

NOT VOTING—2

Durbin

Obama

The motion was agreed to.

RECESS

Thereupon, the Senate, at 3:16 p.m., recessed until 5 p.m. and reassembled when called to order by the Presiding Officer (Mr. GRAHAM).

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT, 2005—Continued

AMENDMENT NO. 387

The PRESIDING OFFICER. Under the previous order, the Senator from Maryland, Ms. MIKULSKI, will be recognized for 5 minutes, and the Senator from Virginia, Mr. WARNER, will be recognized for 2 minutes.

The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I rise to ask my colleagues to support cloture on the amendment I offered last week on the H-2B visas. This amendment is desperately needed by small and seasonal business throughout the United States. This amendment is identical to the bipartisan bill I introduced in February called the Save Our Small and Seasonal Business Act. It is designed to be a temporary solution to the seasonal worker shortage that many coastal and resort States are facing.

My amendment helps keep American jobs, keep American companies open, and yet retains control of our borders. Small and seasonal businesses all over our country are in crisis. They need seasonal workers before the summer can begin so they can survive. For years they relied on an H-2B visa program to meet their needs. The program allows businesses to hire temporary seasonal foreign workers with a mandated return to their home country when no other American workers are available. But this year they can't get temporary labor. They have been facing this for the last couple of years because they have been shut out of the program because there is a cap and the cap is reached by the wintertime.

My amendment will help these employers by doing three things. One, it temporarily exempts good actor workers from the H-2B cap so employers can apply for and name employees who have already come back and forth to the United States. It protects against fraud, and it provides a fair and balanced allocation of the H-2B visas between winter and summer people.

Let me be clear about my amendment. First, it protects American jobs. Second, it is a short-term remedy because it is only a 2-year solution. What it does is exempt seasonal workers from the cap. That means there are no new workers. There are no new immigrants. It means no more new guest workers. It means people who have worked here before, who have played by the rules and gone back home, are

the only ones who will be eligible. They have to have been here in the last 3 years, worked in absolute compliance with the law, and returned back home to Mexico as required. So it is not new people who will be exempt. It is an employment program for them and for us.

The employer has to go through the whole Department of Labor and Homeland Security process so we are in compliance with labor rules and we also ensure our national security.

Like my colleagues, I worry about fraud, so we have very strong antifraud provisions. We also make the system better by creating this fair allocation. We recognize that States need them in the winter, but summertime people need them, too.

There is a crisis. Thousands of small businesses are affected by this. Hitting the cap so early had a great impact on my own State of Maryland. We had a lot of summer seasonal business, particularly over there on the Eastern Shore, working that wonderful, fabulous Chesapeake Bay I share with my colleagues from Virginia. Many of our businesses used this program year after year. First they hire all the American workers they can find. Then they turn to the H-2B to find additional workers. I could give example after example, but I can tell you, if they don't get this legislation, they will have to either lay off their permanent workers or close their doors.

So what my legislation is all about is a simple legislative remedy with strong bipartisan support. It is realistic. It is specific. It is narrow. It stands up for American companies, protects our borders.

I know there is great urgency about this. We absolutely need it. Many of my companies have been around for 100 years working in the Chesapeake Bay. Many of them provide the livelihoods not only on the Eastern Shore but because of our fabulous seafood processing industry. We provide jobs also in Baltimore and Bethesda and other parts. We have to pass this legislation because if they can't start to hire within the next few weeks, we are going to close American companies and end up with an even more porous border.

I urge the adoption of my amendment, but now I urge my colleagues to vote for cloture.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I thank my distinguished colleague from Maryland. We have in the Senate a great respect and admiration for the junior Senator from Maryland for her commitment for the little person. I cannot think of another example in her long and distinguished career in the Senate where there is a clearer case for the small business, that individual who is struggling to make an honest living and provide jobs for others.

We have before us today a tremendous challenge as it relates to immigration on a wide range of issues. This

program works. It is very small in comparison to others, but it works. It serves the small businesses, not only seafood, which we have talked about before in the context of this amendment, but other small things—the bed and breakfasts, the small hotels that are so important in our respective States and elsewhere in America.

I say to our colleagues, as they come to join us, it is essential that we pass this to help this category of small businesspersons and to lend credence to a program that works. For every one of these individuals who is brought in, it would be my judgment—and I concur, with my distinguished colleague—that there are two or three permanent American workers whose jobs are supported by their efforts. Oftentimes most of these come in for a short period, some several months, largely in the summertime; some in the fall. Then they go back to their homes beyond the borders of the United States. But the American worker then takes their work product and it enables them to have a full-time, 12-month means of employment.

This is one on which my colleagues will be proud to vote for cloture. In effect, it will enable this legislation to pass.

On behalf of the leadership of the Senate, I ask unanimous consent that the filing deadline for second-degree amendments be extended until the beginning of the cloture vote on the Mikulski amendment.

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

Ms. MIKULSKI. Mr. President, I yield whatever time I have remaining to the other Senator from Virginia.

Mr. WARNER. Do I not have a bit of time on mine? On behalf of my colleague from Virginia, I ask unanimous consent that he proceed for 2 minutes.

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

The Senator from Virginia.

Mr. ALLEN. Mr. President, I thank my colleague from Virginia and the Senator from Maryland. I urge my colleagues to support the cloture motion on this amendment. It is an immigration issue, but it is more importantly a small business issue.

There are a lot of small businesses that are seasonal in nature. It may be construction, landscaping, tourism, or the seafood industry. It is vitally important that we get this immigration, this H-2B visa issue, in order logically. These are law-abiding citizens who want to keep their small business in operation, providing the services that people in their communities so desire.

