

Walter Reed Army Hospital and the other military hospitals of this Nation are filled with the young men and women who have paid the price for these errors. When will we err on the side of doing more rather than less to protect the troops? Now is that time.

I conclude by saying this: Do my colleagues remember the young soldier who stood up when the Secretary of Defense visited Iraq and spoke about hillbilly armor? Do my colleagues remember him speaking about rum-maging through the garbage to find metal to weld onto the side of the vehicles? Do my colleagues remember the round of applause he got from his fellow soldiers?

The troops know what is going on. The press knows what is going on. Apparently the House of Representatives knows what is going on. It is time that the Senate took a stand as well to do something about this, to give the troops the protection they need. Rum-maging through the garbage—that is an outrage. Here is our chance to bring it to a stop. I ask my colleagues for their support.

Mr. STEVENS. Is all time yielded back?

Mr. KENNEDY. I yield back the balance of our time.

The PRESIDING OFFICER (Mr. CORNYN). All time is yielded back.

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

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

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 61, nays 39, as follows:

[Rollcall Vote No. 108 Leg.]

#### YEAS—61

Akaka	Dorgan	Mikulski
Alexander	Durbin	Murray
Allen	Feingold	Nelson (FL)
Baucus	Feinstein	Nelson (NE)
Bayh	Harkin	Obama
Biden	Hutchison	Pryor
Bingaman	Jeffords	Reed
Boxer	Johnson	Reid
Burns	Kennedy	Rockefeller
Byrd	Kerry	Salazar
Cantwell	Kohl	Santorum
Carper	Landrieu	Sarbanes
Chafee	Lautenberg	Schumer
Clinton	Leahy	Snowe
Coleman	Levin	Specter
Collins	Lieberman	Stabenow
Conrad	Lincoln	Talent
Corzine	Lott	Thune
Dayton	Lugar	Wyden
DeWine	Martinez	
Dodd	McCain	

#### NAYS—39

Allard	DeMint	Inouye
Bennett	Dole	Isakson
Bond	Domenici	Kyl
Brownback	Ensign	McConnell
Bunning	Enzi	Murkowski
Burr	Frist	Roberts
Chambliss	Graham	Sessions
Coburn	Grassley	Shelby
Cochran	Gregg	Smith
Cornyn	Hagel	
Craig	Hatch	
Crapo	Inhofe	

Stevens  
Sununu

Thomas  
Vitter

Voinovich  
Warner

The amendment (No. 520) was agreed to.

#### CHANGE OF VOTE

Mr. BURNS. Madam President, on today's vote No. 108, I voted "nay." My intention was to vote "yea." I ask unanimous consent to change my vote. It will not affect the outcome of the vote on the amendment.

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

(The foregoing tally has been changed to reflect the above order.)

The PRESIDING OFFICER. The Senator from Kansas is recognized.

#### EXECUTIVE SESSION

#### NOMINATION OF LIEUTENANT GENERAL MICHAEL V. HAYDEN, UNITED STATES AIR FORCE, TO BE GENERAL AND DEPUTY DIRECTOR OF NATIONAL INTELLIGENCE

Mr. ROBERTS. Mr. President, a unanimous consent has been agreed to by both sides for the Senate to immediately proceed to executive session to consider the following nominations on today's Executive Calendar: PN 421, LTG Michael V. Hayden, to be General, reported by the Armed Services Committee today; and No. 70, which is the confirmation of General Hayden to be the Deputy Director of National Intelligence.

I further ask unanimous consent the nominations be confirmed en bloc, the motion 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 are as follows:

#### AIR FORCE

The following named officer for appointment in the United States Air Force 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. Michael V. Hayden.

#### EXECUTIVE OFFICE OF THE PRESIDENT

Lieutenant General Michael V. Hayden, United States Air Force, to be Principal Deputy Director of National Intelligence. (New Position.)

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to legislative session.

#### EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT, 2005—Continued

The PRESIDING OFFICER. The Senator from Alaska.

