted, ''Once again, Medicaid has proven to be part of the solution, not the problem. Burdensome cost-sharing requirements and reduced benefits included in the reconciliation package will undoubtedly weaken Medicaid's ability to ensure all of America's children have access to the health care they need.''

Representative LOIS CAPPS of California adds, ''. . . this reconciliation package would allow states to deny critical medical screening, treatment, and follow up care for these children. And it would allow excessive out of pocket costs and premiums which—experience shows—causes families to lose coverage or fail to get even needed services for children.''

I urge Senators to closely monitor what the House of Representatives is doing with respect to the health and well-being of children in their budget reconciliation bill. Low-income children should not be asked to bear the burden of billions of dollars in budget cuts—cuts that are not even being used to reduce the deficit, but rather to help pay for tax cuts.

There are a variety of reasons that I did not support the Senate's budget reconciliation bill, but even with its imperfections, it is far superior to the House's budget package. If nothing else, it does not contain the types of cuts to children's health that are included in the House bill.

Senators need to know that the House budget package is terrible for the health and well-being of the children in our country.

With that in mind, I offer today's Senate resolution on children's health.

I ask for unanimous consent that a copy of the CBO analysis of the impact that the Medicaid provisions in the budget reconciliation bill passed by the House Energy and Commerce Committee be printed in the RECORD.

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

CONGRESSIONAL BUDGET OFFICE—ADDITIONAL INFORMATION ON CBO'S ESTIMATE FOR THE MEDICAID PROVISIONS IN H.R. 4241, THE DEFICIT REDUCTION ACT OF 2005

The Congressional Budget Office (CBO) estimates that the provisions of subtitle A of Title III of H.R. 4241 would reduce federal Medicaid spending by $12 billion over the 2006–2010 period and $48 billion over the 2006–2015 period (see CBO's cost estimate of the reconciliation recommendations of the House Committee on Energy and Commerce, issued on October 31, 2005). About 75 percent of those savings are due to provisions that would increase penalties on individuals who transfer assets for less than fair market value in order to qualify for nursing home care, restrict eligibility for people with substantial home equity, allow states to impose higher cost-sharing requirements and/or premiums on certain enrollees, and permit states to restrict benefits for certain enrollees. This memorandum provides additional information about the estimates and the number and types of Medicaid enrollees who would be affected by those provisions.

ASSET TRANSFERS AND HOME EQUITY

CBO estimates that the provisions changing the treatment of asset transfers and home equity would reduce net Medicaid outlays by $2.5 billion over the next five years and by $6.8 billion over the next 10 years. Of those amounts, more than three-quarters is due to the proposed change to the start date of the penalty for prohibited transfers and the prohibition of nursing home benefits for individuals with home equity exceeding $500,000.

Under current law, very few of the applicants for Medicaid incur penalties for prohibited asset transfers. CBO estimates that changing the start date of the penalty would result in a delay of Medicaid eligibility for approximately 120,000 people in 2010, growing to approximately 130,000 in 2015. Such delays would occur because individuals would either incur a penalty for prohibited transfers or refrain from making such transfers and instead pay for some nursing home care themselves. Those figures represent about 15 percent of the new recipients of Medicaid nursing home benefits each year.

The majority of penalties or delays would apply to individuals who otherwise would have employed a strategy to preserve half of their assets—the so-called ''half-a-loaf'' strategy. Under the bill, some of those individuals would simply not transfer assets and thus not incur a penalty, but instead accept a delay in Medicaid eligibility. The bill's provisions that allow greater exemptions for hardship situations reduce the number of affected individuals, while the changes to the look-back window increase that number.

The period of delayed eligibility for affected recipients would range from one day to more than one year, averaging about three months in 2006 and decreasing to an average of about two months in 2015. The length of the delay would decrease because payment rates for nursing home services are expected to grow faster than assets.

CBO estimates that about 1 percent of the unmarried applicants for Medicaid nursing home benefits have homes valued at over $500,000. (The policy would have a negligible effect on the treatment of the homes of married individuals.) That figure translates to about 5,000 affected individuals annually by 2010.

COST SHARING

CBO estimates that the provisions allowing states to impose higher cost-sharing requirements and premiums on certain recipients would reduce Medicaid spending by $10 billion over the 2006–2015 period. Of that total, about two-thirds of the estimated savings are due to increased cost sharing and one-third to higher premiums. We anticipate that states would phase in changes in cost sharing and that those changes would not be fully effective until 2012.

We assume that states would impose cost-sharing requirements primarily for services such as prescription drugs, physician services, and non-emergency visits to emergency rooms. We also anticipate that states would require greater cost-sharing payments by individuals and families with higher income than by those with income just above the poverty level. Although states would be likely to raise nominal copay amounts and increase them over time, we expect that aggregate enrollee cost sharing would remain, on average, below limits established under H.R. 4241.

Under the bill, CBO estimates that states with about one-half of all Medicaid enrollees would impose cost-sharing requirements (for at least one service) on enrollees who currently are not subject to cost sharing. We estimate that the number of affected enrollees would increase from 7 million in 2010 to 11 million by 2015, and that about half of those enrollees would be children. States also would increase cost-sharing requirements for many of those who are subject to cost sharing under current law and thus increase copays for another 6 million enrollees by 2015. In sum, we expect that about 17 million people—27 percent of Medicaid enrollees—would ultimately be affected by the cost-sharing provisions of the bill.

We estimate that about 80 percent of the savings from higher cost sharing would be due to decreased use of services; the remaining 20 percent would reflect lower payments to providers. CBO anticipates that about three-quarters of states imposing cost sharing would allow providers to deny services for lack of payment and that there would be greater decreases in utilization in those states. The estimate accounts for the fact that savings from the reduced use of certain services (such as prescription drugs or physician services) could be partly offset by higher spending in other areas (such as emergency room visits).

PREMIUMS

CBO estimates that about 75 percent of the savings from higher premiums under H.R. 4241 would be due to higher premium receipts and the remaining 25 percent would stem from individuals leaving the Medicaid program.

States would charge premiums to about 1 million enrollees by fiscal year 2010 and to about 2 million enrollees by fiscal year 2015. CBO expects that most of those enrollees would be nondisabled adults and children and that, on average, premiums would range from 1 percent to 3 percent of family income. Those amounts would be less than the maximum allowed by the legislation. In response, some beneficiaries would leave Medicaid or would be disenrolled for nonpayment. CBO estimates that about 70,000 enrollees would lose coverage in fiscal year 2010 and that 110,000 would lose coverage in fiscal year 2015 because of the imposition of premiums.

ALTERNATIVE BENEFIT PACKAGES

CBO's estimate assumes that states with about 20 percent of Medicaid enrollees would provide reduced benefit packages to at least some of their enrollees. Those benefit reductions would affect an estimated 2.5 million Medicaid enrollees in 2010 and about 5 million enrollees by 2015—about 8 percent of the Medicaid population—and that about one-half of those receiving alternate benefit packages would be children. We anticipate that states would phase in benefit reductions and that those changes would not be fully effective until 2015. CBO expects that only a limited number of states would exercise that option because the bill would prohibit states that provide limited benefit packages from expanding such coverage to groups not covered under the state plan when the bill is enacted.

While many states trimming benefits likely would offer a benefit package for Medicaid children similar to that provided in the State Children's Health Insurance Program, we expect that others would look to their state employee programs or private-sector plans as models for benefits to offer parents, families, and some disabled adults. CBO anticipates that only a few states would offer benefit plans that offer leaner benefits than those types of plans, though the bill would permit them to do so.

On average, CBO expects that alternative benefit packages provided by the states would reduce per capita spending by 15 percent to 35 percent for the affected populations, depending on the eligibility group

targeted and the generosity of the state's program under current law. Most of the reductions would be for services such as dental, vision, mental health, and certain therapies, but also could include restrictions on the amount, duration, and scope of coverage for other services.

UNCERTAINTY OF ESTIMATES

CBO's estimates are particularly uncertain in two areas. We have limited information about people's asset holdings prior to their admission to nursing homes and about the number of people engaging in asset transfers that would be prohibited by the bill. How states would react to this legislation is also very uncertain. We anticipate wide variation in the extent to which different states would reshape their Medicaid programs by increasing cost sharing or premiums or by restricting benefits. Some states might make limited changes, such as increasing cost sharing for a few specific services or certain enrollees, while others would make more far-reaching changes. Our estimates, therefore, account for a range of possible responses by states to the bill.

SENATE RESOLUTION 303—CALLING FOR THE GOVERNMENT OF NIGERIA TO CONDUCT A THOROUGH JUDICIAL REVIEW OF KEN SARO-WIWA CASE, AND FOR OTHER PURPOSES

Mr. LEAHY (for himself, Mr. KENNEDY, Mr. OBAMA, Mr. FEINGOLD, Mr. DODD, and Mr. DURBIN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 303

Whereas on November 10, 1995, Ken Saro-Wiwa, Nigerian writer, environmental activist, and nominee for the Nobel Peace Prize, along with 8 colleagues, together known as the ''Ogoni 9'', were hanged by the military government of Nigeria, based on charges widely regarded as false;

Whereas the Ogoni 9 had been nonviolently campaigning for improved living standards and a clean environment for the Ogoni People, whose Niger Delta land, air, and water was, and remains, severely polluted from oil extraction, and whose standard of living, despite the great mineral wealth their land has yielded since the early 1960s, is among the lowest in the world;

Whereas the international condemnation that followed the executions included the suspension of Nigeria from the British Commonwealth of Nations;

Whereas in 1996 a United Nations mission to Nigeria found the military tribunal in contravention of international and domestic law, and recommended financial relief for the survivors of the Ogoni 9 and improvements in the socioeconomic conditions of the Ogoni and other minorities in the Delta;

Whereas 10 years later, none of the United Nations recommendations have been implemented, and the environmental and social situations have deteriorated for the Ogoni and other Delta communities;

Whereas the Ogoni 9 remain convicted of a crime of which they were unfairly tried;

Whereas Ogoniland remains severely polluted and gas flaring continues unabated;

Whereas the security and stability in the Niger Delta are threatened by a proliferation of small arms, armed gangs, and black market oil bunkering;

Whereas despite these pressures, Ogoniland remains an island of nonviolence, and the Ogoni voted in high numbers in the 1999 elections;

Whereas stability in the Niger Delta is necessary to prevent an increase in global oil costs; and

Whereas in the interest of the protection of human rights, justice, and stability in the Delta, redress should be given to the Ogonis and their use of nonviolent means should be recognized: Now, therefore, be it

Resolved, That the Senate—

(1) urges the Government of Nigeria to conduct a thorough judicial review of the trial of the Ogoni 9 and to provide just compensation to the survivors of the Ogoni 9 if a miscarriage of justice is found;

(2) urges the Government of Nigeria, international donors, and international oil companies operating in the Delta to increase assistance significantly to improve the lives of the Ogoni and other affected communities and for pollution abatement and cleanup in the Niger Delta region, in close consultation with local communities;

(3) urges the Government of Nigeria to ensure that all members of the security forces receive training in international standards on the use of force and firearms, particularly the 1979 United Nations Code of Conduct for Law Enforcement Officials and the 1990 United Nations Basic Principles on the Use of Force and Fire Arms by Law Enforcement Officials;

(4) calls upon the Department of State to seek urgently to ensure that American oil companies operating in the Niger Delta comply, at a minimum, with the Voluntary Principles for Security and Human Rights; and

(5) urges the Secretary General of the United Nations to institute a 10-year followup mission to Ogoniland.

Mr. LEAHY. Mr. President, ten years ago today, in what was by all accounts a barbaric miscarriage of justice, Ken Saro-Wiwa and eight of his Ogoni colleagues from the delta region of Nigeria were hanged after being convicted by a biased military tribunal.

Those of us who knew Mr. Saro-Wiwa remember him as a thoughtful, passionate, nonviolent advocate for the rights of the Ogoni people. His arrest, conviction and hanging by the corrupt and brutal Abacha government outraged the world and resulted in Nigeria's suspension from the British Commonwealth, and a United Nations investigation which concluded that Saro-Wiwa and his colleagues had been denied due process in violation of international and Nigerian law. The UN recommended financial relief for their families and improvements in the living conditions of the Ogoni people and the other minorities in the delta region.

Unfortunately, none of the UN's recommendations have been carried out, the environmental, economic and social conditions there have gotten worse, and ten year's later the Ogoni Nine remain convicted of a crime for which they were unfairly tried.

Today, I am honored to submit, on behalf of myself and Senators KENNEDY, OBAMA, FEINGOLD, DURBIN, and DODD a resolution calling on the Government of Nigeria to conduct a thorough judicial review of this travesty.

By this resolution we remember Ken Saro-Wiwa and the others who were executed, and we honor their courage and their nonviolent commitment to social justice. In addition to calling for a judicial review and just compensation to the survivors if a miscarriage of justice is found, we urge the Nigerian government, international donors, and international oil companies operating in the Niger delta to increase assistance significantly to improve the lives of the people who live there. It is unconscionable that after all the billions of dollars in oil that have been extracted from that area, these people continue to suffer daily from the polluted water and soil and the gas flaring and are living in squalor.

And we call on the Nigerian Government to ensure that its security forces receive the necessary training and discipline to prevent the violations of human rights that the Ogoni have suffered for so many years.

The volatile situation in the Niger delta has been ignored for far too long. It cannot be resolved by force. It cannot be resolved by lip service. There are serious environmental issues and urgent economic and social needs. Ken Saro-Wiwa's example of nonviolence stands today as it did a decade ago as a model for the Nigerian government, the people of the Niger delta, and the international community to join together to finally address them.

Mr. KENNEDY. Mr. President, I'm honored to join Senator LEAHY, Senator OBAMA, Senator FEINGOLD, Senator DODD and Senator DURBIN in submitting this tribute to one of the world's most courageous human rights and environmental activists, Ken Saro-Wiwa, on the tenth anniversary of his death.

Mr. Saro-Wiwa was a champion of nonviolence for social and economic justice and the environment in the oil-rich communities of the Niger Delta. He was a voice for hundreds of thousands of persons suffering from government repression and corporate greed, and he raised global awareness of the need for more responsible environmental and social practices by the oil industry.

On this day ten years ago, Ken Saro-Wiwa and eight of his Ogoni compatriots were unjustly put to death based on apparently trumped-up charges by an apparently biased Nigerian military tribunal. Their only crime was their courage in daring to speak out against the exploitation of the Ogoni environment and its people. Despite widespread international condemnation of the killings, Mr. Saro-Wiwa has not been cleared of the false charges, and environmental and social degradation persists in the Ogoni and other communities in the Niger Delta.

The resolution that we are introducing today calls on the Nigerian Government to conduct a thorough judicial review of the military tribunal, and to pay compensation to the heirs of Mr. Saro-Wiwa and his colleagues if a miscarriage of justice is found. A United Nations mission to Nigeria in 1996 found such a violation and called for such relief. The resolution also calls for increased assistance to the

Ogoni people and for environmental support for the Niger Delta region. In addition, it calls for American oil companies operating in the Delta to follow more responsible social practices, and for the Government of Nigeria to ensure that its security forces are properly trained, so that nonviolent protest is never again met with violent repression.

At a time when the Niger Delta is increasingly threatened by violence and instability from past failures to address these long-standing grievances, it is urgent that we honor the legacy of Ken Saro-Wiwa and the Ogoni people by seeking creative, nonviolent solutions to the environmental and social problems that plague the region. I urge my colleagues to support this resolution as an important step in that direction.

SENATE RESOLUTION 304—TO DESIGNATE THE PERIOD BEGINNING ON NOVEMBER 1, 2005 AND ENDING ON OCTOBER 31, 2006 AS THE YEAR OF POLIO EDUCATION

Mr. SPECTER (for himself, Mr. CORZINE) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 304

Whereas 2005 is the 50th anniversary of the injectable polio vaccine;

Whereas the polio vaccines eliminated naturally occurring polio cases in the United States but have not yet eliminated polio in other parts of the world;

Whereas as few as 57 percent of American children receive all doses of necessary vaccines during childhood, including the polio vaccine;

Whereas the Centers for Disease Control and Prevention recommends that every child in the United States receive all doses of the inactivated polio vaccine;

Whereas the success of the polio vaccines has caused people to forget the 1,630,000 Americans born before the development of the vaccines who had polio during the epidemics in the middle of the 20th century;

Whereas at least 70 percent of paralytic polio survivors and 40 percent of nonparalytic polio survivors are developing post-polio sequelae, which are unexpected and often disabling symptoms that occur about 35 years after the poliovirus attack, including overwhelming fatigue, muscle weakness, muscle and joint pain, sleep disorders, heightened sensitivity to anesthesia, cold pain, and difficulty swallowing and breathing;

Whereas 2005 is the 131st anniversary of the diagnosis of the first case of post-polio sequelae and is the 21st anniversary of the creation of the International Post-Polio Task Force;

Whereas research and clinical work by members of the International Post-Polio Task Force have discovered that post-polio sequelae can be treated, and even prevented, if polio survivors are taught to conserve energy and use assistive devices to stop damaging and killing the reduced number of overworked, poliovirus-damaged neurons in the spinal cord and brain that survived the polio attack;

Whereas many medical professionals, and polio survivors, do not know of the existence of post-polio sequelae, or of the available treatments; and

Whereas the mission of the International Post-Polio Task Force includes educating medical professionals and the world's 20,000,000 polio survivors about post-polio sequelae through the international Post-Polio Letter Campaign, The Post-Polio Institute at New Jersey's Englewood Hospital and Medical Center, the publication of The Polio Paradox, and the television public service announcement provided by the National Broadcasting Company: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the need for every child, in America and throughout the world, to be vaccinated against polio;

(2) recognizes the 1,630,000 Americans who survived polio, their new battle with post-polio sequelae, and the need for education and appropriate medical care;

(3) requests that every State designate the period beginning on November 1, 2005 and ending on October 31, 2006 as the ''Year of Polio Education'' to promote vaccination and post-polio sequelae education and treatment; and

(4) requests that all appropriate Federal departments and agencies take immediate action to educate—

(A) the people of the United States about the need for polio vaccination; and

(B) polio survivors and medical professionals in the United States about the cause and treatment of post-polio sequelae.

Mr. SPECTER. Mr. President, I have sought recognition today to submit a resolution to designate November 1, 2005 to October 31, 2006 as the Year of Polio Education.

During the 1940s and the early 1950s, between 30,000 and 50,000 cases of polio were recorded annually in the United States, causing widespread fear and panic. I recall as a youngster attending a public swimming pool in Wichita, KS, and wondering if going to the swimming pool would cause polio.

Polio is a viral illness that leads to paralysis. The polio virus damages nerves that control muscles, which results in muscle weakness. In severe cases of polio, a person may lose the ability to move their arms and legs, the ability to breathe without help, or die.

President Franklin Delano Roosevelt was the most famous symbol of how physically debilitating polio can be. Yet despite the paralysis of his legs, he was a magnificent President and a great leader of the United States during the Depression and World War II.

This year, 2005, marks the 50th anniversary of the successful nationwide trial to administer the injectable polio vaccine to children. While the invention of injectable polio vaccines eliminated naturally occurring polio cases in the United States, some American children did not receive the polio vaccine necessary to protect them. On September 29, 2005, the first of four children from a rural Minnesota Amish community was diagnosed with polio. While none of the four have suffered paralytic symptoms, the occurrence underscores the need for vaccinations.

The need for continued diligence to protect this country's youth from polio and other illnesses is critical. As chairman of the Labor, Health and Human Services, Education, and Related Agencies—LHHS—Appropriations Subcommittee, I have worked to provide $101.25 million in the fiscal year 2006 Senate LHHS Appropriations bill for global polio eradication, an increase of $500,000 since 2005. These funds provide polio vaccinations internationally in locations where naturally occurring polio has not been eradicated. Further, I have supported $461.5 million for the vaccine for children program as part of the fiscal year 2006 Senate LHHS Appropriations bill, an increase of $41 million since 2005. This program helps families of children who may not otherwise have access to vaccines by providing free vaccines to doctors who serve them.

This year is also the 131st anniversary of the first diagnosed case of post-polio sequelae. Post-polio sequelae is a condition that may develop several decades after a person has had polio, which affects the muscles and nerves, causing weakness, fatigue, pain, and other symptoms. Approximately 70 percent of paralytic polio survivors and 40 percent non-paralytic polio survivors, develop this illness.

The need for continued polio and polio vaccinations education are important to the health of all Americans, especially children. I encourage my colleagues to work with Senator CORZINE and me to move this legislation forward promptly.

SENATE RESOLUTION 305—EXPRESSING THE SENSE OF THE SENATE REGARDING VETERANS DAY 2005

Mr. FRIST (for himself, Mr. REID, Mr. MCCONNELL, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. ALLEN, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWNBACK, Mr. BUNNING, Mr. BURNS, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARPER, Mr. CHAFEE, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORNYN, Mr. CORZINE, Mr. CRAIG, Mr. CRAPO, Mr. DAYTON, Mr. DEMINT, Mr. DEWINE, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LOTT, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TALENT, Mr. THOMAS, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH,

Mr. WARNER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 305

Whereas tens of millions of Americans have served in the Armed Forces of the United States during the past century;

Whereas hundreds of thousands of Americans have given their lives while serving in the Armed Forces of the United States during the past century;

Whereas the contributions and sacrifices of the men and women who have served in the Armed Forces of the United States have been vital in maintaining our freedom and way of life;

Whereas the more than 700,000 brave Americans who have sacrificed their lives while serving in the Armed Forces of the United States have ensured that the Nation, which is founded on the principles of freedom, justice, and democracy, shall endure;

Whereas Armistice Day was first proclaimed by President Woodrow Wilson in 1919 to commemorate the November 11, 1918, armistice between the Allies and the Central Powers that ended the fighting of World War I;

Whereas on June 1, 1954, President Dwight D. Eisenhower signed into law the Act proclaiming November 11 as Veterans Day (Public Law 83–380);

Whereas on October 8, 1954, in anticipation of the first nationwide observance of Veterans Day, President Dwight D. Eisenhower issued a Presidential proclamation regarding Veterans Day, which states, ''[o]n that day let us solemnly remember the sacrifices of all those who fought so valiantly, on the seas, in the air, and on foreign shores, to preserve our heritage of freedom, and let us reconsecrate ourselves to the task of promoting an enduring peace so that their efforts shall not have been in vain'';

Whereas veterans play important roles in communities throughout the United States;

Whereas it is important to preserve the memory of the veterans of the Nation and to teach every generation about the sacrifices that all veterans have made in securing and preserving the freedom that all Americans enjoy today;

Whereas the United States is in a time of conflict that highlights the incommensurable sacrifices the brave men and women of our Armed Forces have made and continue to make for our Nation and its principles of freedom, justice, and democracy;

Whereas as of October 2005, there were 433,398 new veterans from the present conflict who bravely defended America;

Whereas November 11 is a day of solemn reflection on, and commemoration of, the contributions of those who have served and defended the Nation, especially those who gave the ultimate sacrifice to secure the freedoms enjoyed by all citizens; and

Whereas it is proper that the Senate observe the day with appropriate tributes, commemorations, and reflection even when it conducts the Nation's business: Now, therefore, be it

Resolved, That it is the sense of the Senate—

(1) that those that have died in war serving the Nation, and the veterans of the Armed Forces of the United States, living and dead, are to be honored for their contributions and sacrifices to preserve the Nation and the principles of freedom, justice, and democracy that all Americans hold dear;

(2) that Veterans Day 2005 should be commemorated with appropriate tributes to all veterans of the Armed Forces of the United States for their contributions and sacrifices, and most especially to those who made the ultimate sacrifice; and

(3) that all Americans are encouraged to join the Senate in honoring and paying tribute to veterans of the Armed Forces of the United States on Veterans Day and throughout the year.