I thank the Chair and my colleagues. I hope all colleagues will vote for small businesses, to keep them operating in States all across the Nation and bring some common sense with this temporary remedy, to bring some common sense and reasonableness to a program that every year ends up in a crisis. I thank Senator MIKULSKI of Maryland and my colleague from Virginia, Senator WARNER, of course. All of us are

working together for the betterment of many family businesses.

Mr. WARNER. Mr. President, the two Senators from Virginia accept the challenge of the Senator from Maryland to a cookoff on crabcakes. Before we started this, the Senator talked about her mother's formula. We have ours.

Ms. MIKULSKI. I thank the Senator from Virginia. I accept the challenge. If it takes two of you to take me on, so be it.

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

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Mikulski amendment No. 387 to H.R. 1268.

B.A. Mikulski, J. Lieberman, Jon Corzine, Jeff Bingaman, Byron Dorgan, Ron Wyden, Ken Salazar, Hillary Clinton, Mark Pryor, Dick Durbin, Bill Nelson, Chuck Schumer, Barack Obama, Frank Lautenberg, Patrick Leahy, Debbie Stabenow, Chris Dodd.

The PRESIDING OFFICER: By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on amendment No. 387, offered by the Senator from Maryland, shall be brought to a close? The yeas and nays are mandatory under the rule. The clerk will call the roll.

The legislative clerk called the roll.

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

The yeas and nays resulted—yeas 83, nays 17, as follows:

[Rollcall Vote No. 101 Leg.]

YEAS—83

Akaka	Dole	McCain
Allard	Domemici	Mikulski
Allen	Dorgan	Murkowski
Baucus	Durbin	Murray
Bayh	Enzi	Nelson (FL)
Bennett	Feingold	Nelson (NE)
Biden	Feinstein	Obama
Bingaman	Graham	Pryor
Bond	Gregg	Reed
Boxer	Hagel	Reid
Burns	Harkin	Rockefeller
Burr	Hatch	Salazar
Cantwell	Inouye	Santorum
Carper	Isakson	Sarbanes
Chafee	Jeffords	Schumer
Chambliss	Johnson	Smith
Clinton	Kennedy	Snowe
Coburn	Kerry	Specter
Coleman	Kohl	Stabenow
Collins	Kyl	Stevens
Conrad	Landrieu	Sununu
Corzine	Lautenberg	Talent
Craig	Leahy	Thomas
Crapo	Levin	Thune
Dayton	Lieberman	Thune
DeMint	Lincoln	Voivovich
DeWine	Lugar	Warner
Dodd	Martinez	Wyden

NAYS—17

Alexander	Cochran	Grassley
Brownback	Cornyn	Hutchison
Bunning	Ensign	Inhofe
Byrd	Frist	

Lott
McConnell

Roberts
Sessions

Shelby
Vitter

The PRESIDING OFFICER. On this vote, the yeas are 83, the nays are 17. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. ENZI. Mr. President, I rise today in support of the Save Our Small and Seasonal Business Act, offered as an amendment by Senator MIKULSKI to the Supplemental Appropriations Act.

As many of my colleagues have stated, this amendment is very simple and straightforward. It is a temporary fix and does not reward illegal workers. It basically allows those workers who have followed the rules and returned home at the end of their season to come back to work in the United States and not count against the H-2B visa cap.

As the situation stands right now, the many businesses across our Nation that use the visas are limited by how many can be approved each year. The demand of the visas is high and the Department of Labor has certified that there are positions that cannot be filled locally. With the cap being for the entire fiscal year, those businesses with their season in the fall and winter have a better chance of getting the employees they need. In Wyoming, we have strong summer and winter seasons. Our winter businesses have been able to get their workers and yet see the impact of not having enough employees in the summer.

The H-2B visas are used in Wyoming by small businesses in a variety of areas. I have heard from hotels, restaurants, touring companies, hunting companies, art and framing stores, and others. Many of these people depend on their return workers to keep their businesses going. While some may consider this unskilled labor, a return worker who knows the job and knows the customers is invaluable for a small business.

This amendment is about helping our small and seasonal businesses survive another year—to give them a chance to stay in business until the Senate can fully debate needed changes in immigration reform. It does not provide amnesty or benefit those who have broken our laws.

This type of visa actually puts such a high level of responsibility on the employers that we should consider putting some of these requirements on other types of visas. Under Federal law, the employer must certify that they cannot hire locally, the employer must guarantee wages, and the employer accepts responsibility for the worker. The amendment we are considering today keeps that built-in protection. It also increases fraud protection

to help us ensure that those who have the visa applications approved are those who need the employees.

The support we have already heard for this amendment is evidence of the wide impact of the H-2B visa program. Businesses from mountain States and coastal States are in need of help. We have an opportunity to take positive action in support of the small businesses that drive our economy. I encourage all my colleagues to support the Mikulski amendment.

AMENDMENT NO. 555

Mr. KYL. Mr. President, I have an amendment at the desk, No. 555.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. KYL] proposes an amendment numbered 555.

Mr. KYL. 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 modify the criteria for excluding certain H-2B workers from the numerical limitations under section 214(g)(1)(B) of the Immigration and Nationality Act)

On page 2, strike lines 5 through 11, and insert the following:

“(9)(A) Subject to subparagraphs (B) and (C), an alien counted toward the numerical limitations of paragraph (1)(B) during any 1 of the 3 fiscal years prior to the submission of a petition for a nonimmigrant worker described in section 101(a)(15)(H)(ii)(b) may not be counted toward such limitation for the fiscal year in which the petition is approved.

“(B) A petition referred to in subparagraph (A) shall include, with respect to an alien—

“(i) the full name of the alien; and

“(ii) a certification to the Department of Homeland Security that the alien is a returning worker.