AMENDMENTS NOS. 389, 421, AS MODIFIED; NO. 484, AS MODIFIED; NO. 502, AS MODIFIED; NO. 565, AND 566, EN BLOC

Mr. STEVENS. Mr. President, last evening, as we were finishing up this bill, we had a series of amendments that were offered as amendments, and we were in the process of changing them to sense-of-the-Senate resolutions. There are a couple others we failed to offer, approved by both sides. I ask unanimous consent they now be offered en bloc and have them considered en bloc.

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

Mr. STEVENS. I ask unanimous consent the amendments be agreed to.

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

The amendments were agreed to, as follows:

#### AMENDMENT NO. 389

(Purpose: To reaffirm the authority of States to regulate certain hunting and fishing activities)

On page 231, after line 6, add the following:

#### SEC. 6047. STATE REGULATION OF RESIDENT AND NONRESIDENT HUNTING AND FISHING.

(a) SHORT TITLE.—This section may be cited as the "Reaffirmation of State Regulation of Resident and Nonresident Hunting and Fishing Act of 2005".

(b) DECLARATION OF POLICY AND CONSTRUCTION OF CONGRESSIONAL SILENCE.—

(1) IN GENERAL.—It is the policy of Congress that it is in the public interest for each State to continue to regulate the taking for any purpose of fish and wildlife within its boundaries, including by means of laws or regulations that differentiate between residents and nonresidents of such State with respect to the availability of licenses or permits for taking of particular species of fish or wildlife, the kind and numbers of fish and wildlife that may be taken, or the fees charged in connection with issuance of licenses or permits for hunting or fishing.

(2) CONSTRUCTION OF CONGRESSIONAL SILENCE.—Silence on the part of Congress shall not be construed to impose any barrier under clause 3 of Section 8 of Article I of the Constitution (commonly referred to as the "commerce clause") to the regulation of hunting or fishing by a State or Indian tribe.

(c) LIMITATIONS.—Nothing in this section shall be construed—

(1) to limit the applicability or effect of any Federal law related to the protection or management of fish or wildlife or to the regulation of commerce;

(2) to limit the authority of the United States to prohibit hunting or fishing on any portion of the lands owned by the United States; or

(3) to abrogate, abridge, affect, modify, supersede or alter any treaty-reserved right or other right of any Indian tribe as recognized by any other means, including, but not limited to, agreements with the United States, Executive Orders, statutes, and judicial decrees, and by Federal law.

(d) STATE DEFINED.—For purposes of this section, the term "State" includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands.

#### AMENDMENT NO. 421, AS MODIFIED

(Purpose: To express the sense of the Senate on funding for the continuing development of the permanent magnet motor)

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

## PERMANENT MAGNET MOTOR

SEC. 1122. It is the sense of the Senate that of the amounts appropriated by this Act under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY", \$15,000,000 should be made available for the continuing development of the permanent magnet motor.

## AMENDMENT NO. 484, AS MODIFIED

(Purpose: To express the sense of the Senate on funding for the procurement of man-portable air defense (MANPAD) systems)

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

## SENSE OF SENATE ON PROCUREMENT OF MAN-PORTABLE AIR DEFENSE SYSTEMS

SEC. 1122. It is the sense of the Senate that, of the amounts appropriated by this Act, \$32,000,000 may be available to procure MANPAD systems.

## AMENDMENT NO. 502, AS MODIFIED

(Purpose: To express the sense of the Senate on funding for the replenishment of medical supply needs within the combat theaters of the Army)

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

## SENSE OF SENATE ON MEDICAL SUPPORT FOR TACTICAL UNITS

SEC. 1122. It is the sense of the Senate that, of the amount appropriated by this Act under the heading "OPERATION AND MAINTENANCE, ARMY", \$11,500,000 should be made available for the replenishment of medical supply and equipment needs within the combat theaters of the Army, including bandages and other blood-clotting supplies that utilize hemostatic, wound-dressing technologies.