SENATE RESOLUTION 306—RECOGNIZING THAT VETERANS DAY IS A DAY TO HONOR ALL VETERANS OF THE ARMY AND TO SUPPORT THE ARMY FREEDOM TEAM SALUTE'S MISSION TO RECOGNIZE THE UNSUNG HEROES WHO HAVE SERVED THIS COUNTRY

Mr. AKAKA (for himself and Mr. BOND) submitted the following resolution; which was considered and agreed to:

S. RES. 306

Whereas Army personnel have for 230 years answered the call to duty by becoming guardians and defenders of America's freedoms;

Whereas millions of Army veterans selflessly served this Nation and their legacy of duty has reigned in their continued support of the mission of the Army;

Whereas the Army appreciates the sacrifices these courageous men and women have made in answering the call to duty by choosing a life of service;

Whereas the 83rd Congress created Veterans Day as a national day of observance to commemorate the heroes who served in the Armed Forces and the Army recognizes the importance of honoring those who have served their country; and

Whereas the Army created the Freedom Team Salute program to provide a way for the United States and the Army to thank its veterans: Now, therefore, be it

Resolved, That the Senate recognizes that November 11, 2005, Veterans Day, is a day to honor all Army veterans and supports the Army Freedom Team Salute's mission to recognize the unsung heroes who have served this country.

SENATE RESOLUTION 307—TO RECOGNIZE AND HONOR THE FILIPINO WORLD WAR II VETERANS FOR THEIR DEFENSE OF DEMOCRATIC IDEALS AND THEIR IMPORTANT CONTRIBUTION TO THE OUTCOME OF WORLD WAR II

Mr. ALLEN (for himself, Mr. INOUYE, Ms. MIKULSKI, Mrs. BOXER, Mr. WARNER, and Mr. AKAKA) submitted the following resolution; which was considered and agreed to:

S. RES. 307

Whereas in 1898, the Philippines Archipelago was acquired by the United States of America, became an organized United States territory in 1902, and, in preparation for her independence, a self-governing commonwealth in 1935;

Whereas the people of the Philippines and of the United States developed strong ties throughout the decades-long democratic transition of the island, compelling the United States to assume the responsibilities of defending the archipelago and protecting the people of the Philippines;

Whereas on July 26, 1941, anticipating the aggression of Japanese invasion forces in the Asia Pacific region, as well as the imminent conflict between the United States and Japan, President Franklin D. Roosevelt issued a military order, calling the organized military forces of the Government of Commonwealth of the Philippines into armed service under the command of United States Army officers led by General Douglas MacArthur;

Whereas on December 7, 1941, the Japanese Government began a devastating 4-year war with the United States with their stealth bombing attacks of Pearl Harbor, Hawaii, and Clark Air Field, Philippines, and led to the loss of tens of thousands of American and Filipino soldiers and countless civilian casualties;

Whereas on February 20, 1946, President Harry Truman stated, ''Philippine Army veterans are nationals of the United States and will continue in that status until July 4, 1946. They fought, as American nationals, under the American flag, and under the direction of our military leaders. They fought with gallantry and courage under most difficult conditions. I consider it a moral obligation of the United States to look after the welfare of the Philippine Army veterans.'';

Whereas on October 17, 1996, President William J. Clinton issued a proclamation on the anniversary of the 1944 return of United States forces under General MacArthur to liberate the Philippines and said, ''I urge all Americans to recall the courage, sacrifice, and loyalty of Filipino Veterans of World War II and honor them for their contribution to our freedom.'';

Whereas on July 26, 2001, President George W. Bush, in his greetings to the Filipino WWII veterans said, ''More than 120,000 Filipinos fought with unwavering loyalty and great gallantry under the command of General Douglas MacArthur. The combined United States-Philippine forces distinguished themselves by their valor and heroism in defense of freedom and democracy. Thousands of Filipino soldiers gave their lives in the battles of Bataan and Corregidor. These soldiers won for the United States the precious time needed to disrupt the enemy's plan for conquest in the Pacific. During the three long years following these battles, the Filipino people valiantly resisted a brutal Japanese occupation with an indomitable spirit and steadfast loyalty to America.''; and

Whereas the contributions of the Filipino people, and the sacrifices of their soldiers in World War II, have not been fully recognized: Now, therefore, be it

Resolved, That the Senate reaffirms, recognizes, and honors the Filipino World War II veterans for their defense of American democracy and their important contribution to the victorious outcome of World War II.

SENATE RESOLUTION 308—DESIGNATING 2006 AS THE ''YEAR OF STUDY ABROAD''

Mr. DURBIN (for himself, Mr. ALEXANDER, Mr. FEINGOLD, Mr. CRAIG, Mr. AKAKA, Mr. COLEMAN, and Mr. COCHRAN) submitted the following resolution; which was considered and agreed to:

S. RES. 308

Whereas ensuring that the citizens of the United States are globally literate is the responsibility of the educational system of the United States;

Whereas educating students internationally is an important way to share the values of the United States, to create goodwill for the United States around the world, to work toward a peaceful global society, and to increase international trade;

Whereas, according to a 2002 American Council on Education poll, 79 percent of people in the United States agree that students

should have a study abroad experience sometime during college, but only 1 percent of students from the United States currently study abroad each year;

Whereas study abroad programs help people from the United States to be more informed about the world and to develop the cultural awareness necessary to avoid offending individuals from other countries;

Whereas a National Geographic global literacy survey found that 87 percent of students in the United States between the ages of 18 and 24 cannot locate Iraq on a world map, 83 percent cannot find Afghanistan, 58 percent cannot find Japan, and 11 percent cannot even find the United States;

Whereas studying abroad exposes students from the United States to valuable global knowledge and cultural understanding and forms an integral part of their education;

Whereas Congress recognized through the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) that the security, stability, and economic vitality of the United States in an increasingly complex global age depend largely upon having a globally competent citizenry and the availability of experts specializing in world regions, foreign languages, and international affairs;

Whereas the Coalition for International Education, an ad hoc group of higher education organizations with interests in the international education programs of the Department of Education, and Government Accountability Office reports have found that Federal agencies, educational institutions, and corporations in the United States are suffering from a shortage of professionals with international knowledge and foreign language skills;

Whereas, according to the Coalition for International Education, institutions of higher education in the United States are struggling to graduate enough students with the language skills and cultural competence necessary to meet the current demands of business, government, and educational institutions;

Whereas a survey done by the Institute for the International Education of Students shows that studying abroad influences subsequent educational experiences, decisions to expand or change academic majors, and decisions to attend graduate school;

Whereas substantive research literature demonstrates that some of the core values and skills of higher education are enhanced by participation in study abroad programs;

Whereas study abroad programs not only open doors to foreign language learning, but also empower students to better understand themselves and others through a comparison of cultural values and ways of life;

Whereas study abroad programs for students from the United States can provide specialized training and practical experiences not available at institutions in the United States;

Whereas a blue ribbon task force of NAFSA: Association of International Educators, a global association of individuals dedicated to advancing international education and exchange, found that a national effort to promote study abroad programs is needed to address a serious deficit in global competence in the United States;

Whereas the bipartisan, federally-appointed Commission on the Abraham Lincoln Study Abroad Fellowship Program, established pursuant to section 104 of the Miscellaneous Appropriations and Offsets Act, 2004 (division H of the Consolidated Appropriations Act, 2004 (Public Law 108-199; 118 Stat. 435)), is scheduled to make recommendations by December 1, 2005, for a national study abroad program to meet this need: Now, therefore, be it

Resolved, That the Senate—

(1) designates 2006 as the ''Year of Study Abroad'';

(2) encourages secondary schools, institutions of higher learning, businesses, and government programs to promote and expand study abroad opportunities; and

(3) encourages the people of the United States to—

(A) support initiatives to promote and expand study abroad opportunities; and

(B) observe the ''Year of Study Abroad'' with appropriate ceremonies, programs, and other activities.

SENATE RESOLUTION 309—EXPRESSING SYMPATHY FOR THE PEOPLE OF JORDAN IN THE AFTERMATH OF THE DEADLY TERRORIST ATTACKS IN AMMAN ON NOVEMBER 9, 2005

Mr. FRIST (for himself, Mr. REID, Mr. LUGAR, Mr. BIDEN, Mr. BROWNBACK, and Mr. CHAFEE) submitted the following resolution; which was considered and agreed to:

S. RES. 309

Whereas the United States and a broad international coalition are engaged in a Global War on Terrorism;

Whereas on November 9, 2005, a series of explosions struck 3 hotels in Amman, Jordan, killing at least 56 people and injuring at least 115 others;

Whereas the terrorist attacks on Amman, Jordan, were senseless and barbaric acts carried out against innocent civilians;

Whereas Al Qaeda in Iraq has claimed responsibility for the terrorist attacks in Amman, Jordan;

Whereas the people and Government of the Hashemite Kingdom of Jordan have been targeted in several attempted terrorist attacks over the past few years;

Whereas the people of Jordan have a long and enduring friendship with the people of the United States and their close cooperation in political, economic, and humanitarian endeavors has benefitted both nations and the people of the Middle East region;

Whereas the Hashemite Kingdom of Jordan is a stalwart ally of the United States in the global war against terrorism;

Whereas the people of the United States stand in solidarity with the people of Jordan in fighting terrorism;

Whereas the Government of the United States immediately condemned the terrorist attacks and extended the support and condolences of the people of the United States to the people of Jordan; and

Whereas on September 12, 2001, in a letter to President George W. Bush condemning the September 11, 2001, terrorist attacks on the United States, King Abdullah of the Hashemite Kingdom of Jordan stated that ''the people of Jordan join the people of the United States in our absolute condemnation of the terrorist aggression against your nation . . . our hearts reach out to the victims and their families, and we honor the selfless men and women who have risked their lives to aid the injured and suffering . . . be assured that the Hashemite Kingdom of Jordan, its leaders and people stand with you against the perpetrators of these terrorist atrocities. We denounce the violence and hatred they represent.'': Now, therefore, be it

Resolved, That the Senate—

(1) condemns, in the strongest terms, the senseless and barbaric terrorist attacks on the innocent people of Amman, Jordan, on November 9, 2005;

(2) expresses its condolences to the families and friends of those individuals who were killed in the attacks and expresses its sympathies to those individuals who have been injured;

(3) expresses the strong and continued solidarity of the people and Government of the United States with the people and Government of the Hashemite Kingdom of Jordan as they recover from these inhumane attacks;

(4) declares its readiness to support and assist the authorities of Jordan in their efforts to bring to justice those individuals responsible for the attacks; and

(5) calls upon the international community to renew and strengthen efforts to—

(A) defeat terrorists by dismantling terrorist networks and exposing the violent and nihilistic ideology of terrorism;

(B) increase international cooperation to advance personal and religious freedoms, ethnic and racial tolerance, political liberty and pluralism, and economic prosperity; and

(C) combat the social injustice, oppression, poverty, and extremism that bolsters terrorism.

SENATE RESOLUTION 310—HONORING THE LIFE, LEGACY, AND EXAMPLE OF ISRAELI PRIME MINISTER YITZHAK RABIN ON THE TENTH ANNIVERSARY OF HIS DEATH

Mr. LAUTENBERG (for himself, Mr. VOINOVICH, Mr. BIDEN, Mr. LUGAR, Mr. CHAFEE, and Mr. BROWNBACK) submitted the following resolution; which was considered and agreed to:

S. RES. 310

Whereas Yitzhak Rabin was born March 1, 1922, in Jerusalem;

Whereas Yitzhak Rabin volunteered for the Palmach, the elite unit of the Haganah (predecessor of the Israeli Defense Forces), and served for 27 years, including during the 1948 War of Independence, the 1956 Suez War, and as Chief of Staff in the June 1967 Six Day War;

Whereas, in 1975, Prime Minister Yitzhak Rabin signed the interim agreement with Egypt (Sinai II) which laid the groundwork for the 1979 Camp David Peace Treaty between Israel and Egypt;

Whereas Yitzhak Rabin served as Ambassador to the United States from 1968–1973, Minister of Defense from 1984–1990, and Prime Minister from 1974–1977 and from 1992 until his assassination in 1995;

Whereas. on September 13, 1993, in Washington, D.C., Yitzhak Rabin signed the Declaration of Principles framework agreement between Israel and the Palestinians;

Whereas, upon the signing of the Declaration of Principles, Yitzhak Rabin said to the Palestinian people: ''We say to you today in a loud and clear voice: Enough of blood and tears. Enough! We harbor no hatred toward you. We have no desire for revenge. We, like you, are people who want to build a home, plant a tree, love, live side by side with you—in dignity, empathy, as human beings, as free men.'';

Whereas Yitzhak Rabin received the 1994 Nobel Prize for Peace for his vision and bravery as a peacemaker, saying at the time: ''There is only one radical means of sanctifying human lives. Not armored plating, or tanks, or planes, or concrete fortifications. The one radical solution is peace.'';

Whereas, on October 26, 1994, Yitzhak Rabin and King Hussein of Jordan signed a peace treaty between Israel and Jordan;

Whereas, on November 4, 1995, Yitzhak Rabin was brutally assassinated after attending a peace rally in Tel Aviv, where his last words were: ''I have always believed that

the majority of the people want peace, are prepared to take risks for peace . . . Peace is what the Jewish People aspire to.''; and

Whereas Yitzhak Rabin dedicated his life to the cause of peace and security for the state of Israel by defending his nation against all threats, including terrorism, and undertaking courageous risks in the pursuit of peace: Now, therefore, be it

Resolved, That the Senate—

(1) honors the historic role of Yitzhak Rabin for his distinguished service to the people of Israel and extends its deepest sympathy and condolences to the family of Yitzhak Rabin and the people of Israel on the tenth anniversary of his death;

(2) recognizes and reiterates its continued support for the close ties and special relationship between the United States and Israel;

(3) expresses its admiration for Yitzhak Rabin's legacy and reaffirms its commitment to the process of building a just and lasting peace between Israel and its neighbors;

(4) condemns any and all acts of terrorism; and

(5) reaffirms unequivocally the sacred principle that democratic leaders and governments must be changed only by the democratically-expressed will of the people.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2507. Mr. KERRY (for himself, Mr. REID, Mr. BIDEN, and Mr. DAYTON) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 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.

SA 2508. Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 2445 submitted by Mr. BROWNBACK (for himself, Mr. INHOFE, and Mr. DEMINT) and intended to be proposed to the bill S. 1042, supra; which was ordered to lie on the table.

SA 2509. Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 2445 submitted by Mr. BROWNBACK (for himself, Mr. INHOFE, and Mr. DEMINT) and intended to be proposed to the bill S. 1042, supra; which was ordered to lie on the table.

SA 2510. Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 2445 submitted by Mr. BROWNBACK (for himself, Mr. INHOFE, and Mr. DEMINT) and intended to be proposed to the bill S. 1042, supra; which was ordered to lie on the table.

SA 2511. Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 2475 submitted by Mr. BROWNBACK (for himself, Mr. COBURN, Mr. DEMINT, Mr. INHOFE, Mr. SESSIONS, and Mr. TALENT) and intended to be proposed to the bill S. 1042, supra; which was ordered to lie on the table.

SA 2512. Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 2475 submitted by Mr. BROWNBACK (for himself, Mr. COBURN, Mr. DEMINT, Mr. INHOFE, Mr. SESSIONS, and Mr. TALENT) and intended to be proposed to the bill S. 1042, supra; which was ordered to lie on the table.

SA 2513. Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 2475 submitted by Mr. BROWNBACK (for himself, Mr. COBURN, Mr. DEMINT, Mr. INHOFE, Mr. SESSIONS, and Mr. TALENT) and intended to be proposed to the bill S. 1042, supra; which was ordered to lie on the table.

SA 2514. Mr. ROBERTS (for himself and Mr. ROCKEFELLER) proposed an amendment to amendment SA 2507 proposed by Mr. KERRY (for himself, Mr. REID, Mr. BIDEN, and Mr. DAYTON) to the bill S. 1042, supra.

SA 2515. Mr. GRAHAM (for himself, Mr. KYL, Mr. CHAMBLISS, and Mr. CORNYN) proposed an amendment to the bill S. 1042, supra.

SA 2516. Mr. GRAHAM (for himself, Mr. KYL, and Mr. CHAMBLISS) proposed an amendment to amendment SA 2515 proposed by Mr. GRAHAM (for himself, Mr. KYL, Mr. CHAMBLISS, and Mr. CORNYN) to the bill S. 1042, supra.

SA 2517. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 2515 proposed by Mr. GRAHAM (for himself, Mr. KYL, Mr. CHAMBLISS, and Mr. CORNYN) to the bill S. 1042, supra; which was ordered to lie on the table.

SA 2518. Mr. WARNER (for himself and Mr. FRIST) proposed an amendment to the bill S. 1042, supra.

SA 2519. Mr. LEVIN (for himself, Mr. BIDEN, Mr. REID, Mr. DODD, Mr. KERRY, Mr. FEINGOLD, Mr. DURBIN, Mr. REED, Mr. KENNEDY, Mrs. FEINSTEIN, Mr. OBAMA, and Mrs. BOXER) proposed an amendment to the bill S. 1042, supra.

SA 2520. Mr. FRIST (for Mr. INOUYE) proposed an amendment to the resolution S. Res. 9, expressing the sense of the Senate regarding designation of the month of November as ''National Military Family Month''.

SA 2521. Mr. FRIST (for Mr. LEAHY) proposed an amendment to the bill S. 1558, An act to amend the Ethics in Government Act of 1978 to protect family members of filers from disclosing sensitive information in a public filing and to extend for 4 years the authority to redact financial disclosure statements of judicial employees and judicial officers.

SA 2522. Mr. FRIST (for Mr. LEAHY) proposed an amendment to the bill S. 1558, supra.

TEXT OF AMENDMENTS

SA 2507. Mr. KERRY (for himself, Mr. REID, Mr. BIDEN, and Mr. DAYTON) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 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: as follows:

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

SEC. ___. REPORTS ON CLANDESTINE DETENTION FACILITIES FOR INDIVIDUALS CAPTURED IN THE GLOBAL WAR ON TERRORISM.

(a) SECRETARY OF DEFENSE REPORT.—

(1) REPORT REQUIRED.—Not later than sixty days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a detailed report on the knowledge of the Secretary, and of the personnel of the Department of Defense, on whether or not there exists, or has existed, any clandestine facility outside of United States territory for the detention of individuals captured in the global war on terrorism, whether operated by the United States Government or at the request of the United States Government.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) Whether or not the Secretary or any personnel of the Department of Defense have affirmative knowledge that a facility described in paragraph (1) exists.

(B) If the Secretary or any such personnel have affirmative knowledge that such a facility does exist—

(i) the existence of such facility;

(ii) any support provided by the Department of Defense to any other department, agency, or element of the United States Government, or any foreign government, for the establishment, operation, or maintenance of such facility;

(iii) the amount of funds obligated or expended by the Department in furtherance of the establishment, operation, or maintenance of such facility;

(iv) whether the Department has transported individuals captured in the global war on terrorism to or from such facility, and if so—

(I) the number of such individuals;

(II) the date of transfer of each such individual to such facility;

(III) the place from which each such individual was so transferred,: and

(IV) the identity of the agency or authority in whose custody each such individual was held before such transfer;

(v) whether any detainee in such facility is expected to be prosecuted by military commission or another system for administering justice; and

(vi) the interrogation procedures used on each individual detained in such facility.

(C) Whether or not the Department has ever held any individual captured in the global war on terrorism at a facility controlled by the Department at the request of, or in cooperation with, another department, agency, or element of the United States Government, and for any such individual so held, a detailed description of the circumstances surrounding the detention of such individual and the disposition, if any of such individual.

(3) FORM OF REPORT.—The report required by paragraph (1) shall be submitted in classified form.

(b) DIRECTOR OF NATIONAL INTELLIGENCE REPORTS.—

(1) REPORTS REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Director of National Intelligence shall provide to each member of the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives a detailed report setting forth the nature and cost of, and otherwise providing a full accounting on, any clandestine prison or detention facility currently or formerly operated by the United States Government, regardless of location, where detainees in the global war on terrorism are or were being held.

(2) ELEMENTS.—The reports required by paragraph (1) shall set forth, for each prison or facility covered by such report, the following:

(A) The location and size of such prison or facility.

(B) If such prison or facility is no longer being operated by the United States Government, the disposition of such prison or facility.

(C) The number of detainees currently held or formerly held, as the case may be, at such prison or facility.

(D) Any plans for the ultimate disposition of any detainees currently held at such prison or facility.

(E) A description of the interrogation procedures used or formerly used on detainees at such prison or facility.

(3) FORM OF REPORTS.—The reports required by paragraph (1) shall be submitted in classified form.

SA 2508. Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 2445 submitted by Mr. BROWNBACK (for himself, Mr. INHOFE, and Mr. DEMINT) and intended to be proposed to the bill S. 1042, to authorize appropriations for fiscal year 2006 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 of the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 11 of the amendment, strike lines 20 and 21.

SA 2509. Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 2445 submitted by Mr. BROWNBACK (for himself, Mr. INHOFE, and Mr. DEMINT) and intended to be proposed to the bill S. 1042, to authorize appropriations for fiscal year 2006 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 of the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 10 of the amendment, line 23, strike ''contraceptives'' and insert ''drugs or devices approved by the Food and Drug Administration as contraceptives, or generic equivalents approved as substitutable by the Food and Drug Administration''.

SA 2510. Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 2445 submitted by Mr. BROWNBACK (for himself, Mr. INHOFE, and Mr. DEMINT) and intended to be proposed to the bill S. 1042, to authorize appropriations for fiscal year 2006 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 of the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 2 of the amendment, strike all after the first word and insert the following:

___. PROTECTION OF CHILDREN AND PARENTAL INVOLVEMENT IN THE PERFORMANCE OF ABORTIONS FOR DEPENDENT CHILDREN OF MEMBERS OF THE ARMED FORCES.

Section 1093 of title 10, United States Code, is amended by adding at the end the following new subsections:

''(c) PARENTAL NOTICE.—(1) A physician may not use facilities of the Department of Defense to perform an abortion on a pregnant unemancipated minor who is a child of a member of the armed forces unless—

''(A) the physician gives at least 48 hours actual notice, in person or by telephone, of the physician's intent to perform the abortion to—

''(i) the member of the armed forces, or another parent of the minor, if the minor has no managing conservator or guardian; or

''(ii) a court-appointed managing conservator or guardian;

''(B) the judge of an appropriate district court of the United States issues an order authorizing the minor to consent to the abortion as provided by subsection (d) or (e);

''(C) the appropriate district court of the United States by its inaction constructively authorizes the minor to consent to the abortion as provided by subsection (d) or (e);

''(D) it is necessary to preserve the life or health of the minor; or

''(E) the pregnancy is the result of rape or incest.

''(2) If a person to whom notice may be given under paragraph (1)(A) cannot be notified after a reasonable effort, a physician may perform an abortion if the physician gives 48 hours constructive notice, by certified mail, restricted delivery, sent to the last known address, to the person to whom notice may be given under that paragraph. The period under this paragraph begins when the notice is mailed. If the person required to be notified is not notified within the 48-hour period, the abortion may proceed even if the notice by mail is not received.

''(3) The requirement that 48 hours actual notice be provided under this subsection may be waived by an affidavit of—

''(A) the member of the armed forces concerned, or another parent of the minor, if the minor has no managing conservator or guardian; or

''(B) a court-appointed managing conservator or guardian.

''(4) A physician may execute for inclusion in the minor's medical record an affidavit stating that, according to the best information and belief of the physician, notice or constructive notice has been provided as required by this subsection. Execution of an affidavit under this paragraph creates a presumption that the requirements of this subsection have been satisfied.

''(5) A certification required by paragraph (1)(D) is confidential and privileged and is not subject to disclosure, discovery, subpoena, or other legal process. Personal or identifying information about the minor, including her name, address, or social security number, may not be included in a certification under paragraph (1)(D). The physician must keep the medical records on the minor in compliance with regulations prescribed by the Secretary of Defense.

''(6) A physician who intentionally performs an abortion on a pregnant unemancipated minor in violation of this subsection commits an offense punishable by a fine not to exceed $10,000.