“(C) An H-2B visa for a returning worker shall be approved only if the name of the individual on the petition is confirmed by—

“(i) the Department of State; or

“(ii) if the alien is visa exempt, the Department of Homeland Security.”

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 555) was agreed to.

Mr. KYL. 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.

VOICE VOTE ON AMENDMENT NO. 387, AS AMENDED

Ms. MIKULSKI. Mr. President, there is no further debate on the amendment. I yield all of my time and, therefore, request a vote on my amendment, as amended.

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

The legislative clerk called the roll.

The result was announced—yeas 94, nays 6, as follows:

[Rollcall Vote No. 102 Leg.]

YEAS—94

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

NAYS—6

Byrd	Nelson (FL)	Shelby
Inhofe	Sessions	Vitter

The amendment (No. 387), as amended, was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. FRIST. Mr. President, the next vote will be on invoking cloture on the bill. I hope we will, in fact, invoke cloture. If cloture is invoked this evening, it will be the last vote of the evening. This will give the two managers time to work through the pending amendments to determine which are germane. We will resume consideration of the bill tomorrow and complete action on it. I say this in advance of the cloture vote. If cloture is not invoked tonight, then we would have additional votes this evening.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, for the purpose of completing action on cleared amendments, there are two amendments that do not require a roll-call vote. Senator HUTCHISON has an amendment and Senator CHAMBLISS has an amendment. I ask unanimous consent that it be in order for them to offer those amendments at this time.

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

The Senator from Texas.

AMENDMENT NO. 379, AS MODIFIED

Mrs. HUTCHISON. Mr. President, I call up amendment No. 379 and send a modification to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for herself, Mr. SCHUMER, and Mr. DOMENICI, proposes an amendment numbered 379, as modified.

Mrs. HUTCHISON. 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, as modified, is as follows:

(Purpose: To make unused EB3 visas available to bring nurses to the United States through Department of State procedures)

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

RECAPTURE OF VISAS

SEC. 6047. Section 106(d)(2)(A) of the American Competitiveness in the Twenty-first Century Act of 2000 (Public Law 106-313; 8 U.S.C. 1153 note) is amended—

(1) in paragraph (1), by inserting before the period at the end of the second sentence “and any such visa that is made available due to the difference between the number of employment-based visas that were made available in fiscal year 2001, 2002, 2003, or 2004 and the number of such visas that were actually used in such fiscal year shall be available only to employment-based immigrants, and the dependents of such immigrants, and 50% of such visas shall be made available to those whose immigrant worker petitions were approved based on schedule A, as defined in section 656.5 of title 20, Code of Federal Regulations, as promulgated by the Secretary of Labor”; and

(2) in paragraph (2)(A), by striking “and 2000” and inserting “through 2004”.

Mrs. HUTCHISON. Mr. President, this is an amendment to recapture unused EB-3 visas. Senator SCHUMER, Senator KENNEDY and I have worked on this to try to assure that 50 percent of the unused EB-3 visas help resolve our serious nursing shortage. It is very important. These visas go out of existence and cannot be recaptured except by an act of Congress. They have already been authorized. We need to recapture the unused visas from 2001 to 2004, add to the number of nurses we can bring to our country, as well as the EB-3 engineers and educated workforce that are waiting in the wings.

Mr. President, I ask all of my colleagues to support this amendment.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I thank my colleague from Texas. This is an amendment we have worked on together. As she said, it fills some badly needed positions without increasing the overall number. I hope we will support it.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified, of the Senator from Texas.

The Senator from Georgia.

AMENDMENT NO. 418, AS FURTHER MODIFIED

Mr. CHAMBLISS. Mr. President, I ask unanimous consent to further modify my amendment No. 418 with the changes that are at the desk, and also add a number of cosponsors whose names are also at the desk.

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

The amendment, as further modified, is as follows:

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

PROHIBITION ON TERMINATION OF EXISTING JOINT-SERVICE MULTIYEAR PROCUREMENT CONTRACT FOR C/KC-130J AIRCRAFT

SEC. 1122. No funds in this Act may be obligated or expended to terminate the joint service multiyear procurement contract for C/KC-130J aircraft that is in effect on the date of the enactment of this Act.

Mr. CHAMBLISS. I thank the Chair.

Mr. PRYOR. Mr. President, I stand with Senator SAXBY CHAMBLISS and strongly support his amendment to ensure the C-130J contracts continue without interruption this year.

The C-130J has quickly been adapted to play vital and unique roles in our national defense efforts. Today, both U.S. and Allied C-130Js are performing operational missions in CENTCOM with a mission capable rate of over 90 percent. The J performs missions in Iraq in 1 day that requires the C-130E or H model 2 days. It is equally critical for relief operations like the Tsunami effort in Asia, where lives were spared due to the C-130Js quick capabilities.

I have made several visits to the Little Rock Air Force Base, the premier training facility for the C-130J, and I have seen first hand the J model's new features and capabilities. The C-130Js climb higher and faster, flies at higher cruise speeds, takes off and lands in a shorter distance, and is easier, safer and cheaper to operate than its predecessor.

The military officials and troops who I have talked with want to continue using C-130Js and they depend on the model's new features on the ground. Cutting production of the C-130Js would not only deny our soldiers the cutting-edge technology they need on today's battlefield, but it would leave the Air Force and Marine Corps with an aging and far less capable tactical airlift.

As I am sure my colleagues are aware, the Air Force recently grounded or severely restricted the flying of 90 C-130s due to old age. Eighty-four of these carriers are assigned to the Active-Duty Air Force. By further terminating the contracts for C-130Js, we would be leaving the Air Force unable to meet its future tactical requirements. The Air Force will be 116 aircraft short of requirement and the Marine Corps will be short 18 aircraft.