## AMENDMENT NO. 565

(Purpose: To express the sense of the Senate that Congress should enact an increase in the period of continued TRICARE coverage of children of members of the uniformed services who die while serving on active duty for a period of more than 30 days and make such increased period applicable to children of members who have died since the commencement of military operations in Afghanistan)

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

## SENSE OF SENATE ON INCREASED PERIOD OF CONTINUED TRICARE COVERAGE OF CHILDREN OF MEMBERS OF THE UNIFORMED SERVICES WHO DIE WHILE SERVING ON ACTIVE DUTY FOR A PERIOD OF MORE THAN 30 DAYS

SEC. 1122. It is the sense of the Senate that—

(1) Congress should enact an amendment to section 1079 of title 10, United States Code, in order to increase the period of continued TRICARE coverage of children of members of the uniformed services who die while serving on active duty for a period of more than 30 days under that section such that the period of continued eligibility is the longer of—

(A) the three-year period beginning on the date of death of the member;

(B) the period ending on the date on which the child attains 21 years of age; or

(C) in the case of a child of a deceased member who, at 21 years of age, is enrolled in a full-time course of study in a secondary school or in a full-time course of study in an institution of higher education approved by the administering Secretary and was, at the time of the member's death, in fact dependent on the member for over one-half of the child's support, the period ending on the earlier—

(1) the date on which the child ceases to pursue such a course of study, as determined by the administering Secretary; or

(ii) the date on which the child attains 23 years of age; and

(2) Congress should make the amendment applicable to deaths of members of the Armed Forces on or after October 7, 2001, the date of the commencement of military operations in Afghanistan.

## AMENDMENT NO. 566

(Purpose: To amend the Immigration and Nationality Act to provide for entry of nationals of Australia)

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

## RECIPROCAL VISAS FOR NATIONALS OF AUSTRALIA

SEC. 6047. (a) Section 101(a)(15)(E) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(E)) is amended—

(1) by adding at the end "or (iii) solely to perform services in a specialty occupation in the United States if the alien is a national of the Commonwealth of Australia and with respect to whom the Secretary of Labor determines and certifies to the Secretary of Homeland Security and the Secretary of State that the intending employer has filed with the Secretary of Labor an attestation under section 212(t)(1);"; and

(2) in clause (i), by striking "or" after "national";

(b) Section 202 of such Act (8 U.S.C. 1152) is amended by adding at the end the following new subsection:

"(f) SPECIAL RULE FOR AUSTRALIA.—The total number of aliens who may acquire non-immigrant status under section 101(a)(15)(E)(iii) may not exceed 5000 for a fiscal year."

(c) Section 214(i)(1) of such Act (8 U.S.C. 1184(i)(1)) is amended by inserting "section 101(a)(15)(E)(iii)," after "section 101(a)(15)(H)(i)(b)";

(d) Section 212(t) of such Act (8 U.S.C. 1182(t)), as added by section 402(b)(2) of the United States-Chile Free Trade Agreement Implementation Act (Public Law 108-77; 117 Stat. 941), is amended—

(1) by inserting "or section 101(a)(15)(E)(iii)" after "section 101(a)(15)(H)(i)(b1)" each place it appears;

(2) in paragraph (3)(C)(i)(II), by striking "or" in the third place it appears;

(3) in paragraph (3)(C)(ii)(II), by striking "or" in the third place it appears; and

(4) in paragraph (3)(C)(iii)(II), by striking "or" in the third place it appears.

Mr. STEVENS. 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. 487, AS MODIFIED

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Madam President, I ask unanimous consent that amendment No. 487 be modified so as to appear on page 187 after line 18. This request only changes the placement of the amendment in the bill. It does not change the text of the amendment.

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

The amendment, as modified, is as follows:

On page 187, after line 18, insert the following:

## CUSTOMS AND BORDER PROTECTION

## SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", for hiring border patrol agents, \$105,451,000: *Provided*, That the amount provided under this heading is des-

ignated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

## CONSTRUCTION

For an additional amount for "Construction", \$41,500,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

## REDUCTION IN FUNDING

The amount appropriated by title II for "Contributions to International Peacekeeping Activities" is hereby reduced by \$146,951,000 and the total amount appropriated by title II is hereby reduced by \$146,951,000.

## AVIAN FLU AND THE EMERGENCY SUPPLEMENTAL FOR IRAQ

Mr. OBAMA. I see that the distinguished ranking member of the State and Foreign Operations Subcommittee, Senator LEAHY is here on the Senate floor. I am wondering if he would take just a moment to discuss with me the critical issue of the avian flu.