''(7) It is a defense to prosecution under this subsection that the minor falsely represented her age or identity to the physician to be at least 18 years of age by displaying an apparently valid governmental record of identification such that a reasonable person under similar circumstances would have relied on the representation. The defense does not apply if the physician is shown to have had independent knowledge of the minor's actual age or identity or failed to use due diligence in determining the minor's age or identity.

''(d) JUDICIAL APPROVAL.—(1) A pregnant unemancipated minor who is a child of a member of the armed forces and who wishes to have an abortion using facilities of the Department of Defense without notification to the member of the armed forces, another parent, her managing conservator, or her guardian may file an application for a court order authorizing the minor to consent to the performance of an abortion without notification to either of her parents or a managing conservator or guardian.

''(2) Any application under this subsection may be filed in any appropriate district court of the United States. In the case of a minor who elects not to travel to the United States in pursuit of an order authorizing the abortion, the court may conduct the proceedings in the case of such application by telephone.

''(3) An application under this subsection shall be made under oath and include—

''(A) a statement that the minor is pregnant;

''(B) a statement that the minor is unmarried, is under 18 years of age, and has not had her disabilities removed;

''(C) a statement that the minor wishes to have an abortion without the notification of either of her parents or a managing conservator or guardian; and

''(D) a statement as to whether the minor has retained an attorney and, if she has retained an attorney, the name, address, and telephone number of her attorney.

''(4) The court shall appoint a guardian ad litem for the minor. If the minor has not retained an attorney, the court shall appoint an attorney to represent the minor. If the guardian ad litem is an attorney, the court may appoint the guardian ad litem to serve as the minor's attorney.

''(5) The court may appoint to serve as guardian ad litem for a minor—

''(A) a psychiatrist or an individual licensed or certified as a psychologist;

''(B) a member of the clergy;

''(C) a grandparent or an adult brother, sister, aunt, or uncle of the minor; or

''(D) another appropriate person selected by the court.

''(6) The court shall determine within 48 hours after the application is filed whether the minor is mature and sufficiently well-informed to make the decision to have an abortion performed without notification to either of her parents or a managing conservator or guardian, whether notification would not be in the best interest of the minor, or whether notification may lead to physical, sexual, or emotional abuse of the minor. If the court finds that the minor is mature and sufficiently well informed, that notification would not be in the minor's best interest, or that notification may lead to physical, sexual, or emotional abuse of the minor, the court shall enter an order authorizing the minor to consent to the performance of the abortion without notification to either of her parents or a managing conservator or guardian and shall execute the required forms.

''(7) If the court fails to rule on the application within the period specified in paragraph (6), the application shall be deemed to be granted and the physician may perform the abortion as if the court had issued an order authorizing the minor to consent to the performance of the abortion without notification under subsection (c).

''(8) If the court finds that the minor does not meet the requirements of paragraph (6), the court may not authorize the minor to consent to an abortion without the notification authorized under subsection (c)(1).

''(9) The court may not notify a parent, managing conservator, or guardian that the minor is pregnant or that the minor wants to have an abortion. The court proceedings shall be conducted in a manner that protects the anonymity of the minor. The application and all other court documents pertaining to the proceedings are confidential and privileged and are not subject to disclosure, discovery, subpoena, or other legal process. The minor may file the application using a pseudonym or using only her initials.

''(10) An order of the court issued under this subsection is confidential and privileged and is not subject to disclosure, discovery, subpoena, or other legal process. The order may not be released to any person but the pregnant minor, the pregnant minor's guardian ad litem, the pregnant minor's attorney,

another person designated to receive the order by the minor, or a governmental agency or attorney in a criminal or administrative action seeking to assert or protect the interest of the minor.

''(11) A filing fee is not required of and court costs may not be assessed against a minor filing an application under this subsection.

''(e) APPEAL.—(1) A minor whose application under subsection (d) is denied may appeal to the court of appeals of the United States having jurisdiction of the district court of the United States that denied the application. If the court of appeals fails to rule on the appeal within 48 hours after the appeal is filed, the appeal shall be deemed to be granted and the physician may perform the abortion using facilities of the Department of Defense as if the court had issued an order authorizing the minor to consent to the performance of the abortion using facilities of the Department of Defense without notification under subsection (c). Proceedings under this subsection shall be given precedence over other pending matters to the extent necessary to assure that the court reaches a decision promptly.

''(2) A ruling of the court of appeals under this subsection is confidential and privileged and is not subject to disclosure, discovery, subpoena, or other legal process. The ruling may not be released to any person but the pregnant minor, the pregnant minor's guardian ad litem, the pregnant minor's attorney, another person designated to receive the ruling by the minor, or a governmental agency or attorney in a criminal or administrative action seeking to assert or protect the interest of the minor.

''(3) A filing fee is not required of and court costs may not be assessed against a minor filing an appeal under this subsection.

''(f) DEFINITIONS.—In this section:

''(1) The term 'abortion' means the use of any means at a medical facility of the Department of Defense to terminate the pregnancy of a female known by an attending physician to be pregnant, with the intention that the termination of the pregnancy by those means will with reasonable likelihood cause the death of the fetus. The term applies only to an unemancipated minor known by an attending physician to be pregnant and may not be construed to limit a minor's access to drugs or devices approved by the Food and Drug Administration as contraceptives, or generic equivalents approved as substitutable by the Food and Drug Administration.

''(2) The term 'appropriate district court of the United States' means—

''(A) with respect to a proposed abortion at a particular Department of Defense medical facility in the United States or its territories, the district court of the United States having proper venue in relation to that facility; or

''(B) if the minor is seeking an abortion at a particular Department of Defense facility outside the United States or its territories—

''(i) if the minor elects to travel to the United States in pursuit of an order authorizing the abortion, the district court of the United States having proper venue in the district in which the minor first arrives from outside the United States; or

''(ii) if the minor elects not to travel to the United States in pursuit of an order authorizing the abortion, the district court of the United States for the district in which the minor last resided.

''(3) The term 'guardian' means a court-appointed guardian of the person of the minor.

''(4) The term 'physician' means an individual licensed to practice medicine.

''(5) The term 'unemancipated minor' includes a minor who is not a member of the armed forces and who—

''(A) is unmarried; and

''(B) has not had any disabilities of minority removed.''.

SA 2511. Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 2475 submitted by Mr. BROWNBACK (for himself, Mr. COBURN, Mr. DEMINT, Mr. INHOFE, Mr. SESSIONS, and Mr. TALENT) and intended to be proposed to the bill S. 1042, to authorize appropriations for fiscal year 2006 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; which was ordered to lie on the table; as follows:

On page 11 of the amendment, strike lines 24 and 25.

SA 2512. Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 2475 submitted by Mr. BROWNBACK (for himself, Mr. COBURN, Mr. DEMINT, Mr. INHOFE, Mr. SESSIONS, and Mr. TALENT) and intended to be proposed to the bill S. 1042, to authorize appropriations for fiscal year 2006 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; which was ordered to lie on the table; as follows:

On page 11 of the amendment, line 2, strike ''contraceptives'' and insert ''drugs or devices approved by the Food and Drug Administration as contraceptives, or generic equivalents approved as substitutable by the Food and Drug Administration''.

SA 2513. Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 2475 submitted by Mr. BROWNBACK (for himself, Mr. COBURN, Mr. DEMINT, Mr. INHOFE, Mr. SESSIONS, and Mr. TALENT) and intended to be proposed to the bill S. 1042, to authorize appropriations for fiscal year 2006 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; which was ordered to lie on the table; as follows:

On page 2 of the amendment, strike all after the first word and insert the following:

___. PROTECTION OF CHILDREN AND PARENTAL INVOLVEMENT IN THE PERFORMANCE OF ABORTIONS FOR DEPENDENT CHILDREN OF MEMBERS OF THE ARMED FORCES.

Section 1093 of title 10, United States Code, is amended by adding at the end the following new subsections:

''(c) PARENTAL NOTICE.—(1) A physician may not use facilities of the Department of Defense to perform an abortion on a pregnant unemancipated minor who is a child of a member of the armed forces unless—

''(A) the physician gives at least 48 hours actual notice, in person or by telephone, of the physician's intent to perform the abortion to—

''(i) the member of the armed forces, or another parent of the minor, if the minor has no managing conservator or guardian; or

''(ii) a court-appointed managing conservator or guardian;

''(B) the judge of an appropriate district court of the United States issues an order authorizing the minor to consent to the abortion as provided by subsection (d) or (e);

''(C) the appropriate district court of the United States by its inaction constructively authorizes the minor to consent to the abortion as provided by subsection (d) or (e);

''(D) it is necessary to preserve the life or health of the minor; or

''(E) the pregnancy is the result of rape or incest.

''(2) If a person to whom notice may be given under paragraph (1)(A) cannot be notified after a reasonable effort, a physician may perform an abortion if the physician gives 48 hours constructive notice, by certified mail, restricted delivery, sent to the last known address, to the person to whom notice may be given under that paragraph. The period under this paragraph begins when the notice is mailed. If the person required to be notified is not notified within the 48-hour period, the abortion may proceed even if the notice by mail is not received.

''(3) The requirement that 48 hours actual notice be provided under this subsection may be waived by an affidavit of—

''(A) the member of the armed forces concerned, or another parent of the minor, if the minor has no managing conservator or guardian; or

''(B) a court-appointed managing conservator or guardian.

''(4) A physician may execute for inclusion in the minor's medical record an affidavit stating that, according to the best information and belief of the physician, notice or constructive notice has been provided as required by this subsection. Execution of an affidavit under this paragraph creates a presumption that the requirements of this subsection have been satisfied.

''(5) A certification required by paragraph (1)(D) is confidential and privileged and is not subject to disclosure, discovery, subpoena, or other legal process. Personal or identifying information about the minor, including her name, address, or social security number, may not be included in a certification under paragraph (1)(D). The physician must keep the medical records on the minor in compliance with regulations prescribed by the Secretary of Defense.

''(6) A physician who intentionally performs an abortion on a pregnant unemancipated minor in violation of this subsection commits an offense punishable by a fine not to exceed $10,000.

''(7) It is a defense to prosecution under this subsection that the minor falsely represented her age or identity to the physician to be at least 18 years of age by displaying an apparently valid governmental record of identification such that a reasonable person under similar circumstances would have relied on the representation. The defense does not apply if the physician is shown to have had independent knowledge of the minor's actual age or identity or failed to use due diligence in determining the minor's age or identity.

''(d) JUDICIAL APPROVAL.—(1) A pregnant unemancipated minor who is a child of a member of the armed forces and who wishes to have an abortion using facilities of the Department of Defense without notification to the member of the armed forces, another parent, her managing conservator, or her guardian may file an application for a court order authorizing the minor to consent to the performance of an abortion without notification to either of her parents or a managing conservator or guardian.

''(2) Any application under this subsection may be filed in any appropriate district court of the United States. In the case of a minor who elects not to travel to the United States in pursuit of an order authorizing the abortion, the court may conduct the proceedings in the case of such application by telephone.

''(3) An application under this subsection shall be made under oath and include—

''(A) a statement that the minor is pregnant;

''(B) a statement that the minor is unmarried, is under 18 years of age, and has not had her disabilities removed;

''(C) a statement that the minor wishes to have an abortion without the notification of either of her parents or a managing conservator or guardian; and

''(D) a statement as to whether the minor has retained an attorney and, if she has retained an attorney, the name, address, and telephone number of her attorney.

''(4) The court shall appoint a guardian ad litem for the minor. If the minor has not retained an attorney, the court shall appoint an attorney to represent the minor. If the guardian ad litem is an attorney, the court may appoint the guardian ad litem to serve as the minor's attorney.

''(5) The court may appoint to serve as guardian ad litem for a minor—

''(A) a psychiatrist or an individual licensed or certified as a psychologist;

''(B) a member of the clergy;

''(C) a grandparent or an adult brother, sister, aunt, or uncle of the minor; or

''(D) another appropriate person selected by the court.

''(6) The court shall determine within 48 hours after the application is filed whether the minor is mature and sufficiently well-informed to make the decision to have an abortion performed without notification to either of her parents or a managing conservator or guardian, whether notification would not be in the best interest of the minor, or whether notification may lead to physical, sexual, or emotional abuse of the minor. If the court finds that the minor is mature and sufficiently well informed, that notification would not be in the minor's best interest, or that notification may lead to physical, sexual, or emotional abuse of the minor, the court shall enter an order authorizing the minor to consent to the performance of the abortion without notification to either of her parents or a managing conservator or guardian and shall execute the required forms.

''(7) If the court fails to rule on the application within the period specified in paragraph (6), the application shall be deemed to be granted and the physician may perform the abortion as if the court had issued an order authorizing the minor to consent to the performance of the abortion without notification under subsection (c).

''(8) If the court finds that the minor does not meet the requirements of paragraph (6), the court may not authorize the minor to consent to an abortion without the notification authorized under subsection (c)(1).

''(9) The court may not notify a parent, managing conservator, or guardian that the minor is pregnant or that the minor wants to have an abortion. The court proceedings shall be conducted in a manner that protects the anonymity of the minor. The application and all other court documents pertaining to the proceedings are confidential and privileged and are not subject to disclosure, discovery, subpoena, or other legal process. The minor may file the application using a pseudonym or using only her initials.

''(10) An order of the court issued under this subsection is confidential and privileged and is not subject to disclosure, discovery, subpoena, or other legal process. The order may not be released to any person but the pregnant minor, the pregnant minor's guardian ad litem, the pregnant minor's attorney, another person designated to receive the order by the minor, or a governmental agency or attorney in a criminal or administrative action seeking to assert or protect the interest of the minor.

''(11) A filing fee is not required of and court costs may not be assessed against a minor filing an application under this subsection.

''(e) APPEAL.—(1) A minor whose application under subsection (d) is denied may appeal to the court of appeals of the United States having jurisdiction of the district court of the United States that denied the application. If the court of appeals fails to rule on the appeal within 48 hours after the appeal is filed, the appeal shall be deemed to be granted and the physician may perform the abortion using facilities of the Department of Defense as if the court had issued an order authorizing the minor to consent to the performance of the abortion using facilities of the Department of Defense without notification under subsection (c). Proceedings under this subsection shall be given precedence over other pending matters to the extent necessary to assure that the court reaches a decision promptly.

''(2) A ruling of the court of appeals under this subsection is confidential and privileged and is not subject to disclosure, discovery, subpoena, or other legal process. The ruling may not be released to any person but the pregnant minor, the pregnant minor's guardian ad litem, the pregnant minor's attorney, another person designated to receive the ruling by the minor, or a governmental agency or attorney in a criminal or administrative action seeking to assert or protect the interest of the minor.

''(3) A filing fee is not required of and court costs may not be assessed against a minor filing an appeal under this subsection.

''(f) RULE OF CONSTRUCTION.—Nothing in subsections (c), (d), or (e) shall be construed to create any exemption to the restrictions contained in subsections (a) and (b).

''(g) DEFINITIONS.—In this section:

''(1) The term 'abortion' means the use of any means at a medical facility of the Department of Defense to terminate the pregnancy of a female known by an attending physician to be pregnant, with the intention that the termination of the pregnancy by those means will with reasonable likelihood cause the death of the fetus. The term applies only to an unemancipated minor known by an attending physician to be pregnant and may not be construed to limit a minor's access to drugs or devices approved by the Food and Drug Administration as contraceptives, or generic equivalents approved as substitutable by the Food and Drug Administration.

''(2) The term 'appropriate district court of the United States' means—

''(A) with respect to a proposed abortion at a particular Department of Defense medical facility in the United States or its territories, the district court of the United States having proper venue in relation to that facility; or

''(B) if the minor is seeking an abortion at a particular Department of Defense facility outside the United States or its territories—

''(i) if the minor elects to travel to the United States in pursuit of an order authorizing the abortion, the district court of the United States having proper venue in the district in which the minor first arrives from outside the United States; or

''(ii) if the minor elects not to travel to the United States in pursuit of an order authorizing the abortion, the district court of the United States for the district in which the minor last resided.

''(3) The term 'guardian' means a court-appointed guardian of the person of the minor.

''(4) The term 'physician' means an individual licensed to practice medicine.

''(5) The term 'unemancipated minor' includes a minor who is not a member of the armed forces and who—

''(A) is unmarried; and

''(B) has not had any disabilities of minority removed.''.

SA 2514. Mr. ROBERTS (for himself and Mr. ROCKEFELLER) proposed an amendment to amendment SA 2507 proposed by Mr. KERRY (for himself, Mr. REID, Mr. BIDEN, and Mr. DAYTON) to the bill S. 1042, to authorize appropriations for fiscal year 2006 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; as follows:

In lieu of the language proposed to be inserted insert the following:

SEC. ___. REPORT ON ALLEGED CLANDESTINE DETENTION FACILITIES FOR INDIVIDUALS CAPTURED IN THE GLOBAL WAR ON TERRORISM.

(a) IN GENERAL.—The President shall ensure that the United States Government continues to comply with the authorization, reporting, and notification requirements of title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.).

(b) DIRECTOR OF NATIONAL INTELLIGENCE REPORT.—

(1) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Director of National Intelligence shall provide to the members of the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives a detailed report setting forth the nature and cost of, and otherwise providing a full accounting on, any clandestine prison or detention facility currently or formerly operated by the United States Government, regardless of location, where detainees in the global war on terrorism are or were being held.

(2) ELEMENTS.—The report required by paragraph (1) shall set forth, for each prison or facility, if any, covered by such report, the following:

(A) The location and size of such prison or facility.

(B) If such prison or facility is no longer being operated by the United States Government, the disposition of such prison or facility.

(C) The number of detainees currently held or formerly held, as the case may be, at such prison or facility.

(D) Any plans for the ultimate disposition of any detainees currently held at such prison or facility.

(E) A description of the interrogation procedures used or formerly used on detainees at such prison or facility.

(3) FORM OF REPORT.—The report required by paragraph (1) shall be submitted in classified form.

SA 2515. Mr. GRAHAM (for himself, Mr. KYL, Mr. CHAMBLISS, and Mr. CORNYN) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 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; as follows:

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

SEC. ___. REVIEW OF STATUS OF DETAINEES.

(a) SUBMITTAL OF PROCEDURES FOR STATUS REVIEW OF DETAINEES AT GUANTANAMO BAY, CUBA.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees, and to the Committees on the Judiciary of the Senate and the House of Representatives, a report setting forth the procedures of the Combatant Status Review Tribunals and the noticed Administrative Review Boards in operation at Guantanamo Bay, Cuba, for determining the status of the detainees held at Guantanamo Bay.

(b) PROCEDURES.—The procedures submitted to Congress pursuant to subsection (a) shall, with respect to proceedings beginning after the date of the submittal of such procedures under that subsection, ensure that—

(1) in making a determination of status of any detainee under such procedures, a Combatant Status Review Tribunal or Administrative Review Board may not consider statements derived from persons that, as determined by such Tribunal or Board, by the preponderance of the evidence, were obtained with undue coercion; and

(2) the Designated Civilian Official shall be an officer of the United States Government whose appointment to office was made by the President, by and with the advice and consent of the Senate.

(c) REPORT ON MODIFICATION OF PROCEDURES.—The Secretary of Defense shall submit to the committees of Congress referred to in subsection (a) a report on any modification of the procedures submitted under subsection (a) not later than 30 days before the date on which such modifications go into effect.

(d) JUDICIAL REVIEW OF DETENTION OF ENEMY COMBATANTS.—

(1) IN GENERAL.—Section 2241 of title 28, United States Code, is amended by adding at the end the following:

''(e) No court, justice, or judge shall have jurisdiction to hear or consider an application for a writ of habeas corpus filed by or on behalf of an alien outside the United States (as that term is defined in section 101(a)(38) of the Immigration and Naturalization Act (8 U.S.C. 1101(a)(38)) who is detained by the Department of Defense at Guantanamo Bay, Cuba.''.

(2) CERTAIN DECISIONS.—

(A) IN GENERAL.—Subject to subparagraphs (B), (C), and (D), the United States Court of Appeals for the District of Columbia Circuit shall have exclusive jurisdiction to determine the validity of any decision of a Designated Civilian Official described in subsection (b)(2) that an alien is properly detained as an enemy combatant.

(B) LIMITATION ON CLAIMS.—The jurisdiction of the United States Court of Appeals for the District of Columbia Circuit under this paragraph shall be limited to claims brought by or on behalf of an alien—

(i) who is, at the time a request for review by such court is filed, detained by the Department of Defense at Guantanamo Bay, Cuba; and

(ii) for whom a Combatant Status Review Tribunal has been conducted, pursuant to applicable procedures specified by the Secretary of Defense.

(C) SCOPE OF REVIEW.—The jurisdiction of the United States Court of Appeals for the District of Columbia Circuit on any claims with respect to an alien under this paragraph shall be limited to the consideration of whether the status determination of the Combatant Status Review Tribunal with regard to such alien was consistent with the procedures and standards specified by the Secretary of Defense for Combatant Status Review Tribunals.

(D) TERMINATION ON RELEASE FROM CUSTODY.—The jurisdiction of the United States Court of Appeals for the District of Columbia Circuit with respect to the claims of an alien under this paragraph shall cease upon the release of such alien from the custody of the Department of Defense.

(3) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to any application or other action that is pending on or after the date of the enactment of this Act. Paragraph (2) shall apply with respect to any claim regarding a decision covered by that paragraph that is pending on or after such date.

SA 2516. Mr. GRAHAM (for himself, Mr. KYL, and Mr. CHAMBLISS) proposed an amendment to amendment SA 2515 proposed by Mr. GRAHAM (for himself, Mr. KYL, Mr. CHAMBLISS, and Mr. CORNYN) to the bill S. 1042, to authorize appropriations for fiscal year 2006 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; as follows:

Strike all after the word SEC.

. ___. REVIEW OF STATUS OF DETAINEES.

(a) SUBMITTAL OF PROCEDURES FOR STATUS REVIEW OF DETAINEES AT GUANTANAMO BAY, CUBA.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees, and to the Committees on the Judiciary of the Senate and the House of Representatives, a report setting forth the procedures of the Combatant Status Review Tribunals and the noticed Administrative Review Boards in operation at Guantanamo Bay, Cuba, for determining the status of the detainees held at Guantanamo Bay.

(b) PROCEDURES.—The procedures submitted to Congress pursuant to subsection (a) shall, with respect to proceedings beginning after the date of the submittal of such procedures under that subsection, ensure that—

(1) in making a determination of status of any detainee under such procedures, a Combatant Status Review Tribunal or Administrative Review Board may not consider statements derived from persons that, as determined by such Tribunal or Board, by the preponderance of the evidence, were obtained with undue coercion; and

(2) the Designated Civilian Official shall be an officer of the United States Government whose appointment to office was made by the President, by and with the advice and consent of the Senate.

(c) REPORT ON MODIFICATION OF PROCEDURES.—The Secretary of Defense shall submit to the committees of Congress referred to in subsection (a) a report on any modification of the procedures submitted under subsection (a) not later than 30 days before the date on which such modifications go into effect.

(d) JUDICIAL REVIEW OF DETENTION OF ENEMY COMBATANTS.—

(1) IN GENERAL.—Section 2241 of title 28, United States Code, is amended by adding at the end the following:

''(e) No court, justice, or judge shall have jurisdiction to hear or consider an application for a writ of habeas corpus filed by or on behalf of an alien outside the United States (as that term is defined in section 101(a)(38) of the Immigration and Naturalization Act (8 U.S.C. 1101(a)(38)) who is detained by the Department of Defense at Guantanamo Bay, Cuba.''.

(2) CERTAIN DECISIONS.—

(A) IN GENERAL.—Subject to subparagraphs (B), (C), and (D), the United States Court of Appeals for the District of Columbia Circuit shall have exclusive jurisdiction to determine the validity of any decision of a Designated Civilian Official described in subsection (b)(2) that an alien is properly detained as an enemy combatant.

(B) LIMITATION ON CLAIMS.—The jurisdiction of the United States Court of Appeals for the District of Columbia Circuit under this paragraph shall be limited to claims brought by or on behalf of an alien—

(i) who is, at the time a request for review by such court is filed, detained by the Department of Defense at Guantanamo Bay, Cuba; and

(ii) for whom a Combatant Status Review Tribunal has been conducted, pursuant to applicable procedures specified by the Secretary of Defense.