Terminating the C-130J contracts is short-sighted from a tactical standpoint, but it is also foolish from a financial standpoint. Terminating the current contracts could cost taxpayers more than the cost of building new carriers. Liability fees for ending the C-130J multiyear contracts are estimated at \$1.3 billion for the Air Force and \$0.3 billion for the Marine Corps for a total of \$1.6 billion. This estimate does not

include the increased costs of maintaining aging planes.

I urge my colleagues to support this amendment and help ensure our military has the equipment it needs to effectively and safely carry out their missions, now and in the future.

AMENDMENT NO. 379, AS MODIFIED

Mrs. HUTCHISON. Mr. President, I ask for a voice vote on my amendment. We need to dispose of amendment No. 379, as modified.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified.

The amendment (No. 379), as modified, was agreed to.

Mrs. HUTCHISON. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 67, H.R. 1268.

Bill Frist, Mitch McConnell, Elizabeth Dole, Olympia Snowe, Norm Coleman, Pat Roberts, Orrin Hatch, John Cornyn, Craig Thomas, Michael Enzi, Larry E. Craig, Trent Lott, George V. Voinovich, Bob Bennett, Pete Domenici, Richard Burr, James Talent.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on H.R. 1268, the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005, Humanitarian Assistance Code of Conduct Act of 2005, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The yeas and nays resulted—yeas 100, nays 0, as follows:

[Rollcall Vote No. 103 Leg.]

YEAS—100

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

Reid	Shelby	Thomas
Roberts	Smith	Thune
Rockefeller	Snowe	Vitter
Salazar	Specter	Voinovich
Santorum	Stabenow	Warner
Sarbanes	Stevens	Wyden
Schumer	Stununu	
Sessions	Talent	

The PRESIDING OFFICER. On this vote, the yeas are 100, the nays are 0. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. COCHRAN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I ask unanimous consent to yield to the Senator from West Virginia for the purposes of proposing an amendment and then following that, I regain the floor.

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

AMENDMENT NO. 516

Mr. BYRD. Mr. President, I thank the very distinguished Senator from Arizona for his characteristic courtesy.

I call up amendment No. 516 and ask that it be stated and temporarily laid aside.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows: The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 516.

Mr. BYRD. 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 increase funding for border security)

On page 187, after line 4, insert the following:

REDUCTION IN FUNDING FOR DIPLOMATIC AND CONSULAR PROGRAMS

The amount for "Diplomatic and Consular Programs" under chapter 2 of title II shall be \$357,700,000.

IMMIGRATION AND CUSTOMS ENFORCEMENT SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", \$389,613,000, of which \$128,000,000, to remain available until September 30, 2006, shall be available for the enforcement of immigration and customs laws, detention and removal, and investigations, including the hiring of immigration investigators, enforcement agents, and deportation officers, and the provision of detention bed space, and of which the Assistant Secretary for Immigration and Customs Enforcement shall transfer (1) \$179,745,000, to Customs and Border Protection, to remain available until September 30, 2006, for "SALARIES AND EXPENSES", for the hiring of Border Patrol agents and related mission support expenses and continued operation of unmanned aerial vehicles along the Southwest Border; (2) \$67,438,000, to Customs and Border Protection, to remain available until expended, for "CONSTRUCTION"; (3) \$10,471,000, to the Federal Law Enforcement Training Center, to remain available until September 30, 2006, for "SALARIES AND EXPENSES"; and (4) \$3,959,000, to the Federal Law Enforcement Training Center, to remain available until expended, for "ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EX-

PENSES", for the provision of training at the Border Patrol Academy.

Mr. BYRD. Mr. President, I ask that the amendment be temporarily laid aside.

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

Mr. BYRD. Mr. President, I thank the distinguished Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I am obviously always glad to accommodate the most distinguished Member of the Senate from West Virginia.

The emergency supplemental appropriations for Defense, the global war on terror, and tsunami relief for 2005 provides critical resources for our men and women in uniform and for our foremost foreign policy priorities. While I recognize the importance of its timely passage, I am concerned it includes a number of provisions that do not constitute "emergency spending." These items clearly should be debated and funded under the regular order.

Before I go further, I would like to congratulate the distinguished chairman of the Appropriations Committee for the hard work that he and his staff have done in putting together this very vital appropriations measure to pursue the war on terror and, of course, the war in Afghanistan and Iraq.

We ought to ask a basic question: What is the purpose of emergency appropriations? It is twofold. First, it is supposed to provide funding for critical expenditures beyond what was anticipated in the President's annual budget request; second, it is supposed to pay for vital priorities that simply cannot wait until next year's budget.

What are the common elements? The unexpected and the time sensitive. Simply put, the purpose of the supplemental appropriations bill is to fund our country's urgent and unanticipated needs.

We have to consider this in the context of a couple of comments that have been made recently. At a conference in February, David Walker, the Comptroller General of the United States, said:

If we are to continue on our present path, we'll see pressure for deep spending cuts or dramatic tax increases. GAO's long-term budget simulations paint a chilling picture. If we do nothing, by 2040 we may have to cut federal spending by more than half or raise federal taxes by more than two and a half times to balance the budget. Clearly, the status quo is both unsustainable and difficult choices are unavoidable. And the longer we wait, the more onerous our options will become and the less transition time we will have.

Is that really the kind of legacy we should leave to future generations of Americans?

Referring to our economic outlook, Federal Reserve Chairman Alan Greenspan testified before Congress:

(T)he dimension of the challenge is enormous. The one certainty is that the resolution of this situation will require difficult choices and that the future performance of the economy will depend on those choices. No changes will be easy, as they all will involve lowering claims on resources or raising financial obligations. It falls on the Congress to determine how best to address the competing claims.