Mr. President, an outbreak of the avian flu would be an international calamity. In this age when you can get on a plane in Bangkok and arrive in Chicago or Burlington in hours, we must face the reality that this threat is not a problem isolated half a world away, but is one that could affect people in Illinois, Vermont, and all across America. The director of the Centers for Disease Control recognized the grave consequences this virus could pose to international health when she recently stated that "this is a very ominous situation for the globe . . . [this is] the most important threat we are facing right now." It is something that is clearly an emergency and is appropriately addressed in the Iraq Supplemental.

At this point, humans contract the virus overwhelmingly by coming into contact with infected animals, and once contracted, the virus is extremely deadly—a 65 to 75 percent mortality rate for humans—especially because there is no proven vaccine for the H5N1 strain. Further, effective treatments for this strain of the virus are not widely available and must be delivered within 24 hours.

The recent trends with respect to the spread of the avian flu are very alarming. Over the last few months, there is growing evidence which suggests that the virus may be mutating and could eventually result in a form that is transmittable from human to human. If this were to occur, it could cause the deaths of millions of people, seriously damage economic activity in Southeast Asia, and cause panic and instability throughout the region. Moreover, because of the dynamic nature of Southeast Asia, with all sorts of commerce and transport in and out of the region, the virus would likely spread around the world—including to the United States, in a matter of hours or days.

I would ask my good friend, the senior Senator from Vermont, who has a

long history of leadership on international health issues, for his assessment of what needs to be done.

Mr. LEAHY. I would say to the Senator from Illinois that, earlier this year, the World Health Organization convened a conference on this issue. The WHO concluded that the international community does not possess sufficient plans and resources to effectively respond to an outbreak of the avian flu and that additional resources and attention to this issue are urgently needed. The WHO called for \$100 million in new resources from the international community to prevent, and if necessary, respond to an outbreak of the avian flu.

Mr. OBAMA. Just for the record, the \$100 million figure is important for our purposes here today. Before the Appropriations Committee put together the supplemental, we discussed the importance of immediately addressing the avian flu before the situation spirals out of control, and that \$25 million is an appropriate amount to deal with this critical emergency. I am correct?

Mr. LEAHY. Yes, the Senator is correct. When the Appropriations Committee was putting together the Supplemental, the Majority and Minority, working together, included \$25 million to prevent and respond to an outbreak of the avian flu, because of the urgent nature of the situation in southeast Asia.

I would also add that \$25 million is one-fourth of the WHO appeal, and as we know, the traditional U.S. share of such multilateral efforts is one-fourth of the total cost. I would also point out that this is the amount that has been authorized in S. 600, the Foreign Assistance Authorization bill that was debated in the Senate last week.

Mr. OBAMA. I also know that USAID has already formulated a rapid response plan to use this \$25 million, if it is ultimately appropriated.

Mr. LEAHY. That is correct. The administration urgently needs this money and it will be well spent if appropriated. In fact, the money will be used to address the avian flu and build lasting mechanisms and networks to address other viruses that will undoubtedly arise in southeast Asia. The \$25 million to combat the avian flu is important for Southeast Asia and the United States.

#### ENSURING THE MILITARY DEATH BENEFIT IS TAX FREE

Ms. MIKULSKI. Mr. President, I rise to speak on my amendment No. 497 to ensure that increased military death benefits are tax free.

We know that more than 1,700 servicemen and women have made the ultimate sacrifice in Iraq and Afghanistan. We don't always focus on the families that have to live their lives without a husband or wife, without a son or daughter, without a father or mother, without a brother or sister.

Already in March, Newsweek estimated that 1,043 American children had lost a parent in Iraq. The stories of

these children trying to cope with the reality that a parent isn't coming home will break your heart. But the families of those who die for their country also have to struggle with more mundane challenges, like the loss of the main breadwinner.

Staff Sergeant Kendall Waters-Bey was a 29-year-old Marine from Baltimore. He was one of the first American servicemembers to die in Iraq, among 12 people killed in a helicopter crash.