(C) SCOPE OF REVIEW.—The jurisdiction of the United States Court of Appeals for the District of Columbia Circuit on any claims with respect to an alien under this paragraph shall be limited to the consideration of whether the status determination of the Combatant Status Review Tribunal with regard to such alien was consistent with the procedures and standards specified by the Secretary of Defense for Combatant Status Review Tribunals.

(D) TERMINATION ON RELEASE FROM CUSTODY.—The jurisdiction of the United States Court of Appeals for the District of Columbia Circuit with respect to the claims of an alien under this paragraph shall cease upon the release of such alien from the custody of the Department of Defense.

(3) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to any application or other action that is pending on or after the date of the enactment of this Act. Paragraph (2) shall apply with respect to any claim regarding a decision covered by that paragraph that is pending on or after such date.

This section shall become effective 1 day after enactment.

SA 2517. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 2515 proposed by Mr. GRAHAM (for himself, Mr. KYL, Mr. CHAMBLISS, and Mr. CORNYN) to the bill S. 1042, to authorize appropriations for fiscal year 2006 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; which was ordered to lie on the table; as follows:

On page 3, strike line 3 and all that follows through the end.

SA 2518. Mr. WARNER (for himself and Mr. FRIST) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 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; as follows:

At the end of title XII, add the following:

SEC. ___. UNITED STATES POLICY ON IRAQ.

(a) SHORT TITLE.—This section may be cited as the ''United States Policy on Iraq Act''.

(b) SENSE OF SENATE.—It is the sense of the Senate that, in order to succeed in Iraq—

(1) members of the United States Armed Forces who are serving or have served in Iraq and their families deserve the utmost respect and the heartfelt gratitude of the American people for their unwavering devotion to duty, service to the Nation, and selfless sacrifice under the most difficult circumstances;

(2) it is important to recognize that the Iraqi people have made enormous sacrifices and that the overwhelming majority of Iraqis want to live in peace and security;

(3) calendar year 2006 should be a period of significant transition to full Iraqi sovereignty, with Iraqi security forces taking the lead for the security of a free and sovereign Iraq, thereby creating the conditions for the phased redeployment of United States forces from Iraq;

(4) United States military forces should not stay in Iraq any longer than required and the people of Iraq should be so advised;

(5) the Administration should tell the leaders of all groups and political parties in Iraq that they need to make the compromises necessary to achieve the broad-based and sustainable political settlement that is essential for defeating the insurgency in Iraq, within the schedule they set for themselves; and

(6) the Administration needs to explain to Congress and the American people its strategy for the successful completion of the mission in Iraq.

(c) REPORTS TO CONGRESS ON UNITED STATES POLICY AND MILITARY OPERATIONS IN IRAQ.—Not later than 90 days after the date of the enactment of this Act, and every three months thereafter until all United States combat brigades have redeployed from Iraq, the President shall submit to Congress an unclassified report on United States policy and military operations in Iraq. Each report shall include, to the extent practicable, the following unclassified information:

(1) The current military mission and the diplomatic, political, economic, and military measures, if any, that are being or have been undertaken to successfully complete or support that mission, including:

(A) Efforts to convince Iraq's main communities to make the compromises necessary for a broad-based and sustainable political settlement.

(B) Engaging the international community and the region in the effort to stabilize Iraq and to forge a broad-based and sustainable political settlement.

(C) Strengthening the capacity of Iraq's government ministries.

(D) Accelerating the delivery of basic services.

(E) Securing the delivery of pledged economic assistance from the international community and additional pledges of assistance.

(F) Training Iraqi security forces and transferring security responsibilities to those forces and the government of Iraq.

(2) Whether the Iraqis have made the compromises necessary to achieve the broad-based and sustainable political settlement that is essential for defeating the insurgency in Iraq.

(3) Any specific conditions included in the April 2005 Multi-National Forces-Iraq campaign action plan (referred to in United States Government Accountability Office October 2005 report on Rebuilding Iraq: DOD Reports Should Link Economic, Governance, and Security Indicators to Conditions for Stabilizing Iraq), and any subsequent updates to that campaign plan, that must be met in order to provide for the transition of security responsibility to Iraqi security forces.

(4) To the extent that these conditions are not covered under paragraph (3), the following should also be addressed:

(A) The number of battalions of the Iraqi Armed Forces that must be able to operate independently or to take the lead in counter-insurgency operations and the defense of Iraq's territory.

(B) The number of Iraqi special police units that must be able to operate independently or to take the lead in maintaining law and order and fighting the insurgency.

(C) The number of regular police that must be trained and equipped to maintain law and order.

(D) The ability of Iraq's Federal ministries and provincial and local governments to independently sustain, direct, and coordinate Iraq's security forces.

(5) The criteria to be used to evaluate progress toward meeting such conditions.

(6) A schedule for meeting such conditions, an assessment of the extent to which such conditions have been met, information regarding variables that could alter that schedule, and the reasons for any subsequent changes to that schedule.

SA 2519. Mr. LEVIN (for himself, Mr. BIDEN, Mr. REID, Mr. DODD, Mr. KERRY, Mr. FEINGOLD, Mr. DURBIN, Mr. REED, Mr. KENNEDY, Mrs. FEINSTEIN, Mr. OBAMA, and Mrs. BOXER) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 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; as follows:

At the end of title XII, add the following:

SEC. ___. UNITED STATES POLICY ON IRAQ.

(a) SHORT TITLE.—This section may be cited as the ''United States Policy on Iraq Act''.

(b) SENSE OF SENATE.—It is the sense of the Senate that, in order to succeed in Iraq—

(1) members of the United States Armed Forces who are serving or have served in Iraq and their families deserve the utmost respect and the heartfelt gratitude of the American people for their unwavering devotion to duty, service to the Nation, and selfless sacrifice under the most difficult circumstances;

(2) it is important to recognize that the Iraqi people have made enormous sacrifices and that the overwhelming majority of Iraqis want to live in peace and security;

(3) calendar year 2006 should be a period of significant transition to full Iraqi sovereignty, with Iraqi security forces taking the lead for the security of a free and sovereign Iraq, thereby creating the conditions for the phased redeployment of United States forces from Iraq;

(4) United States military forces should not stay in Iraq indefinitely and the people of Iraq should be so advised;

(5) the Administration should tell the leaders of all groups and political parties in Iraq that they need to make the compromises necessary to achieve the broad-based and sustainable political settlement that is essential for defeating the insurgency in Iraq, within the schedule they set for themselves; and

(6) the Administration needs to explain to Congress and the American people its strategy for the successful completion of the mission in Iraq.

(c) REPORTS TO CONGRESS ON UNITED STATES POLICY AND MILITARY OPERATIONS IN IRAQ.—Not later than 30 days after the date of the enactment of this Act, and every three months thereafter until all United States combat brigades have redeployed from Iraq, the President shall submit to Congress an unclassified report on United States policy and military operations in Iraq. Each report shall include the following:

(1) The current military mission and the diplomatic, political, economic, and military measures, if any, that are being or have been undertaken to successfully complete or support that mission, including:

(A) Efforts to convince Iraq's main communities to make the compromises necessary for a broad-based and sustainable political settlement.

(B) Engaging the international community and the region in the effort to stabilize Iraq and to forge a broad-based and sustainable political settlement.

(C) Strengthening the capacity of Iraq's government ministries.

(D) Accelerating the delivery of basic services.

(E) Securing the delivery of pledged economic assistance from the international community and additional pledges of assistance.

(F) Training Iraqi security forces and transferring security responsibilities to those forces and the government of Iraq.

(2) Whether the Iraqis have made the compromises necessary to achieve the broad-based and sustainable political settlement that is essential for defeating the insurgency in Iraq.

(3) Any specific conditions included in the April 2005 Multi-National Forces-Iraq campaign action plan (referred to in United States Government Accountability Office October 2005 report on Rebuilding Iraq: DOD Reports Should Link Economic, Governance, and Security Indicators to Conditions for Stabilizing Iraq), and any subsequent updates to that campaign plan, that must be met in order to provide for the transition of security responsibility to Iraqi security forces.

(4) To the extent that these conditions are not covered under paragraph (3), the following should also be addressed:

(A) The number of battalions of the Iraqi Armed Forces that must be able to operate independently or to take the lead in counter-insurgency operations and the defense of Iraq's territory.

(B) The number of Iraqi special police units that must be able to operate independently or to take the lead in maintaining law and order and fighting the insurgency.

(C) The number of regular police that must be trained and equipped to maintain law and order.

(D) The ability of Iraq's Federal ministries and provincial and local governments to independently sustain, direct, and coordinate Iraq's security forces.

(5) The criteria to be used to evaluate progress toward meeting such conditions.

(6) A schedule for meeting such conditions, an assessment of the extent to which such conditions have been met, information regarding variables that could alter that schedule, and the reasons for any subsequent changes to that schedule.

(7) A campaign plan with estimated dates for the phased redeployment of the United States Armed Forces from Iraq as each condition is met, with the understanding that unexpected contingencies may arise.

SA 2520. Mr. FRIST (for Mr. INOUYE) proposed an amendment to the resolution S. Res. 9, expressing the sense of the Senate regarding designation of the month of November as ''National Military Family Month''; as follows:

On page 2, line 2, strike ''; and'' and all that follows to the end.

SA 2521. Mr. FRIST (for Mr. LEAHY) proposed an amendment to the bill S. 1558, An act to amend the Ethics in Government Act of 1978 to protect family members of filers from disclosing sensitive information in a public filing and to extend for 4 years the authority to redact financial disclosure statements of judicial employees and judicial officers; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. PROTECTION OF FAMILY MEMBERS.

Section 105(b)(3) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended—

(1) in subparagraph (A), by inserting ''or a family member of that individual'' after ''that individual''; and

(2) in subparagraph (B)(i), by inserting ''or a family member of that individual'' after ''the report''.

SEC. 2. EXTENSION OF PUBLIC FILING REQUIREMENT.

Section 105(b)(3)(E) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended by striking ''2005'' each place it appears and inserting ''2009''.

SA 2522. Mr. FRIST (for Mr. LEAHY) proposed an amendment to the bill S. 1558, An act to amend the Ethics in Government Act of 1978 to protect family members of filers from disclosing sensitive information in a public filing and to extend for 4 years the authority to redact financial disclosure statements of judicial employees and judicial officers; as follows:

At the appropriate place, insert the following:

Amend the title so as to read: ''To amend the Ethics in Government Act of 1978 to protect family members of filers from disclosing sensitive information in a public filing and to extend for 4 years the authority to redact financial disclosure statements of judicial employees and judicial officers.''.

AUTHORITIES FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition and Forestry be authorized to conduct a hearing during the session of the Senate on Thursday, November 10, 2005 at 9 a.m. in 328A, Senate Russell Office Building. The purpose of this committee hearing will be to consider the nominations for Chief Financial Officer and Administrator of the Rural Utilities Service at the United States Department of Agriculture.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on November 10, 2005, at 9:30 a.m., to conduct a hearing on ''The Development of New Basel Capital Accords.''

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, November 10 at 10:30 a.m. The purpose of this meeting is to consider the nominations of Jeffrey D. Jarrett to be Assistant Secretary for Fossil Energy, DOE; and Edward F. Sproat, III to be Director, Office of Civilian Radioactive Waste Management, DOE.

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

COMMITTEE ON FINANCE

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet in open Executive Session during the session on Thursday, November 10, 2005, at 10 a.m., to consider an original bill that will include the Committee's budget reconciliation instructions pertaining to expiring tax provisions and also additional incentives for hurricane affected areas.

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

COMMITTEE ON THE JUDICIARY

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, November 10, 2005 at 9:30 a.m. in Senate Dirksen Office Building Room 226.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Thursday, November 10, 2005, for a committee hearing to examine the rebuilding of VA assets on the Gulf Coast. The hearing will take place in room 138 of the Dirksen Senate Office Building at 2 p.m.

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

SUBCOMMITTEE ON AVIATION

Mr. WARNER. Mr. President, I ask unanimous consent that the Subcommittee on Aviation be authorized to meet on Thursday, November 10, 2005, at 9:30 a.m., on the Wright Amendment.

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

SUBCOMMITTEE ON THE CONSTITUTION, CIVIL RIGHTS, AND PROPERTY RIGHTS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on the Constitution, Civil Rights and Property Rights be authorized to meet to conduct a hearing on ''Why the Government Should Care about Pornography: The State Interest in Protecting Children and Families'' on Thursday, November 10, 2005 at 2 p.m. in SD226.

Witness List

Panel I: Pamela Paul, author of Pornified, New York, NY; Dean Rodney Smolla, Dean, University of Richmond School of Law, Richmond, VA; Jill Manning, Social Science Fellow, Heritage Foundation, Washington, DC, Sociologist, Brigham Young University, Provo, UT; Leslie Harris, Senior Consultant and Incoming Executive Director, Center for Democracy and Technology, Washington, DC; and Richard Whidden, Executive Director and Senior Counsel, National Law Center for Children and Families, Fairfax, VA.

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

SUBCOMMITTEE ON CLEAN AIR, CLIMATE CHANGE, AND NUCLEAR SAFETY

Mr. WARNER. Mr. President, I ask unanimous consent that the Subcommittee on Clean Air, Climate Change, and Nuclear Safety be authorized to hold a hearing on November 10 at 9:30 a.m. regarding the implementation of the existing particulate matter and ozone air quality standards.

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

SUBCOMMITTEE ON DISASTER PREVENTION AND PREDICTION

Mr. WARNER. Mr. President, I ask unanimous consent that the Subcommittee on Science and Space and Subcommittee on Disaster Prevention and Prediction be authorized to meet on Thursday, November 10, 2005, at 2:30 p.m., on S. 517-Weather Modification.

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

PRIVILEGES OF THE FLOOR

Mr. SESSIONS. Madam President, I ask unanimous consent that CDR Richard Paquette, a Navy legislative fellow with my office, be granted the privileges of the floor for the remainder of the debate on S. 1042, the fiscal year 2006 National Defense Authorization Act.

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

Mr. LEAHY. Mr. President, I ask unanimous consent that Bill Sexton of my staff be granted privilege of the floor for the duration of the consideration of this bill.

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

Mr. MCCONNELL. Mr. President, I ask unanimous consent that Harry Christy and Bob Lester of the State Foreign Operations and Related Programs Subcommittee be given floor privileges during consideration of the fiscal year 2006 Foreign Operations bill.

UNANIMOUS CONSENT AGREEMENT—H.R. 2419

Mr. FRIST. I ask unanimous consent that at 4:30 p.m. Monday, November 14,

the Senate proceed to the conference report to accompany H.R. 2419, the Energy and Water appropriations bill, with 1 hour of debate allocated as follows: 30 minutes equally divided between the bill managers, 15 minutes under the control of Senator MCCAIN, and 15 minutes under the control of Senator COBURN.

I further ask consent that following the use or yielding back of time the Senate proceed to a vote on adoption of the conference report, with no intervening action or debate.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FRIST. I ask unanimous consent the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Calendar Nos. 399, 435, and 438; provided further that the Committee on Finance be discharged from further consideration of the nomination of Susan Schwab, PN 1032, and the Senate proceed to its consideration; provided further that the Committee on Agriculture be discharged from further consideration of the following nominations: James Andrew, PN 802; Charles Christopherson, PN 839.

I further ask unanimous consent the nominations be confirmed en bloc, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF STATE

Anne W. Patterson, of Virginia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be an Assistant Secretary of State (International Narcotics and Law Enforcement Affairs.

DEPARTMENT OF JUSTICE

Sue Ellen Wooldridge, of Virginia, to be an Assistant Attorney General.

DEPARTMENT OF VETERANS AFFAIRS

George J. Opfer, of Virginia, to be Inspector General, Department of Veterans Affairs.

EXECUTIVE OFFICE OF THE PRESIDENT

Susan C. Schwab, of Maryland, to be a Deputy United States Trade Representative, with the rank of Ambassador.

James M. Andrew, of Georgia, to be Administrator, Rural Utilities Service, Department of Agriculture.

Charles R. Christopherson, Jr., of Texas, to be Chief Financial Officer, Department of Agriculture.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

REMOVAL OF INJUNCTION OF SECRECY PROTOCOL AMENDING THE CONVENTION WITH SWEDEN ON TAXES ON INCOME

Mr. FRIST. As in executive session, I ask unanimous consent the injunction of secrecy be removed from the following treaty transmitted to the Senate on November 10, 2005, by the President of the United States: Protocol Amending the Convention with Sweden on Taxes on Income (Treaty Document 109–8).

I further ask that the treaty be considered as having been read a first time; that it be referred with accompanying papers to the Committee on Foreign Relations in order to be printed; and that the President's message be printed in the RECORD.

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

The message of the President is as follows:

To the Senate of the United States:

I transmit herewith for the advice and consent of the Senate to ratification, a Protocol Amending the Convention Between the Government of the United States of America and the Government of Sweden for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income signed at Washington on September 30, 2005 (the ''Protocol''). Also transmitted for the information of the Senate is the report of the Department of State with respect to the Protocol.

The Protocol eliminates the withholding tax on certain cross-border dividend payments. The proposed Protocol is one of a few recent U.S. tax agreements to provide for the elimination of the withholding tax on dividends arising from certain direct investments. In addition, the Protocol also modernizes the Convention to bring it into closer conformity with current U.S. tax-treaty policy, including strengthening the treaty's provisions preventing so-called treaty shopping.

I recommend that the Senate give early and favorable consideration to this Protocol and that the Senate give its advice and consent to ratification.

GEORGE W. BUSH.

THE WHITE HOUSE, *November 10, 2005.*

EXPRESSING THE SENSE OF THE SENATE REGARDING VETERANS DAY 2005

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 305, which was submitted earlier today.

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

The legislative clerk read as follows:

A resolution (S. Res. 305) expressing the sense of the Senate regarding Veterans Day 2005.

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

VETERANS DAY

Mr. BYRD. Mr. President, this Friday, November 11, is celebrated in this country as Veterans Day. It is always held on the 11th of November in memory of the end of World War I. In that ''War to End All Wars'' what wishful, optimistic thinking. All guns were laid down on the eleventh hour of the eleventh day of the eleventh month, at 11 o'clock a.m. on November 11, 1918. On that fateful hour, I am sure that many prayers of thanksgiving flew heavenward as Doughboys and their families rejoiced at their survival in spite of the most bitter and horrible fighting the world had yet experienced.

World War I saw the introduction of new and more deadly forms of warfare, as technology and chemistry were brought to bear on the battlefield. Horses were replaced by the first crude tanks and self-propelled guns. Monoplanes and biplanes brought warfare to the skies overhead for the first time.

Chemical weapons, terrible and deadly, clouded the trenches. Diseases stalked the fields as well, from trenchfoot to the deadly Spanish flu that killed combatants and civilians alike. It was a dreadful time, one that would surely erase the desire to battle, if only that desire could be wiped from the human genome.

In 2005, in wake of World War II, the Korean war, the Vietnam conflict, the cold war and repeated conflicts in the Balkans, in Iraq, and in Afghanistan, World War I seems almost quaint. There was no threat of nuclear war bringing vast destruction to our homeland. There was no threat of terrorist attacks against innocent civilians. There was some respect for noncombatants, and there were no kidnappings or concentration camps.

Today's battlefield is amorphous. It touches humanitarian volunteers and journalists. It strikes at soldiers in their weary bivoacs, and it threatens to reach again into our everyday lives and travels. Our battle-stained soldiers get no rest.

This Veterans Day, we are at war on three fronts. First, let us never forget that we have troops in Afghanistan, still struggling to defeat the remnants of those who attacked us on September 11, 2001. They do not receive as much press coverage as the conflict in Iraq, but their fight is taking place in the heartland of the Taliban, the refuge of last resort for the mastermind of the 9/11 attack, Osama bin Laden. Our prayers go out to those brave men and women who labor in the deserts and the high, cold mountains of that embattled land. Your efforts and your sacrifices are not forgotten.

Second, we also have troops in Iraq, in a battle of our choosing. It is a battle that is consuming a high and bloody price on each difficult day. Our anxious prayers are with those men and women too, who must face each day not knowing what is around each comer or along each dangerous roadway. They may be sure, beyond a shadow of a doubt, that whatever we do

here to question or investigate the circumstances that led to their deployment to Iraq, they have our unwavering respect and support in addition to our prayers. Those of their comrades who have paid a dear price and who lie wounded in hospitals have our thanks and sincere wishes for a speedy recovery. To the families who have lost a loved one in battle in service to our Nation, we owe a great debt.

They have no Veterans Day prayer of thanksgiving, only the honored memory of their loved one.

Our third war is taking place at home, as the Nation struggles to put in place protections to deter, prevent, or respond to a terror attack within our borders. The military, the Department of Homeland Security, and State and local first responders all must define and organize themselves to meet these new threats. We are all familiar with the early responses, from machine-gun wielding National Guardsmen patrolling our airports to fighter jets circling overhead on combat air patrol. We now dutifully take our shoes off for inspection before boarding a plane, and we park farther from public buildings. We are reviewing what role the military should play in responding to terror attacks or natural disasters. We are debating what legal protections and due process are due to those who are accused of involvement in suspected terror plots. We are weighing what loss of privacy with regard to our electronic transactions, even our library book withdrawals and Web searches, is commensurate with the threat to our safety. These new threats have made significant changes in our way of life, to be sure. Thankfully, we have not been tested again so far.

The changes in our daily routines are minute, however, in comparison to the challenges facing our men and women in uniform. Their foes wear no uniforms, no recognizable insignia. They travel in crowds, in taxis and buses, in private cars and cement trucks loaded with explosives. They target diplomats, journalists, and those laboring to improve local living conditions as well as those in uniform. They target their own countrymen serving to keep the peace on their neighborhood streets. They come from other nations, driven by a fanaticism most of us cannot fathom, let alone comprehend. Our men and women in uniform are fighting the hardest kind of war against a chameleon foe hidden in plain sight among the passing crowd. They have made repeated trips to the battlefield as our overstretched forces must deply and redeploy. My heart goes out to them and my prayers are with them.

American men and women in the military services customarily state that they are proud to serve, proud to answer the Nation's call. Know that this Senator, too is proud—proud and thankful for the bravery and skill of our Nation's soldiers, sailors, and airmen. And I am proud of the families who support our troops with their love, their care packages, their prayers, and their loving welcomes home.

On Veterans Day, the Nation pays its respects to the men and women who have served and are now serving our Nation in uniform, and who have faced or are facing our foes in battle. Give them your thanks, and give them their due. They are true patriots. They have faced great dangers for each and every one of us.

Mr. President, I close with a poem by Edgar Guest:

The things that make a soldier great and send him out to die,
To face the flaming cannon's mouth nor ever question why,
Are lilacs by a little porch, the row of tulips red,
The peonies and pansies, too, the old petunia bed,
The grass plot where his children play, the roses on the wall:
'Tis these that make a soldier great.
He's fighting for them all.

'Tis not the pomp and pride of kings that make a soldier brave;
'Tis not allegiance to the flag that over him may wave;
For soldiers never fight so well on land or on the foam;
As when behind the cause they see the little place called home.
Endanger but that humble street whereon his children run, You make a soldier of the man who never bore a gun.

What is it through the battle smoke the valiant soldier sees?
The little garden far away, the budding apple trees,
The little patch of ground back there, the children at their play,
Perhaps a tiny mound behind the simple church of gray.
The golden thread of courage isn't linked to castle dome;
But to the spot, where'er it be—the humblest spot called home.

And now the lilacs bud again and all is lovely there,
And homesick soldiers far away know spring is in the air;
The tulips come to bloom again, the grass once more is green,
And every man can see the spot where all his joys have been.
He sees his children smile at him, he hears the bugle call,
And only death can stop him now—he's fighting for them all.

Ms. LANDRIEU. Mr. President, we observe Veterans Day on an anniversary of a day when war ended and our Nation was again at peace. November 11, 1918, Armistice Day, has been a day we use to remember our debt to all who have worn the uniform of the United States.