He said it falls on Congress. The head of the U.S. Government's chief watchdog agency and the Nation's chief economist agree we are in real trouble. We are in real trouble. Here is a radical idea for my colleagues to consider to help secure our economic future: Stop using scarce Federal dollars, taxpayers' dollars to fund unnecessary earmarks and all the other frivolous projects that do nothing to provide for the greater good of our Nation.

A case in point of what this legislation is and should be all about is the urgent need of Balad Air Base in Iraq, a U.S. Army camp on the very front line of the war on terror. The service members who live there have nicknamed it "Mortaritaville" because of the frequency of insurgent mortar attacks. Balad is quickly becoming a hub for military operations in the Sunni Triangle and is home to more than 20,000 U.S. troops. As a result, the camp's infrastructure is becoming overwhelmed and requires more than \$63 million to remain functional and effective. This camp needs emergency funding.

The Department of Defense listed construction of a hospital facility, command and control buildings, and related equipment among its emergency needs for Balad, and appropriators in the House and Senate have rightly agreed to such funding. The DOD and our appropriators recognize these improvements to Balad are critical to our efforts in Iraq and the broader war on terror, and this is why we have an emergency supplemental appropriations bill to fund these types of needs.

The bill includes many important provisions such as increased death benefits, military operational costs, recapitalization of equipment, and research and development associated with the war on terror to which I lend my strongest support.

For example, this bill provides \$1.285 billion in assistance to the security forces of Afghanistan; \$5.7 billion for the security forces of Iraq; \$227 million for counternarcotics activities in Afghanistan and Pakistan; and \$44 million for humanitarian assistance in Darfur, Sudan.

The foreign affairs provisions of this bill are remarkably free of pork. As one who supports ensuring that taxpayers' dollars are spent properly, I commend my colleagues and the chairman for their restraint in this area. Unfortunately, due to its "must pass" nature, a number of unauthorized provisions and funding not requested by the President and unrelated to defense or foreign affairs have been included in this

bill, and literally hundreds of amendments have been attempted to be added to the bill. The administration's proposed definition of an emergency requirement is "a necessary expenditure that is sudden, urgent, unforeseen, and not permanent."

We should do everything in our power to ensure this bill passes. But we must also ensure every item in it is of a true emergency nature.

It is evident that some of my colleagues misunderstand the purpose of supplemental appropriations, and continue to seek to add spending to this bill that should be addressed as part of the regular appropriations process. In fact, there is an unmistakable trend turning emergency supplementals into a second budget request. Many programs that should be in the baseline budget are somehow finding their way into this supplemental. We must not allow this trend to continue—we must not allow the supplemental to become a de facto second budget.

Let's look at a few examples of the kind of non-emergency spending that has found its way into this bill.

There is \$10 million for the University of Hawaii Library. I was unaware that the war in Iraq and Afghanistan was also being fought at the University of Hawaii's library.

There is \$2.4 million to the Forest Service to repair damage to national forest lands—surely a necessary expense—but one that should be funded through the proper process, beginning with an authorization and testimony by officials from the Forest Service in a public hearing.

There is \$23 million to the Capitol Police for the construction of an "off-site delivery facility." I'll be the first one around here to praise the U.S. Capitol police for the good work that they do—I am sure this facility is a high priority to them. But, again, let's provide funding for this through the proper process—public hearings, authorizing legislation, and the proper appropriations vehicle.

There is language in the bill to increase authorized funds for a fish hatchery in Fort Peck, Montana, from \$20 million to \$25 million. I would like to know how a "multi-species fish hatchery" is related to the War on Terror. Does the author of such language believe the hatched fish may enlist in our armed forces? Was it requested by the President as an emergency need? No. Is this authorization related to the stated purpose of the supplemental? No.

The bill also includes language authorizing the Secretary of the Interior to analyze the viability of a sanctuary for the Rio Grande Silvery Minnow in the Middle Rio Grande Valley. The Rio Grande Silvery Minnow is a stout silvery minnow with moderately small eyes and a small mouth. Adults minnows may reach 3.5 inches in total length. Perhaps the silvery minnow could enlist with the Fort Peck, MT fish. I will await the Secretary's study.

The bill includes \$500,000 for a study of wind energy in North Dakota and South Dakota. I believe we can all agree that this expenditure earmark is not urgent. In fact, I am not certain there is a need for a study as the wind energy potential in the Dakotas is well-established. And I don't know what it has to do with fighting the war on terror or aiding the tsunami disaster victims.

Another \$500,000 is earmarked to the University of Nevada Reno for the Oral History of the Negotiated Settlement project. I ask my colleagues, how is this useful to the war on terror? How is this an emergency need?

No bill would be complete without several projects for the State of Alaska. The bill includes language that addresses how the Agriculture Department pays dairy farmers in Alaska. I certainly don't wish to neglect our Alaskan dairy farmers, but I cannot support prioritizing their payment issues over the needs of our soldiers.

The bill includes \$175,000 not requested by the President to remove the sunken vessel *State of Pennsylvania* from the Christina River in Delaware. That particular vessel has been at the bottom of the Christina River for more than a decade, is not endangering commercial traffic on the river, and I am sure Congress can wait to fund its removal during the regular appropriations process.

Another \$55 million is earmarked for a wastewater treatment facility in Desoto County, MS. How exactly does this help the troops?