Michael and Angela Waters-Bey lost their only son; that's hard enough. But 10-year-old Kenneth lost his father. My Maryland colleague in the House, Congressman DUTCH RUPPERSBERGER, helped to set up a trust fund to pay for Kenneth's college education.

Another Marylander, Naval Reserve Lieutenant Kylan Jones-Huffman, was killed by small arms fire in Iraq. Lieutenant Jones-Huffman was a graduate of the U.S. Naval Academy in Annapolis, and he returned there to teach history before being deployed to Iraq.

These are just two of the many families in Maryland and across the Nation that experience the sacrifices of this war every day. They deserve our gratitude—not just words, but deeds.

I'm proud to be a member of the Appropriations Committee. We did what is right to support our troops by reporting out a strong emergency supplemental bill to meet the needs of our men and women in uniform in Iraq and Afghanistan and around the world. We did what is right by increasing the military death benefit immediately paid to the family of a member of our military who is killed.

This bill will raise the military death benefit from just over \$12,000 to \$100,000.

The supplemental bill also provides a benefit to make the increase retroactive to October 7, 2001, the start of the war in Afghanistan after the September 11 attacks.

The Senate has also rightly adopted the Kerry amendment to ensure that the death benefit increase covers all soldiers, sailors, airmen and marines who die on active duty.

I also appreciate the Senate's adoption of the Salazar amendment, to me the so-called death gratuity as fallen heroes compensation. While we understand that no compensation can make up for the loss of a family member, the new name adopted by the Senate recognizes that we are helping the families of our fallen heroes.

I believe just about every Senator shares my view that the military death benefit should not be taxed.

We need to make sure that the full amount is paid to the family of a service member who dies for our country. We are a grateful Nation, and this is one of the ways we express our gratitude.

Under our tax law, the death benefit is excluded from gross income. That means families don't have to pay income tax on it. We don't want the family of a hero who died for our country

to be handed the American flag from the casket in one hand, and get a bill from the IRS in the other.

My amendment will make sure that the payments to make the death benefit increase retroactive are not taxed.

I appreciate the support of the National Military Family Association for my amendment.

I also appreciate the support of the Senator from New Jersey, Senator CORZINE, who is a cosponsor of this amendment.

I hope that the Senate will send a strong message that we intend the military death benefit to be tax-free.

Mr. GRASSLEY. I want to thank my friend, Senator MIKULSKI, for her work on this issue. You have called attention to a solemn and critically important issue, and I commend you and join with you in your commitment to ensure that we provide a real and meaningful death gratuity to the families of our brave young men and women who have paid the ultimate sacrifice. And I also share your commitment to ensure that those who have paid the ultimate sacrifice are not forced to pay again—to the IRS, in the form of taxation of these gratuity payments.

Unfortunately, addressing the tax treatment of these payments on this bill could raise procedural hurdles to getting this bill signed into law as quickly as possible. But as Chairman of the Finance Committee, I pledge to work with you, Senator BAUCUS in his role as ranking member, and the rest of the Finance Committee and Congress to ensure that these gratuity payments will not be subject to Federal tax and to enact any necessary changes at the earliest possible date on the first available vehicle. I look forward to working with the gentlelady to resolve this issue expeditiously.

Mr. BAUCUS. Mr. President, I rise to support the efforts of my friend and colleague Senator MIKULSKI to protect payments to the families of our brave Americans serving and dying for this country. There are currently 1,254 Montanans deployed overseas in Iraq and Afghanistan with one-third of those deployed coming from our guard and reserve forces. We have lost seven service members since the war on terrorism began and with each sacrifice I am made more aware of the strength and commitment of our military families.

Senator MIKULSKI has wisely offered an amendment to ensure that the additional death gratuity benefits would not be subject to taxes, just as other death gratuity benefits for military families are tax-free. It is certainly my hope that such an amendment is not needed. However, I have promised to work with Senator MIKULSKI and my good friend, Chairman GRASSLEY, to clarify that this is the case, should there be any question in the future about the tax-free status of these payments. Certainly, for these families who have already given so much to this country, it is the right thing to do.