Our veterans have borne the costs of America's wars and have sacrificed so that not only our Nation but also our world can be free from terror. Today, every veteran can be certain, the Nation you serve and the people you defend are grateful.

Today more than 25 million Americans are either veterans or retired military. This number includes men and women from World War I, World War II, Korea, Vietnam, Desert Storm, Afghanistan, and Iraq. Every Veteran has their own story of how they entered military service. Many enlisted on December 8, 1941, or at the beginning of other conflicts. Some began their military careers at a service academy or with a letter from the U.S. government. Yet when their service is complete, veterans of every era, every background, every branch, have certain shared commitments and experiences that form bonds that will last a lifetime.

America's war veterans have fought for the security of this Nation and for the safety and peace of the world. They have humbled tyrants and defended the innocent and oppressed. The men and women of our Armed Forces have engaged the enemy on many fronts and confronted grave dangers to defend the safety of the American people. They serve and fight today, and their great achievements are added to American history. Americans are forever grateful for their honor, their courage, and their sacrifice.

Today and every day, the prayers of the American people are with those who wear our country's uniform. They follow a great tradition handed down to them by America's veterans. Our veterans from every era are the finest of citizens. We owe them the life we know today. They command the respect of the people, and they have our lasting gratitude.

Mr. FEINGOLD. Mr. President, tomorrow the Nation will pause to honor those brave Americans who have so selflessly served our country in the Armed Forces. For more than 200 years, men and women have proudly worn the uniform of the United States. In peacetime and in wartime, these selfless individuals have served and sacrificed on our behalf, many of them far away from their homes and from their families. Too may of them have made the ultimate sacrifice, and too many others bear the permanent scars of war, both seen and unseen. We owe them—and their families—our deepest, heartfelt gratitude.

As we prepare to mark Veterans Day in the United States with appropriate ceremonies and recognitions such as those that will take place in big cities and small towns across my home State of Wisconsin, men and women from my State and across our country will be continuing to serve with honor and distinction on our behalf in Iraq, Afghanistan, and elsewhere. Their dedication to this great country—and that of those who served before them—should inspire us all.

These quiet heroes can be found in all of our communities—in our families, within our circles of friends and acquaintances, in our schools, at our places of worship, at the local barber shop or salon, and at various neighborhood gathering places. Many of our veterans, while intensely patriotic and proud of their service—to our country, decline to talk in detail about their own acts of courage. Such humility is a testament to the selfless nature of these individuals. It is also a reminder

of the sometimes painful burden that too many of our veterans carry as a result of their service—a burden that may include memories of wartime experiences that are too personal to share even with the closest of family members and friends.

These men and women show their pride in and dedication to their country in ways large and small, but do not call attention to their own heroism. Many of them continue to serve their fellow Americans and their fellow veterans though active membership in veterans service organization and other community groups. Others talk to school and youth groups about the importance of service, and many work tirelessly to keep alive the memories of those who did not return home.

Thousands of veterans around the country will gather proudly tomorrow for events marking Veterans Day. November 11 is a date with special significance in our history. On that day in 1918—at the eleventh hour of the eleventh day of the eleventh month—World War I ended. In 1926, a joint resolution of Congress called on the President to issue a proclamation to encourage all Americans to mark this day by displaying the United States flag and by observing it with appropriate ceremonies.

In 1938, Armistice Day was designated as a legal holiday ''to be dedicated to the cause of world peace'' by an act of Congress. This annual recognition of the contributions and sacrifices of our Nation's World War I veterans was renamed Veterans Day in 1954 so that we might also recognize the service and sacrifice of those who had fought in World War II and the veterans of all of America's other wars.

We owe these brave men and women our gratitude, and we also owe them our best efforts to ensure they know about and receive the Federal benefits and services that they have earned through their service to our country. I have long been concerned that too many veterans and military personnel are unaware of benefits and programs that are available to them through the Departments of Veterans Affairs and Defense and a number of other Federal agencies. I will continue my work to ensure that all veterans know about the benefits for which they may be eligible. I will also continue to support efforts to fully fund VA health care programs so that all veterans who wish to take advantage of their health care benefits are able to do so. No veteran should have to wait months to see a doctor or should be told that he or she is barred from enrolling in the VA health care system because of a lack of funding.

In addition, I am committed to ensuring that our current military personnel receive adequate health care and transition services, including mental health services, as they return from deployments abroad and when they return to civilian life. I am pleased that earlier this week the Senate passed an amendment that I offered to the fiscal year 2006 Defense authorization bill which is based on legislation I introduced in June, the Veterans Enhanced Transition Services Act, VETS Act. This amendment represents another step toward enhancing and strengthening transition services that are provided to our military personnel by making a number of improvements to the existing transition and post-deployment/pre-discharge health assessment programs.

My amendment will ensure that members of the National Guard and Reserve who have been on active duty continuously for at least 180 days are able to participate in transition programs and requires that additional information be included in these transition programs, such as details about employment and reemployment rights and a description of the health care and other benefits to which personnel may be entitled through the VA. The amendment also requires that demobilizing military personnel have access to follow-up care for physical or psychological conditions incurred as a result of their service. In addition, the amendment requires that assistance be provided to eligible military personnel to enroll in the VA health care system.

Mr. President, as we reflect upon the solemn meaning of this day, let us keep all of our veterans and their families in our thoughts. These men and women are examples of the best that our country has to offer, and they deserve our support—both during times of conflict and after the battles have ended and these valiant men and women have come home to their families and their communities. As we reflect upon the service of these courageous individuals on this Veterans Day, we should also redouble our commitment to continue to honor and support America's brave veterans, military personnel, and their families on this day and throughout the year.

Mrs. FEINSTEIN. Mr. President, I rise today to pay tribute to the veterans of our armed services. As combat operations continue in Iraq and Afghanistan, Veterans Day provides an important opportunity to honor those men and women who have made such great sacrifices for our Nation, both young and old.

Veterans Day is a time to reflect upon and celebrate the extraordinary contributions of all those who have served our country in uniform.

Veterans Day originated on November 11, 1918, as Armistice Day, commemorating the end of World War I. Although Veterans Day originally marked the end of a conflict, it now is an important reminder that our responsibility to veterans extends far beyond the close of hostilities.

First, I believe it is important that we pause and pay tribute to the approximately 160,000 troops still fighting in the regions of Iraq and Afghanistan.

Sadly, more than 2,000 soldiers have paid the ultimate sacrifice. Numerous others have experienced serious injury and harm.

With thousands and thousands of veterans coming home from this war, we must prepare for their return and ensure that they receive the care and benefits they deserve.

Today, there are 24.5 million living veterans in the United States. And I am proud that California is home to the most veterans in the country—over 2.3 million.

As California's senior Senator, I am honored to serve as the ranking member of the Military Construction and Veteran Affairs Appropriations Subcommittee.

In July of this year, the Senate approved a spending package that provides over $70.7 billion for the Department of Veterans Affairs, over $1 billion more than the administration's request.

The appropriated funds contain $23.3 billion for medical services, including nearly $2 billion in emergency funding to address the fiscal year 2006 shortfall.

The Senate and House are currently in conference to reconcile differences between the two Chambers' respective bills. It is my hope that we will finish conference on a final version of the Military Construction and Veterans Affairs Appropriations bill and send it to the President for his signature over the next several days.

In addition to medical services and research, the Senate bill also allocates $104 million for extended care facilities for our veterans. With 9.5 million Veterans over the age of 65, the need for properly funded long-term care is more important than ever.

To date, a quarter of a million veterans of Operation Enduring Freedom and Operation Iraqi Freedom have been discharged from Active Duty.

Of these, 49,000 have sought care from the Veterans Administration. As a nation we must fully meet our responsibilities to the veterans of this country.

Advances in medicine have thankfully spared many veterans of Iraq and Afghanistan from death, but roadside explosives and other weapons have left many of our troops maimed and disabled. To better serve wounded veterans, the Senate recently allocated $412 million for medical and prosthetics research.

There should not be any doubt that these brave men and women have given their all to protect freedom and our way of life.

It is estimated that 500,000 veterans spent all or part of this past year homeless. But tragically, the VA only has the capabilities to assist one-fifth of all homeless veterans.

We must continue to push for the development of an effective and expansive therapeutic housing program to help these thousands of veterans.

The new funding will bring us closer to guaranteeing the health, safety, and comfort of all veterans. The San Diego VA Medical Center alone will be able

to provide care for 2,000 additional patients.

It is also our responsibility to ensure that prescription drugs are affordable. We must also ensure that health care is accessible and that veterans' hospitals are provided with the proper tools and support they need.

This is why I have consistently voted for increased funding for VA health care. Just this year I supported an amendment to the Defense Appropriations Act, which extends military health care benefits beyond retirement.

Noble sacrifices of past generations deserve to be remembered and cherished. Congress has consistently supported the construction of new cemeteries where the memories of our esteemed veterans can be honored and their legacies celebrated.

As a nation I believe we should also resist attempts to sell out land and facilities earmarked for veterans to commercial interests.

In west Los Angeles, pressure is increasing on the VA to develop some of the last open space left in the Los Angeles Basin. Land donated to honor the service of veterans should be kept in the hands of veterans. We cannot allow our responsibility to former servicemembers to be subordinated to economic interests.

To truly honor veterans, our country needs to preserve the memory of their courage. I worked with my colleagues from Iowa and California to make the battleship USS *Iowa* a permanent floating museum. The legendary ship's service in World War II and the Korean war will serve as a proper tribute to the veterans who served aboard this great fighting ship.

I look forward to continuing to work in service of our Nation's veterans. I hope you all will think of these courageous patriots beyond this special day and honor our veterans and the sacrifices they made in order for us to remain a free, self-governing people. To our veterans, I extend a heartfelt thank you for your service to our country. May God bless each of you and your families.

Mr. SMITH. Mr. President, I rise today to honor our Nation's veterans. Nowhere is dedication to duty and love of country more evident than among those who have voluntarily chosen to serve our country. Today, America honors the sons and daughters who have helped preserve our freedom and left a lasting legacy of selfless service.

Since 1954, we have designated November 11 as Veterans Day to remember the brave men and women who have served in our Armed Forces and defended our Nation. We also give our heartfelt gratitude to today's active service members and members of the National Guard and Reserve who are serving our country as we help to maintain peace and support democracy throughout the world.

I am especially proud to recognize Oregon's soldiers serving in our Armed Forces, as they represent our State with honor and distinction across the country and throughout the world. Whether protecting Iraqi citizens in their historic effort to form a free and democratic state or helping evacuate victims of Hurricane Katrina in the gulf coast region, their continued commitment to our Nation inspires us all.

Throughout our proud history, the United States has courageously met the challenges posed by enemies of freedom. In the last 100 years, we have lost some 700,000 men and women in defense of our country. As we recall their noble sacrifices, it is also important to honor the relatives and loved ones who help shoulder the burden of service.

America now faces new challenges from enemies that did not exist when our Nation's veterans fought in previous wars. Those who fought tyranny and paid the ultimate price did so for an honorable and enduring cause. Generations of free and democratic people around the world join us in thanking the brave Americans who helped them achieve and protect their liberty.

Today, we honor the legacy of the fallen and the courage of our veterans and salute the values that have made the United States the greatest Nation in the world. I have the highest respect for those who serve, and I appreciate and honor all of the men and women who continue to defend freedom at home and abroad. These American heroes and their families are at the forefront of our thoughts and prayers on this special day.

Mr. SALAZAR. Mr. President, this weekend we will all return home to our States and march in parades and participate in memorial events. Personally, I am always humbled to meet with men and women who heard duty calling and answered without hesitation. When duty called for brave Americans to stand against the spread of tyranny and oppression—whatever its many forms—they answered. They were willing to go anywhere—from the shores of Normandy to the islands of the Pacific to the jungles of Southeast Asia, to Afghanistan and the Persian Gulf—they put their lives on the line for our safety and freedom. And in exchange for that, our Nation owes them sincere gratitude and a promise of support when they return.

During World War II, my father was a soldier and my mother worked in the War Department. During that time, my uncle Leandro was killed in Europe. My parents knew firsthand about the ultimate sacrifice to protect America. They taught me the fundamental values I hold dear—love of family, community, country and God.

My dad taught me something else. Four years ago, my father died at the age of 85. Even though his mind was wracked with Alzheimer's, my father's last wish was to be buried in his World War II uniform. My dad knew that there is no greater honor, in life or in death, than to love our country.

When I got to the Senate, I asked to serve on the Committee on Veterans' Affairs. I wanted to fight for heroes like my father, uncle, brothers, and nephews. In fact, my brother John, himself a veteran and Congressman from Colorado's third district, will speak at Veterans Day events across his district tomorrow. Like millions of other veterans, whose actions matched their ideals, it is time the Nation acted to keep the promises it made to veterans.

Veterans Day is an opportunity for all of us to come together to hold parades and give speeches. Veterans all will hear from a number of politicians tomorrow.

It reminds me of something a young Ben Franklin wrote to his mother and father in 1738:

> the scripture assures me that at the last day we shall not be examined by what we thought, but by what we did . . . that we did good to our fellow creatures.

John Kennedy put it another way:

> As we express our gratitude, we must never forget that the highest appreciation is not to utter words, but to live by them.

Veterans Day is an important day, and veterans deserve every single word of praise that politicians utter. But our veterans deserve more than good speeches. They need the Government to keep the promises it made to them. We need to keep our promises to our soldiers at all stages of their lives, from when they first serve, to when they return home, to when they pass away.

Our military faces very different and daunting challenges as we begin the 21st century. We are fighting an enemy with a singular obsession—nothing less than the destruction of our way of life. We must provide our military with the resources to fight the war on terror and keep us safe. And just as we must protect our soldiers in battle, we must serve them when they return home.

Many of our veterans have seen and experienced things that will torment them for all of their days. Many return to us damaged physically and emotionally. Many will rise from the worst of it and work to help others to do the same.

Colorado has 433,000 veterans who have fought for our freedom, and our state has more than 13,000 soldiers deployed in Iraq and Afghanistan. We need to show these heroes that we will support them when they come home.

Earlier this year, I was alarmed when I learned the VA had a $1.3 billion budget shortfall and was delaying construction and rearranging funds to hide the gap. I was proud to work with my colleagues on the Veterans' Affairs Committee to pass $3.5 billion in additional funds to cover the shortfall this year and next.

This is an important first step, but we need to make sure that veterans never have to worry about losing their health care again. First, we need to make sure that the VA's budget process works. I have worked with my colleagues to successfully launch a Government Accountability Office investigation into what went wrong at the

VA. I also authored legislation that passed the Senate to make sure that we are not surprised by this kind of news in the future.

Second, we need to ensure that the VA's budget is not dependent on the political whims inside Washington. I believe we need to make VA funding mandatory so that VA never has to ration care and veterans never have to worry about losing their coverage.

Colorado's veterans deserve a new state-of-the-art veterans hospital at Fitzsimons. When negotiations between the VA, the Fitzsimons Redevelopment Authority, and the University of Colorado broke down, I was proud to step in and help restart negotiations. This remains one of my top priorities in the Senate, and I am optimistic about the hospital's prospects. Colorado's veterans will get a new VA medical center at Fitzsimons.

But veterans in the metro area are not the only ones who need better care. In many rural parts of Colorado, veterans are being forced to drive hundreds of miles to get basic health care at overutilized facilities. This distance can lead to delayed care. And in the case of our aging veterans, the trip can be damaging to their health. That is just unacceptable.

Across Colorado, many brave and dedicated State officials and veterans groups are providing transportation services to rural veterans. Such volunteer programs currently exist in Alamosa, Denver, La Plata, Moffat, Prowers, and Weld counties. These are successful, but financial uncertainties put them in jeopardy.

I am proud to have introduced the VetsRide Act to help programs like these survive. The bill provides small grants to groups that provide transportation or otherwise assist veterans in rural areas. This bill has earned the support of 17 Senate cosponsors including 8 Republicans. I hope to get this legislation approved so that we can continue these transportation programs that are a lifeline to our rural veterans.

In August, I hosted a field hearing on rural veterans issues in Grand Junction. Based on that hearing, I introduced legislation to require the VA to reevaluate outdated policies that disadvantage rural areas in the placement of new VA clinics. In September the Senate passed that legislation, which hopefully will help clear the way for the veterans of northwestern Colorado to get a clinic that they deserve.

In addition, I have introduced critical legislation to improve care for veterans living in rural areas, blinded veterans, and our elderly veterans. These are three areas where the VA is not doing enough, and a relatively small investment can make a major difference in our heroes' quality of life.

As we celebrate this Veterans Day, I am reminded of a sad fact. By 2015, the veteran population in Colorado is expected to fall by 49,500. Most of those will be World War II and Korean War veterans who will take their rightful places of honor next to the heroes buried in the four veterans cemeteries spread across Colorado.

I believe we need to honor the men and women who sacrificed so much for our freedom by giving them a burial option close to their homes. Yet one of the Nation's largest veterans communities, Colorado Springs, does not have a veterans cemetery. There are more than 105,000 veterans in the Pikes Peak Region. Despite this, the nearest veterans cemetery is at Fort Logan, a 70-mile trip from Springs through heavy Denver traffic. I have cosponsored legislation that would fix this inequity and hope it will be passed by the Congress.

I have also cosponsored legislation this week to close a terrible loophole in the law that allows capital offenders to be buried at national cemeteries. Our veterans deserve the dignity of not being buried next to murderers and monsters.

Since the American Revolution, nearly 1.2 million American soldiers have died defending this country. Their valor is an example to us. It requires us, the living, to ensure that the country they fought for continues to be worthy of their sacrifice.

Colorado and the Nation will not forget what our veterans have done and continue to do for us. We owe veterans our gratitude and our lifelong support.

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

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

The resolution (S. Res. 305) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 305

Whereas tens of millions of Americans have served in the Armed Forces of the United States during the past century;

Whereas hundreds of thousands of Americans have given their lives while serving in the Armed Forces of the United States during the past century;

Whereas the contributions and sacrifices of the men and women who have served in the Armed Forces of the United States have been vital in maintaining our freedom and way of life;

Whereas the more than 700,000 brave Americans who have sacrificed their lives while serving in the Armed Forces of the United States have ensured that the Nation, which is founded on the principles of freedom, justice, and democracy, shall endure;

Whereas Armistice Day was first proclaimed by President Woodrow Wilson in 1919 to commemorate the November 11, 1918, armistice between the Allies and the Central Powers that ended the fighting of World War I;

Whereas on June 1, 1954, President Dwight D. Eisenhower signed into law the Act proclaiming November 11 as Veterans Day (Public Law 83–380);

Whereas on October 8, 1954, in anticipation of the first nationwide observance of Veterans Day, President Dwight D. Eisenhower issued a Presidential proclamation regarding Veterans Day, which states, ''[o]n that day let us solemnly remember the sacrifices of all those who fought so valiantly, on the seas, in the air, and on foreign shores, to preserve our heritage of freedom, and let us reconsecrate ourselves to the task of promoting an enduring peace so that their efforts shall not have been in vain'';

Whereas veterans play important roles in communities throughout the United States;

Whereas it is important to preserve the memory of the veterans of the Nation and to teach every generation about the sacrifices that all veterans have made in securing and preserving the freedom that all Americans enjoy today;

Whereas the United States is in a time of conflict that highlights the incommensurable sacrifices the brave men and women of our Armed Forces have made and continue to make for our Nation and its principles of freedom, justice, and democracy;

Whereas as of October 2005, there were 433,398 new veterans from the present conflict who bravely defended America;

Whereas November 11 is a day of solemn reflection on, and commemoration of, the contributions of those who have served and defended the Nation, especially those who gave the ultimate sacrifice to secure the freedoms enjoyed by all citizens; and

Whereas it is proper that the Senate observe the day with appropriate tributes, commemorations, and reflection even when it conducts the Nation's business: Now, therefore, be it

Resolved, That it is the sense of the Senate—

(1) that those that have died in war serving the Nation, and the veterans of the Armed Forces of the United States, living and dead, are to be honored for their contributions and sacrifices to preserve the Nation and the principles of freedom, justice, and democracy that all Americans hold dear;

(2) that Veterans Day 2005 should be commemorated with appropriate tributes to all veterans of the Armed Forces of the United States for their contributions and sacrifices, and most especially to those who made the ultimate sacrifice; and

(3) that all Americans are encouraged to join the Senate in honoring and paying tribute to veterans of the Armed Forces of the United States on Veterans Day and throughout the year.

RECOGNIZING THAT VETERANS DAY IS A DAY TO HONOR ALL VETERANS OF THE ARMY

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 306, submitted earlier today.

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

The legislative clerk read as follows:

A resolution (S. Res. 306) recognizing that Veterans Day is a day to honor all veterans of the Army and to support the Army Freedom Team Salute's mission to recognize the unsung heroes who have served this country.

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

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, and that any statements relating thereto be printed in

the RECORD, without intervening action or debate.

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

The resolution (S. Res. 306) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 306

Whereas Army personnel have for 230 years answered the call to duty by becoming guardians and defenders of America's freedoms;

Whereas millions of Army veterans selflessly served this Nation and their legacy of duty has reigned in their continued support of the mission of the Army;

Whereas the Army appreciates the sacrifices these courageous men and women have made in answering the call to duty by choosing a life of service;

Whereas the 83rd Congress created Veterans Day as a national day of observance to commemorate the heroes who served in the Armed Forces and the Army recognizes the importance of honoring those who have served their country; and

Whereas the Army created the Freedom Team Salute program to provide a way for the United States and the Army to thank its veterans: Now, therefore, be it

Resolved, That the Senate recognizes that November 11, 2005, Veterans Day, is a day to honor all Army veterans and supports the Army Freedom Team Salute's mission to recognize the unsung heroes who have served this country.

RECOGNIZING AND HONORING THE FILIPINO WORLD WAR II VETERANS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 307, which was submitted early today.

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

The legislative clerk read as follows:

A resolution (S. Res. 307) to recognize and honor the Filipino World War II veterans for their defense of democratic ideals and their important contribution to the outcome of World War II.

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

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

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

The resolution (S. Res. 307) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 307

Whereas in 1898, the Philippines Archipelago was acquired by the United States of America, became an organized United States territory in 1902, and, in preparation for her independence, a self-governing commonwealth in 1935;

Whereas the people of the Philippines and of the United States developed strong ties throughout the decades-long democratic transition of the island, compelling the United States to assume the responsibilities of defending the archipelago and protecting the people of the Philippines;

Whereas on July 26, 1941, anticipating the aggression of Japanese invasion forces in the Asia Pacific region, as well as the imminent conflict between the United States and Japan, President Franklin D. Roosevelt issued a military order, calling the organized military forces of the Government of Commonwealth of the Philippines into armed service under the command of United States Army officers led by General Douglas MacArthur;

Whereas on December 7, 1941, the Japanese Government began a devastating 4-year war with the United States with their stealth bombing attacks of Pearl Harbor, Hawaii, and Clark Air Field, Philippines, and led to the loss of tens of thousands of American and Filipino soldiers and countless civilian casualties;

Whereas on February 20, 1946, President Harry Truman stated, ''Philippine Army veterans are nationals of the United States and will continue in that status until July 4, 1946. They fought, as American nationals, under the American flag, and under the direction of our military leaders. They fought with gallantry and courage under most difficult conditions. I consider it a moral obligation of the United States to look after the welfare of the Philippine Army veterans.'';

Whereas on October 17, 1996, President William J. Clinton issued a proclamation on the anniversary of the 1944 return of United States forces under General MacArthur to liberate the Philippines and said, ''I urge all Americans to recall the courage, sacrifice, and loyalty of Filipino Veterans of World War II and honor them for their contribution to our freedom.'';

Whereas on July 26, 2001, President George W. Bush, in his greetings to the Filipino WWII veterans said, ''More than 120,000 Filipinos fought with unwavering loyalty and great gallantry under the command of General Douglas MacArthur. The combined United States-Philippine forces distinguished themselves by their valor and heroism in defense of freedom and democracy. Thousands of Filipino soldiers gave their lives in the battles of Bataan and Corregidor. These soldiers won for the United States the precious time needed to disrupt the enemy's plan for conquest in the Pacific. During the three long years following these battles, the Filipino people valiantly resisted a brutal Japanese occupation with an indomitable spirit and steadfast loyalty to America.''; and

Whereas the contributions of the Filipino people, and the sacrifices of their soldiers in World War II, have not been fully recognized: Now, therefore, be it

Resolved, That the Senate reaffirms, recognizes, and honors the Filipino World War II veterans for their defense of American democracy and their important contribution to the victorious outcome of World War II.