Not only do I have concerns with some of the provisions the Appropriations Committee included in this bill, as I have highlighted, I am very troubled by some of the amendments being proposed. I am well aware that many of my colleagues—and their staffs—have expressed frustrations about my objections to their amendments. I have, and will continue, to object to adopting certain amendments by unanimous consent. This is an "emergency supplemental"—its not a Christmas wish list. I frankly do not understand the managers willingness to agree to some of these proposals. Some of them sound reasonable, but who can be sure? That is why the President's request is so important—it is thought out and designed to carry out specific objectives that are urgent and necessary. I do not particularly care for being in the position of "bad cop", but so be it. But I cannot agree to unanimous approval of amendments that appear more wishful and urgent. For example, \$1 million for lobster disease in the northeast. I do not doubt that this may be a problem but it simply does not belong on an emergency supplemental appropriations bill to fund the war. There is legislation regarding State regulation of hunting and fishing. I support this concept, and even cosponsored a bill last year to reaffirm the authority of State governments to regulate their own hunting and fishing programs. But the simple

fact remains that tacking this legislation onto a war-time emergency supplemental is both inappropriate and unnecessary. We can and should pass this bill through the regular legislative process.

Tomorrow I will be joining with my friend from Oklahoma, Senator COBURN, in offering amendments to strike the most egregious, unnecessary, and non-emergency provisions from this bill. I urge my colleagues to support our efforts to keep this important legislation free from non-essential, pork barrel projects.

Let me close by noting that I appreciate the hard work of the Appropriations Committee and their staff. Field visits were conducted in Afghanistan and the Middle East as the Committee diligently researched the DoD's many requests pursuant to the war on terror. But I am concerned about their decision to include unnecessary, non-emergency earmarks in this bill and the accompanying report. When considering military construction projects like those in Balad, Iraq, consideration was taken to determine whether the project was truly of an emergency nature. Why did the Committee not apply the same consideration to the fish hatchery in Montana?

As I mentioned, on tomorrow I have a couple of amendments we will be seeking votes on. I hope we realize we have a looming deficit, a trade deficit, and unanticipated expenses concerning the war in Iraq. There was one high-ranking Defense official at the time of the beginning of the war in Iraq who said the oil revenues would pay for United States expenses. We are now up to close to \$300 billion and we are not yet able to reduce our forces. I think we ought to take into consideration the fact that we will have continued, very significant expenses associated with the conflict in Iraq and in Afghanistan before we begin appropriating money for fish hatcheries and for libraries.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I thank the Chair.

(The remarks of Mr. SPECTER and Mr. LEAHY pertaining to the introduction of S. 852 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Nevada.

AMENDMENT NO. 440

Mr. REID. Mr. President, on behalf of Senator BIDEN, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. BIDEN, proposes an amendment numbered 440.

Mr. REID. 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 appropriate, with an offset, \$6,000,000 for the Defense Health Program for force protection work and medical care at the Vaccine Health Care Centers)

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

FORCE PROTECTION WORK AND MEDICAL CARE
AT VACCINE HEALTH CARE CENTERS

SEC. 1122. (a) INCREASE IN AMOUNT FOR DEFENSE HEALTH PROGRAM.—The amount appropriated by this chapter under the heading "DEFENSE HEALTH PROGRAM" is hereby increased by \$6,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount appropriated or otherwise made available by this chapter under the heading "DEFENSE HEALTH PROGRAM", as increased by subsection (a), \$6,000,000 shall be available for force protection work and medical care at the Vaccine Health Care Centers.

(c) OFFSET.—The amount appropriated by chapter 2 of this title under the heading "GLOBAL WAR ON TERROR PARTNERS FUND" is hereby reduced by \$6,000,000.

Mr. BIDEN. Mr. President, I rise to offer amendment No. 440 on behalf of myself, Senator BINGAMAN, and Senator CARPER to fully protect the health of our military personnel. Let me explain. The military regularly protects our troops by vaccinating them. There are vaccines to keep personnel healthy in the face of common illnesses like the flu and to protect them from biological warfare agents such as anthrax or smallpox.

These force protection measures are important. Equally important is the recognition that not every person will react positively to a vaccination.

Vaccines, even those generally considered safe, are still drugs put into the body. There will always be a small number of personnel whose bodies have an adverse reaction to a safe vaccine. In order to deal with this, the Vaccine Health Care Centers Network was established in 2001.

The centers act as a specialized medical unit that can provide the best possible clinical care to any military member, active duty, Guard or Reserve, or their family that has a severe reaction. They also advise the Department of Defense regarding vaccine administration policies and educate military health care professionals regarding the safest and best practices for vaccine administration. Their overall mission is to promote vaccine safety and provide expert knowledge to patients and physicians.

Why is this so important? As many of my colleagues know, the number of adults who get regular vaccines is fairly small. While we have specialists who deal with childhood vaccinations and problems that might develop, the population of adults regularly vaccinated with anything more than the flu vaccine is small.

In the military, the reverse is true. Military personnel are regularly vaccinated for travel, for threats relating to their theater of operation, and for things such as the flu.

For this reason, it is essential that the military have a centralized place to capture the information on those

who experience severe problems. In particular, because serious problems are rare, it is difficult for the average base physician to develop the expertise needed to provide the best treatment.

Let me give my colleagues more specifics.

In fiscal year 2004, the centers responded to over 120,000 emails and other consultation inquiries.

They managed over 600 cases of prolonged adverse events, which means literally over 58,000 pages of medical information reviewed. These are very complex and specialized medical cases. They require personnel with expertise and the ability to dedicate significant time.

Since beginning operations in 2001, the total number of cases managed through fiscal year 2004 is 1,341.

Without the centers, that is over one thousand military personnel who would not have gotten the care they deserve. The best possible care we can provide.

In addition to providing care and consultative services, the centers developed clinical guidelines and aids for physicians and nurses giving vaccines. Over 28,000 immunization "tool kits" were distributed. They have also provided ongoing education at bases through lectures and training.

In addition, they have worked collaboratively with outside researchers to get the best possible analysis of the trends in cases that they do see.