DESIGNATING 2006 AS THE ''YEAR OF STUDY ABROAD''

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 308, submitted early today.

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

The legislative clerk read as follows:

A resolution (S. Res. 308) designating 2006 as the ''Year of Study Abroad.''

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

Mr. DURBIN. Mr. President, I rise today to urge my colleagues to support a Senate resolution designating 2006 as the ''Year of Study Abroad.'' This resolution encourages initiatives to promote and expand study-abroad opportunities. Now more than ever, America needs citizens who can understand and communicate with people all over the world. However, fewer than 1 percent of all U.S. undergraduates participate in study-abroad programs while nearly 600,000 international students from more than 200 countries study in the United States each year. The future of our Nation depends on our ability to prepare the next generation of leaders for an increasingly complex global society.

This resolution seeks to promote study-abroad experiences as valuable opportunities for exposure to global knowledge and cultural understanding. An education that includes study abroad not only opens doors to careers, it opens minds and worlds of possibility. Studying abroad can help students develop foreign language proficiency, improve decisionmaking skills, and increase maturity and self-confidence. Such experience can also help heighten a student's cultural sensitivity. Put simply, an international education prepares U.S. citizens to live, work, and compete in the global economy. Studying abroad is also an effective way to promote the development of a peaceful global community, increase international trade, and create goodwill towards the United States.

Congress recognized the importance of studying abroad in 2004 when it established the Commission on the Abraham Lincoln Study Abroad Fellowship Program. The Commission was tasked with formulating a national program that would dramatically increase the number of American students studying abroad each year. The Commission is scheduled to issue its recommendations on December 1 of this year. This resolution underscores the importance of the Commission's work and builds on the message of International Education Week, November 14 to 18, 2005.

The future challenges that face all nations will require an unprecedented degree of understanding and cooperation among countries and their leaders. The experiences and lifelong friendships that result from studying abroad can help foster mutual understanding between the future leaders of the world. Such relationships and cooperation are vital for a secure and prosperous future, not only for the United States, but for the entire world.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD, without intervening action or debate.

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

The resolution (S. Res. 308) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 308

Whereas ensuring that the citizens of the United States are globally literate is the responsibility of the educational system of the United States;

Whereas educating students internationally is an important way to share the values of the United States, to create goodwill for the United States around the world, to work toward a peaceful global society, and to increase international trade;

Whereas, according to a 2002 American Council on Education poll, 79 percent of people in the United States agree that students should have a study abroad experience sometime during college, but only 1 percent of students from the United States currently study abroad each year;

Whereas study abroad programs help people from the United States to be more informed about the world and to develop the cultural awareness necessary to avoid offending individuals from other countries;

Whereas a National Geographic global literacy survey found that 87 percent of students in the United States between the ages of 18 and 24 cannot locate Iraq on a world map, 83 percent cannot find Afghanistan, 58 percent cannot find Japan, and 11 percent cannot even find the United States;

Whereas studying abroad exposes students from the United States to valuable global knowledge and cultural understanding and forms an integral part of their education;

Whereas Congress recognized through the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) that the security, stability, and economic vitality of the United States in an increasingly complex global age depend largely upon having a globally competent citizenry and the availability of experts specializing in world regions, foreign languages, and international affairs;

Whereas the Coalition for International Education, an ad hoc group of higher education organizations with interests in the international education programs of the Department of Education, and Government Accountability Office reports have found that Federal agencies, educational institutions, and corporations in the United States are suffering from a shortage of professionals with international knowledge and foreign language skills;

Whereas, according to the Coalition for International Education, institutions of higher education in the United States are struggling to graduate enough students with the language skills and cultural competence necessary to meet the current demands of business, government, and educational institutions;

Whereas a survey done by the Institute for the International Education of Students shows that studying abroad influences subsequent educational experiences, decisions to expand or change academic majors, and decisions to attend graduate school;

Whereas substantive research literature demonstrates that some of the core values and skills of higher education are enhanced by participation in study abroad programs;

Whereas study abroad programs not only open doors to foreign language learning, but also empower students to better understand themselves and others through a comparison of cultural values and ways of life;

Whereas study abroad programs for students from the United States can provide specialized training and practical experiences not available at institutions in the United States;

Whereas a blue ribbon task force of NAFSA: Association of International Educators, a global association of individuals dedicated to advancing international education and exchange, found that a national effort to promote study abroad programs is needed to address a serious deficit in global competence in the United States;

Whereas the bipartisan, federally-appointed Commission on the Abraham Lincoln Study Abroad Fellowship Program, established pursuant to section 104 of the Miscellaneous Appropriations and Offsets Act, 2004 (division H of the Consolidated Appropriations Act, 2004 (Public Law 108-199; 118 Stat. 435)), is scheduled to make recommendations by December 1, 2005, for a national study abroad program to meet this need: Now, therefore, be it

Resolved, That the Senate—

(1) designates 2006 as the ''Year of Study Abroad'';

(2) encourages secondary schools, institutions of higher learning, businesses, and government programs to promote and expand study abroad opportunities; and

(3) encourages the people of the United States to—

(A) support initiatives to promote and expand study abroad opportunities; and

(B) observe the ''Year of Study Abroad'' with appropriate ceremonies, programs, and other activities.

EXPRESSING SYMPATHY FOR THE PEOPLE OF JORDAN

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 309 which was submitted earlier today.

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

The legislative clerk read as follows:

A resolution (S. Res. 309) expressing sympathy for the people of Jordan in the aftermath of the deadly terrorist attacks in Amman on November 9, 2005.

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

Mr. SALAZAR. Mr. President, I rise to express my deepest sympathies to the people of Jordan, and to all of those affected by the terrorist attacks that occurred yesterday in Amman.

Abu Musab al-Zarqawi and his al-Qaida organization in Iraq have taken responsibility for this attack, and if this is true, they have added still more blood to their hands. These attacks on civilians—guests, workers, a wedding party at three hotels in Jordan's capital brutally illustrate the hateful agenda of the terrorists. The hotels themselves may have been associated with the West, but reports indicate that the victims of this terrorist attack were Americans, Palestinians, Chinese, Indonesians, Syrians, Saudi Arabians, and, of course, Jordanians. Just as global terrorist networks threaten all people of all faiths, so too did this attack cause terrible pain and loss for families and communities around the world.

Every time I read headlines like those we all read this morning, I am reminded of the tragedy of September 11, 2001. The American people know something about how the people of Jordan feel today. We feel grief, but we also feel outrage, and these feelings merge into unshakable resolve. We will work in partnership with countries and communities around the world to resist and to defeat those who would have us live in fear.

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

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

The resolution (S. Res. 309) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 309

Whereas the United States and a broad international coalition are engaged in a Global War on Terrorism;

Whereas on November 9, 2005, a series of explosions struck 3 hotels in Amman, Jordan, killing at least 56 people and injuring at least 115 others;

Whereas the terrorist attacks on Amman, Jordan, were senseless and barbaric acts carried out against innocent civilians;

Whereas Al Qaeda in Iraq has claimed responsibility for the terrorist attacks in Amman, Jordan;

Whereas the people and Government of the Hashemite Kingdom of Jordan have been targeted in several attempted terrorist attacks over the past few years;

Whereas the people of Jordan have a long and enduring friendship with the people of the United States and their close cooperation in political, economic, and humanitarian endeavors has benefitted both nations and the people of the Middle East region;

Whereas the Hashemite Kingdom of Jordan is a stalwart ally of the United States in the global war against terrorism;

Whereas the people of the United States stand in solidarity with the people of Jordan in fighting terrorism;

Whereas the Government of the United States immediately condemned the terrorist attacks and extended the support and condolences of the people of the United States to the people of Jordan; and

Whereas on September 12, 2001, in a letter to President George W. Bush condemning the September 11, 2001, terrorist attacks on the United States, King Abdullah of the Hashemite Kingdom of Jordan stated that ''the people of Jordan join the people of the United States in our absolute condemnation of the terrorist aggression against your nation . . . our hearts reach out to the victims and their families, and we honor the selfless men and women who have risked their lives to aid the injured and suffering . . . be assured that the Hashemite Kingdom of Jordan, its leaders and people stand with you against the perpetrators of these terrorist atrocities. We denounce the violence and hatred they represent.'': Now, therefore, be it

Resolved, That the Senate—

(1) condemns, in the strongest terms, the senseless and barbaric terrorist attacks on the innocent people of Amman, Jordan, on November 9, 2005;

(2) expresses its condolences to the families and friends of those individuals who were killed in the attacks and expresses its sympathies to those individuals who have been injured;

(3) expresses the strong and continued solidarity of the people and Government of the

United States with the people and Government of the Hashemite Kingdom of Jordan as they recover from these inhumane attacks;

(4) declares its readiness to support and assist the authorities of Jordan in their efforts to bring to justice those individuals responsible for the attacks; and

(5) calls upon the international community to renew and strengthen efforts to—

(A) defeat terrorists by dismantling terrorist networks and exposing the violent and nihilistic ideology of terrorism;

(B) increase international cooperation to advance personal and religious freedoms, ethnic and racial tolerance, political liberty and pluralism, and economic prosperity; and

(C) combat the social injustice, oppression, poverty, and extremism that bolsters terrorism.

HONORING ISRAELI PRIME MINISTER YITZHAK RABIN

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 310 submitted earlier today.

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

The legislative clerk read as follows:

A resolution (S. Res. 310) honoring the life, legacy and example of Israeli Prime Minister Yitzhak Rabin on the tenth anniversary of his death.

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

Mr. FRIST. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

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

The resolution (S. Res. 310) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 310

Whereas Yitzhak Rabin was born March 1, 1922, in Jerusalem;

Whereas Yitzhak Rabin volunteered for the Palmach, the elite unit of the Haganah (predecessor of the Israeli Defense Forces), and served for 27 years, including during the 1948 War of Independence, the 1956 Suez War, and as Chief of Staff in the June 1967 Six Day War;

Whereas, in 1975, Prime Minister Yitzhak Rabin signed the interim agreement with Egypt (Sinai II) which laid the groundwork for the 1979 Camp David Peace Treaty between Israel and Egypt;

Whereas Yitzhak Rabin served as Ambassador to the United States from 1968–1973, Minister of Defense from 1984–1990, and Prime Minister from 1974–1977 and from 1992 until his assassination in 1995;

Whereas. on September 13, 1993, in Washington, D.C., Yitzhak Rabin signed the Declaration of Principles framework agreement between Israel and the Palestinians;

Whereas, upon the signing of the Declaration of Principles, Yitzhak Rabin said to the Palestinian people: ''We say to you today in a loud and clear voice: Enough of blood and tears. Enough! We harbor no hatred toward you. We have no desire for revenge. We, like you, are people who want to build a home, plant a tree, love, live side by side with you—in dignity, empathy, as human beings, as free men.'';

Whereas Yitzhak Rabin received the 1994 Nobel Prize for Peace for his vision and bravery as a peacemaker, saying at the time: ''There is only one radical means of sanctifying human lives. Not armored plating, or tanks, or planes, or concrete fortifications. The one radical solution is peace.'';

Whereas, on October 26, 1994, Yitzhak Rabin and King Hussein of Jordan signed a peace treaty between Israel and Jordan;

Whereas, on November 4, 1995, Yitzhak Rabin was brutally assassinated after attending a peace rally in Tel Aviv, where his last words were: ''I have always believed that the majority of the people want peace, are prepared to take risks for peace . . . Peace is what the Jewish People aspire to.''; and

Whereas Yitzhak Rabin dedicated his life to the cause of peace and security for the state of Israel by defending his nation against all threats, including terrorism, and undertaking courageous risks in the pursuit of peace: Now, therefore, be it

Resolved, That the Senate—

(1) honors the historic role of Yitzhak Rabin for his distinguished service to the people of Israel and extends its deepest sympathy and condolences to the family of Yitzhak Rabin and the people of Israel on the tenth anniversary of his death;

(2) recognizes and reiterates its continued support for the close ties and special relationship between the United States and Israel;

(3) expresses its admiration for Yitzhak Rabin's legacy and reaffirms its commitment to the process of building a just and lasting peace between Israel and its neighbors;

(4) condemns any and all acts of terrorism; and

(5) reaffirms unequivocally the sacred principle that democratic leaders and governments must be changed only by the democratically-expressed will of the people.

RECOGNIZING THE 40TH ANNIVERSARY OF THE SECOND VATICAN COUNCIL

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 260 which was received from the House.

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

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 260) recognizing the 40th anniversary of the Second Vatican Council's promulgation of Nostra Aetate, the declaration on the relation of the Roman Catholic Church to non-Christian religions, and the historic role of Nostra Aetate in fostering mutual interreligious respect and dialogue.

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

Mr. VOINOVICH. Mr. President, I rise to strongly encourage my colleagues in the Senate to support this resolution recognizing the 40th anniversary of the Second Vatican Council's Declaration on the Relation of the Church to Non-Christian Religions, Nostra Aetate, and the continuing need for mutual interreligious respect and dialogue.

October 28, 2005 marked the 40th anniversary of Nostra Aetate, which means ''in our time.'' On October 28, 1965, Nostra Aetate affirmed the respect of the Roman Catholic Church for Hinduism, Buddhism, Islam, and Judaism, and called upon all Catholics to engage in dialogue and cooperation with the followers of other religions. Nostra Aetate states that the Roman Catholic Church, moved by the Gospel's spiritual love, decries hatred, persecution, and displays of anti-Semitism directed at Jews at any time and by anyone. As stated in the resolution, Nostra Aetate marked a new relationship between Catholics and Jews worldwide and opened a chapter in Jewish-Christian relations that is unprecedented in its closeness and warmth.

With Nostra Aetate, Pope John Paul VI called on all Catholics not only to decry the persecution of people of non-Christian religions, but also to love and respect them.

As it is stated in a passage from Nostra Aetate: ''In our time, when day by day mankind is being drawn closer together, and the ties between different peoples are becoming stronger, the Church examines more closely its relationship to non-Christian religions. In her task of promoting unity and love among men, indeed among nations, she considers above all in this declaration what men have in common and what draws them to fellowship. . . . Men expect from the various religions answers to the unsolved riddles of the human condition, which today, even as in former times, deeply stir the hearts of men: What is man? What is the meaning, the aim of our life? What is moral good, what sin? Whence suffering and what purpose does it serve? Which is the road to true happiness? What are death, judgment and retribution after death? What, finally, is that ultimate inexpressible mystery which encompasses our existence: whence do we come, and where are we going?''

Nostra Aetate acknowledges that all people of all religions are united by the fact that we are all searching for the answers to the most basic questions about life and God, and that we must love and respect one another, despite our differences.

The message of Nostra Aetate is of particular importance today, amidst the conflict in the Middle East and terrorism in the name of Islam. As we continue the battle against the rise in anti-Semitism, prejudice against Muslims, and all other forms of intolerance and xenophobia, both internationally and within the United States, we must remember the value of this message that calls for interreligious respect, tolerance, and dialogue and decries all forms of hatred.

Mr. FRIST. I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the concurrent resolution be printed in the RECORD.

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

The concurrent resolution (H. Con. Res. 260) was agreed to.

The preamble was agreed to.

NATIONAL STALKING AWARENESS MONTH

Mr. FRIST. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration and the Senate now proceed to S. Con. Res. 10.

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

The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 10) raising awareness and encouraging prevention of stalking by establishing January 2006 as ''National Stalking Awareness Month''.

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

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

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

The concurrent resolution (S. Con. Res. 10) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 10

Whereas an estimated 1,006,970 women and 370,990 men are stalked annually in the United States and, in the majority of such cases, the person is stalked by someone who is not a stranger;

Whereas 81 percent of women who are stalked by an intimate partner are also physically assaulted by that partner, and 76 percent of women who are killed by an intimate partner were also stalked by that intimate partner;

Whereas 26 percent of stalking victims lose time from work as a result of their victimization and 7 percent never return to work;

Whereas stalking victims are forced to take drastic measures to protect themselves, such as relocating, changing their addresses, changing their identities, changing jobs, and obtaining protection orders;

Whereas stalking is a crime that cuts across race, culture, gender, age, sexual orientation, physical and mental ability, and economic status;

Whereas stalking is a crime under Federal law and under the laws of all 50 States and the District of Columbia;

Whereas rapid advancements in technology have made cyber-surveillance the new frontier in stalking;

Whereas there are national organizations, local victim service organizations, prosecutors' offices, and police departments that stand ready to assist stalking victims and who are working diligently to craft competent, thorough, and innovative responses to stalking;

Whereas there is a need to enhance the criminal justice system's response to stalking and stalking victims, including aggressive investigation and prosecution; and

Whereas Congress urges the establishment of January, 2006 as National Stalking Awareness Month: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That—

(1) it is the sense of Congress that—

(A) National Stalking Awareness Month provides an opportunity to educate the people of the United States about stalking;

(B) all Americans should applaud the efforts of the many victim service providers, police, prosecutors, national and community organizations, and private sector supporters for their efforts in promoting awareness about stalking; and

(C) policymakers, criminal justice officials, victim service and human service agencies, nonprofits, and others should recognize the need to increase awareness of stalking and availability of services for stalking victims; and

(2) Congress urges national and community organizations, businesses in the private sector, and the media to promote, through National Stalking Awareness Month, awareness of the crime of stalking.

NATIONAL MILITARY FAMILY MONTH

Mr. FRIST. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 9 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 9) expressing the sense of the Senate regarding designation of the month of November as ''National Military Family Month''.

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

Mr. FRIST. Mr. President, I ask unanimous consent that the amendment which is at the desk be agreed to, the resolution, as amended, be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the resolution be printed in the RECORD.

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

The amendment (No. 2520) was agreed to, as follows:

AMENDMENT NO. 2520

On page 2, line 2, strike ''; and'' and all that follows to the end.

The resolution (S. Res. 9), as amended, was agreed to.

The preamble was agreed to.

The resolution, as amended, with its preamble reads as follows:

S. RES. 9

Whereas military families, through their sacrifices and their dedication to our Nation and its values, represent the bedrock upon which our Nation was founded and upon which our Nation continues to rely in these perilous and challenging times: Now, therefore, be it

Resolved, That it is the sense of the Senate—

(1) that the month of November should be designated as ''National Military Family Month''; and

(2) to request that the President—

(A) designate the month of November as ''National Military Family Month''; and

(B) issue a proclamation calling upon the people of the United States to observe the month with appropriate ceremonies and activities.

AMENDING THE ETHICS IN GOVERNMENT ACT OF 1978

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be discharged from further consideration of S. 1558, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1558) to amend the Ethics in Government Act of 1978 to protect family members of filers from disclosing sensitive information in a public filing and extend the public filing requirement for 5 years.

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

Mr. LEAHY. Mr. President, Senator SPECTER and I have introduced a comprehensive court security measure, S. 1968, the Court Security Improvement Act of 2005, CSIA. Our bill responds to requests by the judiciary for a greater voice in working with the United States Marshals Service to determine their security needs. It enacts new criminal penalties for the misuse of restricted personal information to harm or threaten to seriously harm judges, their families or other individuals performing official duties. It also enacts criminal penalties for threatening judges and Federal law enforcement officials by the malicious filing of false liens, provides increased protections for witnesses, and makes available new resources for State courts to improve security for State and local court systems. Finally, it extends life insurance benefits to bankruptcy, magistrate and territorial judges, and health insurance to surviving spouses and families of Federal judges.

One of the provisions of CSIA extends the ''sunset'' of a provision first enacted in the ''Identity Theft and Assumption Deterrence Act of 1998'' that grants the Judicial Conference of the United States the authority to redact information from a judge's mandatory financial disclosure in circumstances in which it is determined that the release of the information could endanger the filer or the filer's family. The Specter-Leahy bill also extends the protections of this provision to the family members of filers.

The misuse of this redaction authority has been a matter of some concern to me. I appreciate that the Judicial Conference is seeking to improve its practices. I offer this amendment to S. 1558, which is drawn from CSIA, because none of us wants to see judges or their families endangered. The redaction authority need not expire if there is agreement that it should be continued by reauthorization for another 4–year period before another sunset. Instead, if the Senate adopts our amendment and the House accepts the Senate

bill, the authority will be extended without interruption. I hope that the House will join us without delay both in extending the redaction authority and in expanding the scope of its protections to include family members.

I also hope that we will move quickly to pass the other important provisions of CSIA so that we can better protect the dedicated women and men throughout the judiciary in this country who do a tremendous job under challenging circumstances.

Mr. FRIST. Mr. President, I ask unanimous consent that the amendment that is at the desk be agreed to, the bill, as amended, be read a third time and passed, the title amendment be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statement relating to the bill be printed in the RECORD.

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

The amendment (No. 2521) was agreed to, as follows:

AMENDMENT NO. 2521

Strike all after the enacting clause and insert the following:

SECTION 1. PROTECTION OF FAMILY MEMBERS.

Section 105(b)(3) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended—

(1) in subparagraph (A), by inserting ''or a family member of that individual'' after ''that individual''; and

(2) in subparagraph (B)(i), by inserting ''or a family member of that individual'' after ''the report''.

SEC. 2. EXTENSION OF PUBLIC FILING REQUIREMENT.

Section 105(b)(3)(E) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended by striking ''2005'' each place it appears and inserting ''2009''.

The amendment (No. 2522) was agreed to, as follows:

AMENDMENT NO. 2522

(Purpose: To amend the title of the bill.)

At the appropriate place, insert the following:

Amend the title so as to read: ''To amend the Ethics in Government Act of 1978 to protect family members of filers from disclosing sensitive information in a public filing and to extend for 4 years the authority to redact financial disclosure statements of judicial employees and judicial officers.''.

The bill (S. 1558), as amended, was read the third time and passed, as follows:

S. 1558

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROTECTION OF FAMILY MEMBERS.

Section 105(b)(3) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended—

(1) in subparagraph (A), by inserting ''or a family member of that individual'' after ''that individual''; and

(2) in subparagraph (B)(i), by inserting ''or a family member of that individual'' after ''the report''.

SEC. 2. EXTENSION OF PUBLIC FILING REQUIREMENT.

Section 105(b)(3)(E) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended by striking ''2005'' each place it appears and inserting ''2009''.

PROHOBITION ON THE TRAFFICKING OF GOODS AND SERVICES

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 277, S. 1095.

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

The legislative clerk read as follows:

A bill (S. 1095) to amend chapter 113 of title 18, United States Code, to clarify the prohibition on the trafficking in goods or services, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on the Judiciary with an amendment.

[Strike the part shown in black brackets and insert the part shown in italic.]

S. 1095

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[SECTION 1. SHORT TITLE.

[This Act may be cited as the ''Protecting American Goods and Services Act of 2005''.

[SEC. 2. PROHIBITION ON TRAFFICKING OF CERTAIN GOODS AND SERVICES.

[(a) IN GENERAL.—Section 2320 of title 18, United States Code, is amended—

[(1) by striking subsection (a) and inserting the following:

[''(a)(1) Any person who intentionally traffics or attempts to traffic in goods or services and knowingly uses a counterfeit mark on or in connection with such goods or services—

[''(A) if an individual, shall be fined not more than $2,000,000, imprisoned not more than 10 years, or both; and

[''(B) if a person other than an individual, shall be fined not more than $5,000,000.

[''(2) Any person who possesses goods with a counterfeit mark with an intent to traffic such goods—

[''(A) if an individual, shall be fined not more that $2,000,000, or imprisoned not more than 10 years, or both; and

[''(B) if a person other than an individual, shall be fined not more than $5,000,000.

[''(3) In the case of an offense by a person under this section that occurs after that person is convicted of another offense under this section, the person—

[''(A) if an individual, shall be fined not more than $5,000,000, imprisoned not more than 20 years, or both; and

[''(B) if other than an individual, shall be fined not more than $15,000,000.''; and

[(2) in subsection (b), by striking paragraph (2) and inserting the following:

[''(2) the term 'traffic' means—

[''(A) transport, transfer, or otherwise dispose of, to another as consideration for anything of value or without consideration; or

[''(B) make or obtain control of with intent to so transport, transfer, or dispose of; and''.

[(b) PROHIBITION OF TRANSPORT OF COUNTERFEIT GOODS OR UNAUTHORIZED COPIES AND PHONORECORDS OF COPYRIGHTED WORKS.—

[(1) IN GENERAL.—Chapter 113 of title 18, United States Code, is amended by inserting after section 2320 the following:

['' 2320A. Transport of counterfeit goods and unauthorized copyrighted works into or out of the United States

[''(a) DEFINITIONS.—In this section—

[''(1) the terms 'copies' and 'phonorecords' have the respective meanings given under section 101 of title 17;

[''(2) the term 'counterfeit mark' has the meaning given under section 2320(e)(1); and

[''(3) the term 'United States' means each of the several States of the United States, the District of Columbia, and the territories and possessions of the United States.

[''(b) OFFENSE.—Any person who intentionally transports goods bearing a counterfeit mark or copies or phonorecords of a copyrighted work not authorized by the copyright holder into or out of the United States for the purposes of commercial advantage or private financial gain shall be fined not more than $100,000, imprisoned not more than 10 years, or both.''.

[(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 113 of title 18, United States Code, is amended by inserting after the item relating to section 2320 the following:

[''2320A. Transport of counterfeit goods and unauthorized copyrighted works into or out of the United States.''.]

SECTION 1. TRAFFICKING DEFINED.

(a) COUNTERFEIT GOODS OR SERVICES.—Section 2320(e) of title 18, United States Code, is amended—

(1) by striking paragraph (2) and inserting the following:

''(2) the term 'traffic' means to transport, transfer, or otherwise dispose of, to another, for purposes of commercial advantage or private financial gain, or to make, import, export, obtain control of, or possess, with intent to so transport, transfer, or otherwise dispose of;''; and

(2) by redesignating paragraph (3) as paragraph (4) and inserting the following:

''(3) the term 'financial gain' includes the receipt, or expected receipt, of anything of value; and''.

(b) CONFORMING AMENDMENTS.—

(1) SOUND RECORDINGS AND MUSIC VIDEOS OF LIVE MUSICAL PERFORMANCES.—Section 2319A(e) of title 18, United States Code, is amended by striking paragraph (2) and inserting the following:

''(2) the term 'traffic' has the same meaning as in section 2320(e) of this title.''.

(2) COUNTERFEIT LABELS FOR PHONORECORDS, COMPUTER PROGRAMS, ETC.—Section 2318(b) of title 18, United States Code, is amended by striking paragraph (2) and inserting the following:

''(2) the term 'traffic' has the same meaning as in section 2320(e) of this title;''.

(3) ANTI-BOOTLEGGING.—Section 1101 of title 17, United States Code, is amended by striking subsection (b) and inserting the following:

''(b) DEFINITION.—As used in this section, the term 'traffic' has the same meaning as in section 2320(e) of title 18, United States Code.''.

Mr. CORNYN. Mr. President, I rise today to thank my colleagues for joining me in the fight against global counterfeiting—a plague on our economy, on the safety of our citizens, and on our national security.

S. 1095, the Protecting American Goods and Services Act, or PAGS, is important legislation designed to combat the trafficking of illegitimate goods throughout the world—and I look forward to working with our colleagues in the House of Representatives to send it to the President.

I am particularly pleased to work with Senator LEAHY in our continued bipartisan effort to protect intellectual property rights as well as to work on other important issues. Recently, we have worked together on a matter near

and dear to my heart—good government legislation related to the Freedom of Information Act, and it indeed has been a pleasure to work with the ranking member of the Judiciary Committee and his staff again.

Mr. President, the rampant distribution of illegitimate goods—be it counterfeited products, illegal copies of copyrighted works or any other form of piracy—undermines property rights, threatens American jobs, decreases consumer safety and, often times, supports organized crime and terrorist activity.

Amazingly, it is estimated that between and 5 percent and 7 percent of worldwide trade is conducted with counterfeit goods and services. According to FBI estimates, counterfeiting costs U.S. businesses as much as $200–$250 billion annually—and that costs Americans their jobs—more than 750,000 jobs according to U.S. Customs.

In recent years, this plague on global trade has grown significantly. According to the World Customs Organization and Interpol, the global trade in illegitimate goods has increased from $5.5 billion in 1992 to more than $600 billion per year today; that is, $600 billion per year illegally extracted from the global economy.

But perhaps most troubling, the counterfeit trade threatens our safety and our security. Counterfeit goods undermine our confidence in the reliability of our goods and service. For example, the Federal Aviation Administration estimates that 2 percent of the 26 million airline parts installed each year are counterfeit. And the Federal Drug Administration estimates that as much as 10 percent of pharmaceuticals are counterfeit. Worse yet—evidence indicates that the counterfeit trade supports terrorist activities. Indeed, alQaeda training manuals recommended the sale of fake goods to raise revenue.

And the reach of counterfeiting runs deep in my own home State of Texas. Data is difficult to collect, but a 1997 piece detailing Microsoft's efforts to combat counterfeiting and piracy—while dated—pointed out that this type of activity costs Texas over 10,000 jobs and almost $1 billion. Today, we know those numbers are much higher.

Mr. President, we must act to stop this illegal activity.

The legislation that we are sending over to the House today, the Protecting American Goods and Services Act, is not complicated, it is not long—but its global impact will be significant. The legislation is designed to provide law enforcement with additional tools to curb the flow of these illegitimate goods and it is perhaps even more critical for businesses, large and small, throughout America and for ensuring the safety of consumers around the globe.

Those who traffic in counterfeit goods put Americans in danger, support terrorism and undermine the health of our Nation's economy. The PAGS Act fills certain important gaps in current counterfeiting law by clarifying the term ''trafficking'' to ensure that it is illegal to: Possess counterfeit goods with the intention of selling them; give away counterfeit goods in exchange for some future benefit—in effect, the ''bartering'' of counterfeit goods in such a way that avoids criminality and import or export counterfeit goods or unauthorized copies of copyrighted works.

This bill will protect property rights, protect consumer safety, preserve American jobs and bolster the American economy by cracking down on the trade of illegal counterfeit goods and services.

Each of these items was highlighted by the Department of Justice in its October, 2004 report on its Task Force on Intellectual Property. In it, the Department describes the significant limitation law enforcement often times faces in pursuing counterfeiters and offers, among others, the principles embraced in the Protecting American Goods and Services Act, as possible solutions to these obstacles.

This legislation, and other reforms, will help turn the tide of the growing counterfeit trade. The legislation is critically important to law enforcement—but it is even more critical for businesses, large and small, throughout America—including in my home state of Texas—as well as for ensuringthe safety of consumers around the globe. Those who traffic in counterfeit goods put Americans in danger, support terrorism and undermine the health of our Nation's economy. It is time to put an end to this scourge on society.

I look forward to working with my colleagues to move this legislation forward, and in so doing, protect property rights, protect consumer safety, preserve American jobs and bolster the American economy.

Mr. LEAHY. Today, I am pleased that the Senate is passing S. 1095, the Protecting American Goods and Services Act of 2005, which is the latest of the bipartisan efforts that Senator CORNYN and I have made to improve the lives of Americans through effective and efficient government. The Protecting American Goods and Services Act of 2005 will strengthen our ability to combat the escalating problem of counterfeiting worldwide. In order to effectively fight intellectual property theft, we need stiff penalties for counterfeiters and those who are caught with counterfeit goods with the intent to traffic their false wares. Ours is a short bill—indeed, it is only two pages long—but it will have powerful global implications in the fight against piracy.

Counterfeiting is a growing problem that costs our economy hundreds of billions of dollars every year and has been linked to organized crime, including terrorist organizations. According to the International Anti-Counterfeiting Coalition, counterfeit parts have been discovered in helicopters sold to NATO, in jet engines, bridge joints, brake pads, and fasteners in equipment designed to prevent nuclear reactor meltdowns. The World Health Organization estimates that the market for counterfeit drugs is about $32 billion each year.

Several years ago, Senator HATCH joined me in sponsoring the Anti-counterfeiting Consumer Protection Act of 1996, which addressed counterfeiting by amending several sections of our criminal and tariff codes. That law made important changes, particularly by expanding RICO, the Federal antiracketeering law, to cover crimes involving counterfeiting and copyright and trademark infringement. Then, as now, trafficking in counterfeit goods hurts purchasers, State and Federal Governments, and economies at every level.

Perhaps most disturbingly, the U.S. Customs Service reports that terrorists have used transnational counterfeiting operations to fund their activities: The sale of counterfeit and pirated music, movies, software, T-shirts, clothing, and fake drugs ''accounts for much of the money the international terrorist network depends on to feed its operations.''

Last year, as in years past, I worked with Senator ALLEN on an amendment to the Foreign Operations bill that provides the State Department with vital resources to combat piracy of U.S. goods abroad. The bill we ultimately passed included $3 million for this important purpose. Yet more work both at home and abroad remains. When you consider that the economic impact of tangible piracy in counterfeit goods is estimated to be roughly $350 billion a year and to constitute between 5 percent and 7 percent of worldwide trade, a few million dollars is a worthwhile investment.

We have certainly seen how this form of theft touches the lives of hard-working Vermonters. Burton Snowboards is a small company, whose innovation has made it an industry leader in snowboarding equipment and apparel. Unfortunately, knockoff products carrying Burton's name have been found across the globe. Vanessa Price, a representative of Burton, testified about counterfeiting at the Judiciary Committee's March 23, 2004, hearing on this topic. In addition to learning about the economic costs of counterfeiting, I asked her after the hearing about the risks posed to consumers by these goods. Her answer was chilling: ''In the weeks since my Senate testimony, I discovered a shipment of counterfeit Burton boots for sale through a discount sports outfit . . . After examining the poor quality of the counterfeit boots, we determined that anyone using the boots for snowboarding risks injury due to a lack of reinforcement and support in the product's construction.''

Customers and businesses lose out to counterfeiters in other ways, too. SB Electronics in Barre, VT has seen its

capacitors reverse engineered and its customers lost to inferior copycat models. Vermont Tubbs, a furniture manufacturer in Rutland, has seen its designs copied, produced offshore with inferior craftsmanship and materials, and then reimported, so that the company is competing against cheaper versions of its own products. And Hubbardton Forge in Castleton, VT has seen its beautiful and original lamps counterfeited and then sold within the United States at prices—and quality—far below their own. This is wrong. It is unfair to consumers who deserve the high quality goods they think they are paying for, and it is unfair to innovators who play by the rules and deserve to profit from their labor.

The Protecting American Goods and Services Act of 2005 will help to combat this growing scourge. It amends the definition of trafficking in the counterfeit law to criminalize the possession of counterfeit goods with the intent to sell or traffic in those goods, as well as to include any distribution of counterfeits with the expectation of gaining something of value—criminals should not be able to skirt the law simply because they barter illegal goods and services in exchange for their illicit wares. Finally, the bill's new definition will criminalize the importation and exportation of counterfeit goods, as well as of bootleg copies of copyrighted works into and out of the United States.

By tying off these loopholes and improving U.S. laws on counterfeiting, we will be sending a powerful message to the criminals who belong in jail, and to our innovators.

Mr. FRIST. Mr. President, I ask unanimous consent that the committee substitute be agreed to, the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

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

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1095), as amended, was read the third time and passed.

STOP COUNTERFEITING IN MANUFACTURED GOODS ACT

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 278, S. 1699.

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

The legislative clerk read as follows:

A bill (S. 1699) to amend title 18, United States Code, to provide criminal penalties for trafficking in counterfeit marks.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on the Judiciary with an amendment.

S. 1699

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; FINDINGS.

(a) SHORT TITLE.—This Act may be cited as the ''Stop Counterfeiting in Manufactured Goods Act''.

(b) FINDINGS.—The Congress finds that—

(1) the United States economy is losing millions of dollars in tax revenue and tens of thousands of jobs because of the manufacture, distribution, and sale of counterfeit goods;

(2) the Bureau of Customs and Border Protection estimates that counterfeiting costs the United States $200 billion annually;

(3) counterfeit automobile parts, including brake pads, cost the auto industry alone billions of dollars in lost sales each year;

(4) counterfeit products have invaded numerous industries, including those producing auto parts, electrical appliances, medicines, tools, toys, office equipment, clothing, and many other products;

(5) ties have been established between counterfeiting and terrorist organizations that use the sale of counterfeit goods to raise and launder money;

(6) ongoing counterfeiting of manufactured goods poses a widespread threat to public health and safety; and

(7) strong domestic criminal remedies against counterfeiting will permit the United States to seek stronger anticounterfeiting provisions in bilateral and international agreements with trading partners.

SEC. 2. TRAFFICKING IN COUNTERFEIT MARKS.

Section 2320 of title 18, United States Code, is amended as follows:

(1) Subsection (a) is amended by inserting after ''such goods or services'' the following: '', or intentionally traffics or attempts to traffic in labels, patches, stickers, wrappers, badges, emblems, medallions, charms, boxes, containers, cans, cases, hangtags, documentation, or packaging of any type or nature, knowing that a counterfeit mark has been applied thereto, the use of which is likely to cause confusion, to cause mistake, or to deceive,''.

(2) Subsection (b) is amended to read as follows:

''(b)(1) The following property shall be subject to forfeiture to the United States and no property right shall exist in such property:

''(A) Any article bearing or consisting of a counterfeit mark used in committing a violation of subsection (a).

''(B) Any property used, in any manner or part, to commit or to facilitate the commission of a violation of subsection (a).

''(2) The provisions of chapter 46 of this title relating to civil forfeitures, *including section 983 of this title,* shall extend to any seizure or civil forfeiture under this section. At the conclusion of the forfeiture proceedings, the court, unless otherwise requested by an agency of the United States, shall order that any forfeited article bearing or consisting of a counterfeit mark be destroyed or otherwise disposed of according to law.

''(3)(A) The court, in imposing sentence on a person convicted of an offense under this section, shall order, in addition to any other sentence imposed, that the person forfeit to the United States—

''(i) any property constituting or derived from any proceeds the person obtained, directly or indirectly, as the result of the offense;

''(ii) any of the person's property used, or intended to be used, in any manner or part, to commit, facilitate, aid, or abet the commission of the offense; and

''(iii) any article that bears or consists of a counterfeit mark used in committing the offense.

''(B) The forfeiture of property under subparagraph (A), including any seizure and disposition of the property and any related judicial or administrative proceeding, shall be governed by the procedures set forth in section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853), other than subsection (d) of that section. Notwithstanding section 413(h) of that Act, at the conclusion of the forfeiture proceedings, the court shall order that any forfeited article or component of an article bearing or consisting of a counterfeit mark be destroyed.

''(4) When a person is convicted of an offense under this section, the court, pursuant to sections 3556, 3663A, and 3664, shall order the person to pay restitution to the owner of the mark and any other victim of the offense as an offense against property referred to in section 3663A(c)(1)(A)(ii).

''(5) The term 'victim', as used in paragraph (4), has the meaning given that term in section 3663A(a)(2).''.

(3) Subsection (e)(1) is amended—

(A) by striking subparagraph (A) and inserting the following:

''(A) a spurious mark—

''(i) that is used in connection with trafficking in any goods, services, labels, patches, stickers, wrappers, badges, emblems, medallions, charms, boxes, containers, cans, cases, hangtags, documentation, or packaging of any type or nature;

''(ii) that is identical with, or substantially indistinguishable from, a mark registered on the principal register in the United States Patent and Trademark Office and in use, whether or not the defendant knew such mark was so registered;

''(iii) that is applied to or used in connection with the goods or services for which the mark is registered with the United States Patent and Trademark Office, or is applied to or consists of a label, patch, sticker, wrapper, badge, emblem, medallion, charm, box, container, can, case, hangtag, documentation, or packaging of any type or nature that is designed, marketed, or otherwise intended to be used on or in connection with the goods or services for which the mark is registered in the United States Patent and Trademark Office; and

''(iv) the use of which is likely to cause confusion, to cause mistake, or to deceive; or''; and

(B) by amending the matter following subparagraph (B) to read as follows:

''but such term does not include any mark or designation used in connection with goods or services, or a mark or designation applied to labels, patches, stickers, wrappers, badges, emblems, medallions, charms, boxes, containers, cans, cases, hangtags, documentation, or packaging of any type or nature used in connection with such goods or services, of which the manufacturer or producer was, at the time of the manufacture or production in question, authorized to use the mark or designation for the type of goods or services so manufactured or produced, by the holder of the right to use such mark or designation.''.

(4) Section 2320 is further amended—

(A) by redesignating subsection (f) as subsection (g); and

(B) by inserting after subsection (e) the following:

''(f) Nothing in this section shall entitle the United States to bring a criminal cause of action under this section for the repackaging of genuine goods or services not intended to deceive or confuse.''.

SEC. 3. SENTENCING GUIDELINES.

(a) REVIEW AND AMENDMENT.—Not later than 180 days after the date of enactment of this Act, the United States Sentencing Commission, pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, shall review

and, if appropriate, amend the Federal sentencing guidelines and policy statements applicable to persons convicted of any offense under section 2318 or 2320 of title 18, United States Code.

(b) AUTHORIZATION.—The United States Sentencing Commission may amend the Federal sentencing guidelines in accordance with the procedures set forth in section 21(a) of the Sentencing Act of 1987 (28 U.S.C. 994 note) as though the authority under that section had not expired.

(c) RESPONSIBILITIES OF UNITED STATES SENTENCING COMMISSION.—In carrying out this section, the United States Sentencing Commission shall determine whether the definition of ''infringement amount'' set forth in application note 2 of section 2B5.3 of the Federal sentencing guidelines is adequate to address situations in which the defendant has been convicted of one of the offenses listed in subsection (a) and the item in which the defendant trafficked was not an infringing item but rather was intended to facilitate infringement, such as an anti-circumvention device, or the item in which the defendant trafficked was infringing and also was intended to facilitate infringement in another good or service, such as a counterfeit label, documentation, or packaging, taking into account cases such as U.S. v. Sung, 87 F.3d 194 (7th Cir. 1996).

Mr. LEAHY. Mr. President, counterfeiting threatens the American economy, our workers, and our consumers. I am pleased that the Senate has today taken an important step towards beating back that threat, by passing S. 1699, the ''Stop Counterfeiting in Manufactured Goods Act.'' Senator SPECTER is the principal cosponsor, and I know that he shares with me the conviction that this bill that will give law enforcement improved tools to fight counterfeit trademarks, and that it could work a significant change in the efforts to combat this type of theft. So are all our cosponsors, and I thank them: Senators ALEXANDER, BAYH, BROWNBACK, COBURN, CORNYN, DEWINE, DURBIN, FEINGOLD, FEINSTEIN, HATCH, KYL, LEVIN, REED, STABENOW, and VOINOVICH.

It is all too easy to think of counterfeiting as a victimless crime, a means of buying sunglasses or a purse that would otherwise strain a monthly budget. The reality, however, is far different. According to the Federal Bureau of Investigation, counterfeiting costs the U.S. between $200 billion and $250 billion annually. In Vermont, companies like Burton Snowboards, Vermont Tubbs, SB Electronics, and Hubbardton Forge—all of which have cultivated their good names through pure hard work and creativity—have felt keenly the damage of intellectual property theft on their businesses. This is wrong. It is simply not fair to the businesses who innovate and to the people whose economic livelihoods depend on these companies.

The threat posed by counterfeiting is more than a matter of economics. Inferior products can threaten the safety of those who use them. When a driver taps a car's brake pedals there should be no uncertainty about whether the brake linings are made of compressed grass, sawdust, or cardboard. Sick patients should not have to that they will ingest counterfeit prescription drugs and, at best, have no effect. The World Health Organization estimates that the market for counterfeit drugs is about $32 billion each year. Knock-off parts have even been found in NATO helicopters. What's more, according to Interpol, there is an identifiable link between counterfeit goods and the financing of terrorist operations.

S. 1699 makes several improvements to the U.S. Code. The bill strengthens 18 U.S.C. 2318, the part of the criminal code that deals with counterfeit goods and services, to make it a crime to traffic in counterfeit labels or packaging, even when counterfeit labels or packaging are shipped separately from the goods to which they will ultimately be attached. Savvy counterfeiters have exploited this loophole to escape liability. This bill closes that loophole.

The bill will also make counterfeit labels and goods, and any equipment used in facilitating a crime under this part of the code, subject to forfeiture upon conviction. Any forfeited goods or machinery would then be destroyed, and the convicted infringer would have to pay restitution to the lawful owner of the trademark. Finally, although the bill is tough, it is also fair. It states that nothing ''shall entitle the United States to bring a cause of action under this section for the repackaging of genuine goods or services not intended to deceive or confuse.'' It is truly just the bad actors we want to punish.

Those who profit from another's innovation have proved their creativity only at escaping responsibility for their actions. As legislators it is important that we provide law enforcement with the tools needed to capture these thieves. I am committed to this effort, and will continue to sponsor legislation that will support law enforcement in the protection of the intellectual property rights that are so important to the American economy and its creative culture.

Mr. SPECTER. Mr. President, I want to take a moment to speak about S. 1699, the Stop Counterfeiting in Manufactured Goods Act of 2005, a bill I have sponsored with Senator LEAHY and fifteen other cosponsors—Senators ALEXANDER, BAYH, BROWNBACK, COBURN, CORNYN, DEWINE, DURBIN, FEINGOLD, FEINSTEIN, HATCH, KYL, LEVIN, REED, STABENOW, and VOINOVICH.

The Stop Counterfeiting in Manufactured Goods Act addresses a problem that has reached epidemic proportions as a result of a loophole in our criminal code: the trafficking in counterfeit labels. Criminal law currently prohibits the trafficking in counterfeit trademarks ''on or in connection with goods or services.'' However, it does not prohibit the trafficking in the counterfeit marks themselves. As such, there is nothing in current law to prohibit an individual from selling counterfeit labels bearing otherwise protected trademarks within the United States.

This loophole was exposed by the Tenth Circuit Court of Appeals in *United States* v. *Giles*, 213 F.3d 1247—10th Cir. 2000. In this case, the United States prosecuted the defendant for manufacturing and selling counterfeit Dooney & Bourke labels that third parties could later affix to generic purses. Examining Title 18, section 2320, of the United States Code, the Tenth Circuit held that persons who sell counterfeit trademarks that are not actually attached to any ''goods or services'' do not violate the federal criminal trademark infringement statute. Since the defendant did not attach counterfeit marks to ''goods or services,'' the court found that the defendant did not run afoul of the criminal statute as a matter of law. Thus, someone caught redhanded with counterfeit trademarks walked free.

S. 1699 closes this loophole by amending Title 18, section 2320 of the United States Code to criminally prohibit the trafficking, or attempt to traffic, in ''labels, patches, stickers'' and generally any item to which a counterfeit mark has been applied. In so doing, S. 1699 provides U.S. Department of Justice prosecutors with the means not only to prosecute individuals trafficking in counterfeit goods or services, but also individuals trafficking in labels, patches, and the like that are later applied to goods.