This has all been done by an extremely small staff—only one full-time doctor, three nurse practitioners, and five educators and support staff at each of the four regional facilities. The value and medical services they have provided to the entire military family—Army, Navy, Air Force, Marines, and Coast Guard—has been extraordinary.

Military personnel and their dependents are more confident in the vaccination programs and reports from those who do suffer adverse reactions are extremely positive regarding the care they now get from the centers.

Why do we need to provide \$6 million on the emergency supplemental for this? The reason is simple. The centers are in danger of losing part of their funding this fiscal year. They are currently funded with Army global war on terror money.

I applaud the Army for recognizing the need for the centers and providing those funds from their wartime allocation. But the Army is only the executive agent for what is a defense-wide service. They cannot be the sole funder. I am very concerned that the funding this year is being redirected because other services have not budgeted for the centers' work, despite the fact that 46 percent of their cases were related to Air Force, Navy, and Marines personnel.

Clearly, force protection in this time of war demands a good vaccination program. Equally clear, that program must include quality care for those who suffer adverse events in every service, not just the Army.

In addition, as we look ahead, we all anticipate a growing need for biological defenses, particularly vaccines. We established Project BioShield for that very reason.

At this point, there is no civilian equivalent to the Vaccine Health Care Centers Network, but I think we are going to need to consider setting up some collaborative effort to take advantage of their knowledge should a mass civilian inoculation become necessary.

Let me also remind my colleagues that the Department of Defense asked for and received an emergency authority from the Department of Health and Human Services to begin administering the anthrax vaccine.

I will not go into the technicalities of that, but it basically allows the military to vaccinate personnel with informed consent. If the Department believes it is an emergency to resume that vaccine, how can we consider preserving the Vaccine Health Care Centers any less?

At the end of the day, this is very simple. We simply cannot mandate that military personnel take these vaccines and then abandon them when a problem arises.

This is the same as providing a prosthesis to someone who loses a limb.

If military personnel are injured because of their service to this Nation, we have an absolute obligation to give them the best possible care. Anything less is unconscionable.

I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, we have some requests to make on behalf of the managers of the bill with respect to amendments that have been cleared on both sides of the aisle. We understand there has been a review undertaken by staff to try to ensure that the amendments which are going to be presented to the Senate are consistent with the vote taken on cloture earlier in the day.

AMENDMENT NO. 343

With that information, I call up amendment No. 343 on behalf of Mr. Pryor regarding Camp Joseph T. Robinson.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. Pryor, proposes an amendment numbered 343.

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

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

The amendment is as follows:

(Purpose: To release to the State of Arkansas a reversionary interest in Camp Joseph T. Robinson)

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

SEC. 6047. The United States releases to the State of Arkansas the reversionary interest described in sections 2 and 3 of the Act entitled "An Act authorizing the transfer of part of Camp Joseph T. Robinson to the State of Arkansas", approved June 30, 1950 (64 Stat. 311, chapter 429), in and to the surface estate of the land constituting Camp Joseph T. Robinson, Arkansas, which lies east of the Batesville Pike county road, in sections 24, 25, and 36, township 3 north, range 12 west, Pulaski County, Arkansas.

Mr. COCHRAN. Mr. President, I know of no request for debate on the amendment.

The PRESIDING OFFICER. If there is no debate, the question is on agreeing to the amendment.

The amendment (No. 343) was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 427, AS MODIFIED

Mr. COCHRAN. Mr. President, I call up amendment No. 427 on behalf of Mr. DURBIN regarding Iraqi security services.

Mr. President, I also send a modification of the amendment to the desk.

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

The amendment (No. 427), as modified, is as follows:

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

REPORTS ON IRAQI SECURITY FORCES

SEC. 1122. Not later than 60 days after the date of enactment of this Act, and every 90 days thereafter, the President shall submit an unclassified report to Congress, which may include a classified annex, that includes a description of the following:

(1) The extent to which funding appropriated by this Act will be used to train and equip capable and effectively led Iraqi security services and promote stability and security in Iraq.

(2) The estimated strength of the Iraqi insurgency and the extent to which it is composed of non-Iraqi fighters, and any changes over the previous 90-day period.

(3) A description of all militias operating in Iraq, including their number, size, strength, military effectiveness, leadership, sources of external support, sources of internal support, estimated types and numbers of equipment and armaments in their possession, legal status, and the status of efforts to disarm, demobilize, and reintegrate each militia.

(4) The extent to which recruiting, training, and equipping goals and standards for Iraqi security forces are being met, including the number of Iraqis recruited and trained for the army, air force, navy, and other Ministry of Defense forces, police, and highway patrol of Iraq, and all other Ministry of Interior forces, and the extent to which personal and unit equipment requirements have been met.

(5) A description of the criteria for assessing the capabilities and readiness of Iraqi security forces.

(6) An evaluation of the operational readiness status of Iraqi military forces and special police, including the type, number, size, and organizational structure of Iraqi battalions that are—

(A) capable of conducting counterinsurgency operations independently;

(B) capable of conducting counterinsurgency operations with United States or Coalition mentors and enablers; or

(C) not ready to conduct counterinsurgency operations.

(7) The extent to which funding appropriated by this Act will be used to train capable, well-equipped, and effectively led Iraqi police forces, and an evaluation of Iraqi police forces, including—

(A) the number of police recruits that have received classroom instruction and the duration of such instruction;

(B) the number of veteran police officers who have received classroom instruction and the duration of such instruction;

(C) the number of police candidates screened by the Iraqi Police Screening Service screening project, the number of candidates derived from other entry procedures, and the overall success rates of those groups of candidates;

(D) the number of Iraqi police forces who have received field training by international police trainers and the duration of such instruction;

(E) a description of the field training program, including the number, the planned number, and nationality of international field trainers;

(F) the number of police present for duty;

(G) data related to attrition rates; and

(H) a description of the training that Iraqi police have received regarding human rights and the rule of law.