Congress must act expeditiously to protect U.S. held trademarks to the fullest extent of the law. The recent ten count indictment of four Massachusetts residents of conspiracy to traffic in approximately $1.4 million of counterfeit luxury goods in the case of *U.S.* v. *Luong et al.*, 2005 D. Mass. underscores the need for this legislation. According to the indictment, law enforcement officers raided self-storage units earlier this year and found the units to hold approximately 12,231 counterfeit handbags; 7,651 counterfeit wallets; more than 17,000 generic handbags and wallets; and enough counterfeit labels and medallions to turn more than 50,000 generic handbags and wallets into counterfeits. Although the U.S. Attorneys Office was able to pursue charges of trafficking and attempting to traffic in counterfeit handbags and wallets, they could not bring charges for trafficking and attempting to traffic in the more than 50,000 counterfeit labels and medallions. As such, these defendants will escape prosecution that would have otherwise been illegal if they had only been attached to an otherwise generic bag. This simply does not make sense and had the Stop Counterfeiting in Manufactured Goods Act of 2005 been in effect at the time of indictment, U.S. prosecutors would have been able to bring charges against the defendants for trafficking and attempting to traffic in not only counterfeit goods, but also counterfeit labels.

As Assistant Attorney General Alice Fisher said, ''Those who manufacture and sell counterfeit goods steal business from honest merchants, confuse or

defraud honest consumers, and illegally profit on the backs of honest American workers and entrepreneurs.'' This point is underscored by the Bureau of Customs and Border Protection estimate that trafficking in counterfeit goods costs the United States approximately $200 to $250 million annually. With each passing year, the United States loses millions of dollars in tax revenues to the sale of counterfeit goods. Further, each counterfeit item that is manufactured overseas and distributed in the United States costs American workers tens of thousands of jobs. With counterfeit goods making up a growing 5–7 percent of world trade, this is a problem that we can no longer ignore.

To be sure, counterfeiting is not limited to the popular designer goods that we have all seen sold on comers of just about every major metropolitan city in the United States. Counterfeiting has a devastating impact on a broad range of industries. In fact, for almost every legitimate product manufactured and sold within the United States, there is a parallel counterfeit product being sold for no more than half the price. These counterfeit products range from children's toys to clothing to Christmas tree lights. More frightening are the thousands of counterfeit automobile parts, batteries, and electrical equipment that are being manufactured and placed into the stream of commerce with each passing day. I am told that the level of sophistication in counterfeiting has reached the point that you can no longer distinguish between the real and the counterfeit good or label with the naked eye. However, just because these products look the same does not mean that they have the same quality characteristics. The counterfeit products are not subject to the same quality controls of legitimate products, resulting in items that are lower in quality and likely to fall apart. In fact, counterfeit products could potentially kill unsuspecting American consumers.

In addition to closing the ''counterfeit label loophole,'' the Stop Counterfeiting in Manufactured Goods Act strengthens the criminal code and provides heightened penalties for those trafficking in counterfeit marks. Current law does not provide for the seizure and forfeiture of counterfeit trademarks, whether they are attached to goods or not. Therefore, many times such counterfeit goods are seized one day, only to be returned and sold to an unsuspecting public. To ensure that individuals engaging in the practice of trafficking in counterfeit marks cannot reopen their doors, S. 1699 establishes procedures for the mandatory seizure, forfeiture, and destruction of counterfeit marks prior to a conviction. Further, it provides for procedures for the mandatory forfeiture and destruction of property derived from or used to engage in the trafficking of counterfeit marks.

In crafting the language in Section 2(b)(I)(B) of this bill pertaining to the forfeiture authority of the U.S. Department of Justice, Senator LEAHY and I discussed the scope of the facilitation language, which parallels the drug and money laundering forfeiture language in 21 U.S.C. 853 and 18 U.S.C. 982, respectively, and how it might relate to Internet marketplace companies, search engines, and ISPs. Specifically, we were aware of concerns regarding the potential misapplication of the facilitation language in Section 2(b)(1)(B) to pursue forfeiture and seizure proceedings against responsible Internet marketplace companies that serve as third party intermediaries to online transactions. To this end, I would like to make it clear for the record that this bill is not intended to apply to ''good actor'' Internet service providers that serve as third party intermediaries to online transactions and take demonstrable steps to prevent the exchange or trafficking of counterfeit goods on their networks.

Does Senator LEAHY agree?

Mr. LEAHY. I agree with the Senator.

Section 2(b)(1)(B) authorizes U.S. Attorneys to pursue civil in rem forfeiture proceedings against ''any property used, in any manner or part, to commit or to facilitate the commission of a violation of subsection (a).'' The intent of this language is to provide attorneys and prosecutors with the authority to bring a civil forfeiture action against the property of bad actors who are facilitating trafficking or attempts to traffic in counterfeit marks. The forfeiture authority in Section 2(b)(1)(B) cannot be used to pursue forfeiture and seizure proceedings against the computer equipment, website or network of responsible Internet marketplace companies, who serve solely as a third-party to transactions and do not tailor their services or their facilities to the furtherance of trafficking or attempts to traffic in counterfeit marks. However, these Internet marketplace companies must make demonstrable good faith efforts to combat the use of their systems and services to traffic in counterfeit marks. Companies must establish and implement procedures to take down postings that contain or offer to sell goods, services, labels, and the like in violation of this act upon being made aware of the illegal nature of these items or services.

It is the irresponsible culprits that must be held accountable. Those who profit from another's innovation have proved their creativity only at escaping responsibility for their actions. As legislators it is important that we provide law enforcement with the tools needed to capture these thieves.

It is also my understanding that the U.S. Sentencing Commission recently promulgated new Federal sentencing guidelines to count for the changes in how intellectual property crimes are committed. Could the Senator from Pennsylvania clarify for the RECORD why we have authorized the U.S. Sentencing Commission to further amend the Federal sentencing guidelines and policy statements for crimes committed in violation of Title 18, section 2318 or 2320, of the United States Code?

Mr. SPECTER. As the Senator is aware, the Sentencing Commission has sought to update the Federal sentencing guidelines upon the periodic directive of Congress to reflect and account for changes in the manner in which intellectual property offenses are committed. The recent amendments to which you refer were promulgated by the Sentencing Commission pursuant to the authorization in the Family Entertainment and Copyright Act of 2005, also known as FECA. These amendments to the Federal sentencing guidelines, which took effect on October 24, 2005, address changes in penalties and definitions for intellectual property rights crimes, particularly those involving copyrighted pre-release works and issues surrounding ''uploading.'' For example, these guidelines provide for a 25-percent increase in sentences for offenses involving pre-release works. In addition, the Commission revised its definition of ''uploading'' to ensure that the guidelines are keeping up with technological advances in this area.

I would like to make it clear for the record that the directive to the Sentencing Commission in Section 3 of S. 1699 is not meant as disapproval of the Commission's recent actions in response to FECA. Rather, Section 3 covers other intellectual property rights crimes that Congress believes it is time for the Commission to revisit. Specifically, Section 3 directs the Commission to review the guidelines, and particularly the definition of ''infringement amount,'' to ensure that offenses involving low-cost items like labels, patches, medallions, or packaging that are used to make counterfeit goods that are much more expensive, are properly punished. It also directs the Commission to ensure that the penalty provisions for offenses involving all counterfeit goods or services, or devices used to facilitate counterfeiting are properly addressed by the guidelines. As it did in response to the No Electronic Theft Act of 1997 and FECA, I am confident that the Commission will ensure that the Federal sentencing guidelines provide adequate punishment and deterrence for these very serious offenses and I look forward to the Commission's response to this directive.

Mr. LEAHY. I thank Senator SPECTER for that clarification. As he is aware, we have received over a dozen letters in support of S. 1699, the Stop Counterfeiting in Manufactured Goods Act of 2005. I ask unanimous consent to have several of these letters printed in the RECORD.

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

LEXMARK INTERNATIONAL INC.,
Lexington, KY, November 4, 2005.

Hon. PATRICK J. LEAHY,
U.S. Senate,
Washington, DC.

DEAR SENATOR LEAHY: I am writing to the members of the Senate Judiciary Committee to express Lexmark's strong support for Senate Bill 1699 (the ''Stop Counterfeiting in Manufactured Goods Act''), and to urge your support for its passage. S. 1699 creates a much-needed deterrent targeting traffickers in counterfeit labels and goods—illegal acts which plague not only our business, but many others. S. 1699 amends 18 U.S.C. 2320 to strengthen the application of this statute to include those who traffic in counterfeit labels and goods, thus greatly helping our fight against counterfeiters.

Unfortunately, counterfeiting continues to grow out of control because it is seen as a lucrative, yet low risk, crime that some even try to paint as a victimless crime. Nothing could be farther from the truth—not only are the illicit profits being funneled into other criminal activities, but law abiding citizens around the world are made victims when they unwittingly buy illegitimate products. Intellectual property owners, their counsels, private investigators and law enforcement fight counterfeiting every day. We must be able to send a message to counterfeiters that the theft of intellectual property is intolerable and that the battle against counterfeiting will be fought with stronger weapons. S. 1699 accomplishes that precise goal, by strengthening forfeiture and destruction remedies.

Counterfeiting costs the United States billions of dollars each year in lost intellectual property, revenues, profits and ultimately, jobs. These criminals must be stopped, and this bill seeks to take away some of the tools they use to manufacture counterfeit goods. If S. 1699 is enacted into law, it will also help the United States seek reciprocal legislation abroad.

I urge your personal support for S. 1699 both in Judiciary Committee deliberations and in promotion of its passage in the full Senate. Thank you for your consideration in addressing this very serious problem.

Yours sincerely,

PATRICK T. BREWER,
Director, Government Affairs.

ZIPPO MANUFACTURING COMPANY,
Bradford, PA, November 2, 2005.

Hon. PATRICK J. LEAHY,
Ranking Democratic Member, Russell Senate Office Building, Washington, DC.

DEAR SENATOR LEAHY: I am writing to express my absolute support for Senate Bill 1699, the ''Stop Counterfeiting in Manufactured Goods Act'' S. 1699 creates a necessary disincentive in the criminal code for traffickers in counterfeit labels and goods. We urge you to endorse S. 1699 and promote its passage in the full Senate.

First, the S. 1699 amendments to 18 U.S.C. 2320 will help our fight against counterfeiters by strengthening the application of this statute to those who traffic in counterfeit labels and goods. We are pleased that S. 1699 recognizes the need to strengthen the effectiveness of 18 U.S.C. 2320.

Second, S. 1699 strengthens forfeiture and destruction remedies that are necessary to deter counterfeiting. Unfortunately, counterfeiting continues to grow out of control because it is seen as a lucrative yet low risk crime. Intellectual property owners, their counsels, private investigators and law enforcement fight counterfeiting every day. We must be able to send a message to counterfeiters that the theft of intellectual property is intolerable and that the battle against counterfeiting will be fought with stronger weapons. S. 1699 accomplishes that precise goal.

Counterfeiting will continue to cost the U.S. hundreds of billions of dollars each year if U.S. law does act as a deterrent. This bill takes the very equipment out of the hands of counterfeiters who would perpetuate the manufacture of illicit goods. Once S. 1699 is enacted into law it will allow the U.S. to seek similarly strong legislation abroad as it enters into trade negotiations with other countries.

We ask you to support S. 1699 as written in your next Executive Business meeting and promote its passage in the full Senate. Thank you for attending to a serious problem that undermines U.S. intellectual property.

Sincerely,

CHARLES JEFFREY DUKE,
Corporate Secretary and General Counsel.

WARNACO,
New York, NY, November 2, 2005.

Hon. Senator PATRICK J. LEAHY,
Ranking Democratic Member, Russell Senate Office Building, Washington, DC.

DEAR SENATOR LEAHY: I am writing to express my absolute support for Senate Bill 1699, the ''Stop Counterfeiting in Manufactured Goods Act.'' S. 1699 creates a necessary disincentive in the criminal code for traffickers in counterfeit labels and goods. We urge you to endorse S. 1699 and promote its passage in the full Senate.

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Second, S. 1699 strengthens forfeiture and destruction remedies that are necessary to deter counterfeiting. Unfortunately, counterfeiting continues to grow out of control because it is seen as a lucrative yet low risk crime. Intellectual property owners, their counsels, private investigators and law enforcement fight counterfeiting every day. We must be able to send a message to counterfeiters that the theft of intellectual property is intolerable and that the battle against counterfeiting will be fought with stronger weapons. S. 1699 accomplishes that precise goal.

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We ask you to support S. 1699 as written in your next Executive Business meeting and promote its passage in the full Senate. Thank you for attending to a serious problem that undermines U.S. intellectual property.

Sincerely,

DOREEN SMALL,
Associate General Counsel.

ROLEX WATCH U.S.A., INC.,
New York, NY, November 2, 2005.

Hon. Senator PATRICK J. LEAHY,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR LEAHY: I am the President and CEO of Rolex Watch U.S.A., Inc., which as you may be aware, has been battling counterfeiters for many years. I am writing to express my absolute support for Senate Bill 1699, the ''Stop Counterfeiting in Manufactured Goods Act.'' S. 1699 creates a necessary disincentive in the criminal code for traffickers in counterfeit labels and goods. We urge you to endorse S. 1699 and promote its passage in the full Senate.

First, the S. 1699 amendments to 18 U.S.C. 2320 will help our fight against counterfeiters by strengthening the application of this statute to those who traffic in counterfeit labels and goods. We are pleased that S. 1699 recognizes the need to strengthen the effectiveness of 18 U.S.C. 2320.

Second, S. 1699 strengthens forfeiture and destruction remedies that are necessary to deter counterfeiting. Unfortunately, counterfeiting continues to grow out of control because it is seen as a lucrative yet low risk crime. Intellectual property owners, their counsels, private investigators and law enforcement fight counterfeiting every day. We must be able to send a message to counterfeiters that the theft of intellectual property is intolerable and that the battle against counterfeiting will be fought with stronger weapons. S. 1699 accomplishes that precise goal.

Counterfeiting will continue to cost the U.S. hundreds of billions of dollars each year if U.S. law does act as a deterrent. This bill takes the very equipment out of the hands of counterfeiters who would perpetuate the manufacture of illicit goods. Once S. 1699 is enacted into law it will allow the U.S. to seek similarly strong legislation abroad as it enters into trade negotiations with other countries.

Sincerely,

ALLEN BRILL,
President and CEO.

VISION COUNCIL OF AMERICA,
Alexandria, VA, November 2, 2005.

Hon. PATRICK J. LEAHY,
Ranking Democratic Member, Russell Senate Office Building, Washington, DC.

DEAR SENATOR LEAHY, I am writing to express my absolute support for Senate Bill 1699, the ''Stop Counterfeiting in Manufactured Goods Act''. S. 1699 creates a necessary disincentive in the criminal code for traffickers in counterfeit labels and goods. We urge you to endorse S. 1699 and promote its passage in the full Senate.

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Counterfeiting will continue to cost the U.S. hundreds of billions of dollars each year if U.S. law does act as a deterrent. This bill takes the very equipment out of the hands of counterfeiters who would perpetuate the manufacture of illicit goods. Once S. 1699 is enacted into law it will allow the U.S. to seek similarly strong legislation abroad as it enters into trade negotiations with other countries.

We ask you to support S. 1699 as written in your next Executive Business meeting and promote its passage in the full Senate.

Thank you for attending to a serious problem that undermines U.S. intellectual property.

Sincerely,

DONNA VAN GREEN,
Frame Division Liaison,
Vision Council of America.

THE TIMBERLAND COMPANY,
Stratham, NH, November 2, 2005.

Senator ARLEN SPECTER,
Chairman, Senate Committee on the Judiciary, Hart Senate Office Building, Washington, DC.

Senator PATRICK J. LEAHY,
Ranking Member, Senate Committee on the Judiciary, Russell Senate Office Building, Washington, DC.

DEAR SENATOR SPECTER AND SENATOR LEAHY: On behalf of the more than 2,100 people employed in the U.S. by The Timberland Company. I am writing to express my support for S. 1699, the ''Stop Counterfeiting in Manufactured Goods Act'' which creates necessary disincentives in the criminal code for traffickers in counterfeit labels and goods. This bill is an essential step toward protecting our trademark, our brand, and our company's identity. I urge you to endorse this bill and promote its passage in the full Senate.

As you know, the elicit counterfeiting of legitimate products is a serious problem, both internationally and in the United States. This bill, which is similar to H.R. 32, which was passed by the U.S. House of Representatives in May, will strengthen efforts to combat counterfeiting in the U.S. in two very important ways. Specifically, S. 1699 would:

Amend Title 18 of the United States Code to close the loophole in the criminal trademark infringement statute, which currently does not criminally prohibit the trafficking of labels, patches, and stickers, and other counterfeit marks; and

Ensure that counterfeit goods and marks seized in violation of this statute are properly disposed of and do not make their way back on the street.

Counterfeiting costs the U.S. hundreds of billions of dollars each year, and will continue to do so if our laws do not act as a deterrent. Not only would S. 1699 take the very equipment out of the hands of counterfeiters who would perpetuate the manufacture of illicit goods, it would allow the U.S. to seek similarly strong legislation abroad as it enters into trade negotiations with other countries.

I appreciate this opportunity to address this critically important issue, and I hope you will continue the fight against elicit counterfeiting of U.S. products by supporting S. 1699 and promoting its passage in the full Senate.

Sincerely,

DANETTE WINEBERG,
Vice President,
General Counsel and Secretary.

Mr. LEAHY. Mr. President, it has been very heartening to see such overwhelming support for this important bill. Counterfeiting is a threat to America. It wreaks real harm on our economy, our workers, and our consumers. This bill is a tough bill that will give law enforcement improved tools to fight this form of theft. The bill is short and straight-forward, but its impact should be profound and far-reaching.

Mr. SPECTER. I would like to take this opportunity to thank Senators ALEXANDER, BAYH, BROWNBACK, COBURN, CORNYN, DEWINE, DURBIN, FEINGOLD, FEINSTEIN, HATCH, KYL, LEVIN, REED, STABENOW and VOINOVICH for their co-sponsorship.

I would also like to thank Representative JIM SENSENBRENNER, chairman of the House Judiciary Committee, and Representative JOE KNOLLENBERG for their leadership in the House with regard to H.R. 32, counterfeiting legislation directly related to S. 1699. In January of this year, Representative KNOLLENBERG introduced H.R. 32, the initial draft of the Stop Counterfeiting in Manufactured Goods Act of 2005, in the House. When the bill was in Committee, he fostered negotiations between the Department of Justice, the U.S. Chamber of Commerce, and the International Trademark Association to craft language nearly paralleling S. 1699. I commend to my colleagues the Housing Judiciary Committee Report on H.R. 32, as amended.

Mr. LEAHY. Some of our most important legislation is produced not only when we reach across the aisle in the name of bipartisanship, but, when we work across chambers and reach true consensus. I would also like to thank Senators ALEXANDER, BAYH, BROWNBACK, COBURN, CORNYN, DEWINE, DURBIN, FEINGOLD, FEINSTEIN, HATCH, KYL, LEVIN, REED, STABENOW and VOINOVICH for their cosponsorship. Counterfeiting is a serious problem that does not lend itself to a quick and easy solution. This legislation is an important step towards fighting counterfeiting. I hope we can build on the success of this law.

Mr. FRIST. Mr. President, I ask unanimous consent that the committee amendment be agreed to, the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

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

The committee amendment was agreed to.

The bill (S. 1699), as amended, was read the third time and passed.

AUTHORITY TO SIGN DULY ENROLLED BILLS OR JOINT RESOLUTIONS

Mr. FRIST. Mr. President, I ask unanimous consent that during the adjournment of the Senate, the majority leader and the junior Senator from Virginia be authorized to sign duly enrolled bills or joint resolutions.

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

ORDERS FOR MONDAY, NOVEMBER 14, 2005

Mr. FRIST. I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m. on Monday, November 14. I further ask that following the prayer and the pledge, the morning hour be deemed to have expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved and the Senate resume consideration of S. 1042 as under the previous order.

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

PROGRAM

Mr. FRIST. Mr. President, on Monday, the Senate will continue its consideration of the Defense authorization bill. Under the agreement reached this evening, we will have debate on only a few remaining amendments. We will complete action on those amendments and proceed to passage of the bill with a series of votes that will start on Tuesday morning. We will have a vote on Monday. Under the order just entered, we will vote on the Energy and Water appropriations conference report at 5:30. We will also complete action on the State, Justice, Commerce appropriations conference report next week.

ADJOURNMENT UNTIL MONDAY, NOVEMBER 14, 2005, AT 2 P.M.

Mr. FRIST. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:56 p.m., adjourned until Monday, November 14, 2005, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate November 10, 2005:

DEPARTMENT OF COMMERCE

ROBERT C. CRESANTI, OF TEXAS, TO BE UNDER SECRETARY OF COMMERCE FOR TECHNOLOGY, VICE PHILLIP BOND, RESIGNED.

DAVID M. SPOONER, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF COMMERCE, VICE JAMES J. JOCHUM, RESIGNED.

DEPARTMENT OF HOMELAND SECURITY

UTTAM DHILLON, OF CALIFORNIA, TO BE DIRECTOR OF THE OFFICE OF COUNTERNARCOTICS ENFORCEMENT, DEPARTMENT OF HOMELAND SECURITY. (NEW POSITION)

SUPREME COURT OF THE UNITED STATES

SAMUEL A. ALITO, JR., OF NEW JERSEY, TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES, VICE SANDRA DAY O'CONNOR, RETIRING.

THE JUDICIARY

LEO MAURY GORDON, OF NEW JERSEY, TO BE A JUDGE OF THE UNITED STATES COURT OF INTERNATIONAL TRADE, VICE THOMAS J. AQUILINO, RETIRED.

DEPARTMENT OF JUSTICE

STEPHEN C. KING, OF NEW YORK, TO BE A MEMBER OF THE FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES FOR THE TERM EXPIRING SEPTEMBER 30, 2008, VICE JEREMY H. G. IBRAHIM, TERM EXPIRED.

DEPARTMENT OF STATE

DUANE ACKLIE, OF NEBRASKA, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTIETH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

GOLI AMERI, OF OREGON, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTIETH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

ROBERT C. O'BRIEN, OF CALIFORNIA, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTIETH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

DONALD M. PAYNE, OF NEW JERSEY, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTIETH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

EDWARD RANDALL ROYCE, OF CALIFORNIA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTIETH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. DAVID D. MCKIERNAN, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. CHARLES C. CAMPBELL, 0000

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. RICHARD G. MAXON, 0000

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

JON R. STOVALL, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

KENNETH W. BULLOCK, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

RANDALL S. LECHEMINANT, 0000
SCOTT H. R. LEE, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

RENA A. NICHOLAS, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

JEFFREY S. BRITTIG, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

ALBERT J. BAINGER, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

JACK N. WASHBURNE, 0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

BARRY J. BERNSTEIN, 0000
MARK D. NETHERTON, 0000
JAMES D. REECE, 0000
GUY C. SCHULTZ, 0000
JUAN M. VERA, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C. SECTION 624:

To be lieutenant colonel

MELVIN S. HOGAN, 0000
JOSEPH M. JACKSON, 0000

CONFIRMATIONS

Executive nominations confirmed by the Senate Thursday, November 10, 2005:

DEPARTMENT OF STATE

ANNE W. PATTERSON, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF STATE (INTERNATIONAL NARCOTICS AND LAW ENFORCEMENT AFFAIRS).

DEPARTMENT OF VETERANS AFFAIRS

GEORGE J. OPFER, OF VIRGINIA, TO BE INSPECTOR GENERAL, DEPARTMENT OF VETERANS AFFAIRS.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF AGRICULTURE

JAMES M. ANDREW, OF GEORGIA, TO BE ADMINISTRATOR, RURAL UTILITIES SERVICE, DEPARTMENT OF AGRICULTURE.

CHARLES R. CHRISTOPHERSON, JR., OF TEXAS, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF AGRICULTURE.

EXECUTIVE OFFICE OF THE PRESIDENT

SUSAN C. SCHWAB, OF MARYLAND, TO BE A DEPUTY UNITED STATES TRADE REPRESENTATIVE, WITH THE RANK OF AMBASSADOR.

DEPARTMENT OF DEFENSE

DONALD C. WINTER, OF VIRGINIA, TO BE SECRETARY OF THE NAVY.

DEPARTMENT OF JUSTICE

SUE ELLEN WOOLDRIDGE, OF VIRGINIA, TO BE AN ASSISTANT ATTORNEY GENERAL.