(8) The estimated total number of Iraqi battalions needed for the Iraqi security forces to perform duties now being undertaken by the Coalition Forces, including defending Iraq's borders, defeating the insurgency, and providing law and order.

(9) The extent to which funding appropriated by this Act will be used to train Iraqi security forces in counterinsurgency operations and the estimated total number of Iraqi security force personnel expected to be trained, equipped, and capable of participating in counterinsurgency operations by the end of 2005 and of 2006.

(10) The estimated total number of adequately trained, equipped, and led Iraqi battalions expected to be capable of conducting counterinsurgency operations independently and the estimated total number expected to be capable of conducting counterinsurgency operations with United States or Coalition mentors and enablers by the end of 2005 and of 2006.

(11) An assessment of the effectiveness of the chain of command of the Iraqi military.

(12) The number and nationality of Coalition mentors and advisers working with Iraqi security forces as of the date of the report, plans for decreasing or increasing the number of such mentors and advisers, and a description of their activities.

(13) A list of countries of the North Atlantic Treaty Organisation ("NATO") participating in the NATO mission for training of Iraqi security forces and the number of troops from each country dedicated to the mission.

(14) A list of countries participating in training Iraqi security forces outside the NATO training mission and the number of troops from each country dedicated to the mission.

(15) For any country, which made an offer to provide forces for training that has not been accepted, an explanation of the reasons why the offer was not accepted.

(16) For offers to provide forces for training that have been accepted by the Iraqi government, a report on the status of such training efforts, including the number of troops involved by country and the number of Iraqi security forces trained.

(17) An assessment of the progress of the National Assembly of Iraq in drafting and ratifying the permanent constitution of Iraq, and the performance of the new Iraqi Government in its protection of the rights of minorities and individual human rights, and its adherence to common democratic practices.

(18) The estimated number of United States military forces who will be needed in Iraq 6, 12, and 18 months from the date of the report.

Mr. COCHRAN. Mr. President, I know of no requests for debate on the amendment as modified.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment, as modified.

The amendment (No. 427), as modified, was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 399

Mr. COCHRAN. I call up amendment numbered 399, on behalf of Mr. DORGAN, regarding the independent counsel investigation of Henry Cisneros.

I know of no requests for debate on the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 399) was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 560

Mr. COCHRAN. I send to the desk an amendment on behalf of Mr. SHELBY, regarding judicial security enhancements.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi, [Mr. COCHRAN], for Mr. SHELBY, for Mr. KENNEDY, for himself, Mr. DURBIN and Mr. OBAMA, proposes an amendment numbered 560.

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

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

The amendment is as follows:

(Purpose: To clarify funding for judicial security enhancements)
On page 184, line 16, after "\$11,935,000," insert "for increased judicial security outside of courthouse facilities, including priority consideration of home intrusion detection systems in the homes of federal judges."

Mr. COCHRAN. I know of no requests for debate on the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 560) was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 561

Mr. COCHRAN. I send to the desk an amendment on behalf of Mr. REID of Nevada—technical in nature—and ask it be reported.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi, [Mr. COCHRAN], for Mr. REID of Nevada, proposes an amendment numbered 561.

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

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

The amendment is as follows:

(Purpose: To modify the provision relating to agricultural and natural resource conservation activities in the Walker River Basin, Nevada)

In section 6017(b)(1)(A), insert "appurtenant to the land" after "water".

Mr. COCHRAN. Mr. President, I know of no requests for debate.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 561) was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 562

Mr. COCHRAN. My final request is to send to the desk another amendment on behalf of Mr. REID of Nevada that is technical in nature. I ask that it be reported.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. REID of Nevada, proposes an amendment numbered 562.

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

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

The amendment is as follows:

(Purpose: To modify the provision relating to the water lease and purchase program for the Walker River Paiute Tribe)

In section 6017(c)(2), strike subparagraphs (A) and (B) and insert the following:

(A) acquired only from willing sellers;
(B) designed to maximize water conveyances to Walker Lake; and
(C) located only within the Walker River Paiute Indian Reservation.

Mr. COCHRAN. Mr. President, I know of no requests for debate.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 562) was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I thank the distinguished Senator, my friend from Vermont. He is a valuable member of the Appropriations Committee.

Mr. President, I am pleased with the progress we have been able to make on this supplemental appropriations bill today. The Senate is working hard to ensure we consider requests that have merit which should be included in this bill.

The focus of the bill, as everyone realizes, though, is on assisting and providing for our troops, the Department of Defense facilities that are located in Iraq, trying to help ensure we protect the forces we have there, giving them what they need to bring these operations to a successful conclusion. We have made tremendous progress there, as well as in Afghanistan, bringing an opportunity for peace and freedom to the people of both of those countries. It is quite amazing to see the success that has been achieved in that direction, as those nations continue to work to build the infrastructure for democracy and a growing economy.

Our troops still need additional assistance, and that is why it is important for us to respond in a positive way to the requests of the administration to fund those needs and provide that assistance which will play such a critical role in their success.

The funds appropriated in this bill will provide support, pay in allowances. It will provide additional equipment, more modern and more effective equipment, so that the chances of success will be enhanced.

We do not want to drag out this supplemental unnecessarily. We need to complete action on the bill so we can go to conference with our counterpart committee, the Appropriations Committee in the House, and work out differences between the two bodies on this bill.

We do not want to delay this supplemental. We do not want to endanger our troops and our national interests in those areas of the world and here at home by unnecessary delay.

We appreciate the cooperation of all Senators. I thank everyone who has played a part today in our success in moving forward with this legislation.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. STEVENS. Mr. President, I ask unanimous consent that there now be a