Ms. MIKULSKI. Mr. President, I would like to thank the chairman of

the Finance Committee, Senator GRASSLEY, and the ranking member, Senator BAUCUS, for their support of ensuring that death benefits paid to the families of those who give their lives for our country are tax-free. I appreciate their commitment to getting this done through appropriate tax legislation, if necessary, as soon as possible. And I appreciate the help of their staff on the Finance Committee, who worked with my staff on this issue.

Given these commitments from Chairman GRASSLEY and Senator BAUCUS, I will not proceed with my amendment on this critical supplemental appropriations bill to meet the needs of our troops.

I thank the Chair and yield the floor.

Mr. KERRY. Mr. President, the Supplemental Appropriations bill includes a provision, Section 6023, which allows the Department of Energy to count subcontracts towards their small business prime contracting goal and caps the total agency small business goal at 23 percent.

Section 6023 amends the Small Business Act, which falls under the jurisdiction of the Senate Committee on Small Business and Entrepreneurship but neither Senator SNOWE, the chairwoman of the committee, nor I, the ranking member, were consulted about this language prior to its introduction.

The Senate Committee on Small Business and Entrepreneurship has a longstanding position opposing the counting of subcontracts towards small business prime contracting goals at the Department of Energy. And for good reason, doing it this way is faking. It's saying that you are awarding small Federal contracts to small business when you really aren't.

This language will essentially cut small businesses out of contracts at the Department of Energy across the Nation by removing all incentives for the agency to create prime contracting opportunities for these firms. This provision would reduce the amount of contracts available for small firms, shrinking their revenue stream, reducing jobs and hurting the economy. Also, by reducing competition in the marketplace this language would prevent the Federal Government from benefiting from the billions of dollars in savings that come from that competition.

Even more problematic is the precedent this would set for government contracts. It would open the door for any agency with management and operations contractors, facilities managers, or systems integrators to seek an exemption from Federal acquisition law with regard to prime contract awards to small firms.

Mr. President, I recognize the concern that Senator DOMENICI has for his firms in New Mexico and for the two DOE laboratories located in his State. The loss of contracts by local businesses is a concern that Senator SNOWE and I would be happy to address with Senators DOMENICI and BINGAMAN.

However, this language does nothing to guarantee that contracts stay local; instead it simply shifts the authority to award Government prime contracts away from a Federal agency and gives that authority to private, for-profit corporate entities. The availability of prime and subcontracting opportunities for small firms at the DOE is a complicated issue that needs a thorough investigation and analysis before adopting legislation that could irreparably harm small businesses throughout the Nation. An emergency supplemental bill is not the place for this language.

Finally, I have received a draft copy of the GAO report requested by Senators DOMENICI, BINGAMAN, SNOWE and myself on this very subject—DOE small business contracting. The draft report has a number of disturbing findings including: the complete lack of oversight in M&O subcontracting by the Department of Energy, falsified reporting data, and the mismanagement of subcontracts by large prime contractors. Given the serious nature of the problems with these M&O contractors, it is highly inappropriate for the Congress to now exempt the Agency from its oversight duties and hand over all control to these companies.

I have worked diligently with Senators SNOWE, BINGAMAN, and DOMENICI to find compromise language that would address Senator DOMENICI's concerns without causing irreparable damage to the small business community. Unfortunately, we ran out of time before this bill was adopted. However, I hope that we can continue to work on finding a real solution and correct this harmful provision in the conference to ensure that small businesses receive their fair share of DOE contracts. I believe we can do that without adversely affecting the agency's ability to successfully permit its core duties.

Mr. President, the emergency supplemental appropriations bill before the Senate is a vitally important piece of legislation. It provides \$81 billion in immediate funds for U.S. operations in Iraq and Afghanistan, and to meet critical needs for other important national priorities, including tsunami relief.

The war in Iraq has been a divisive issue in our country. People have passionate views on the subject—a passion that is matched by our concern for the welfare of the men and women of the American military. It is that concern and a real desire for them to succeed that has driven us all to push the administration toward adopting a better approach to the mission in Iraq.

In recent months, President Bush has made progress in drawing additional international support to the training of Iraqi security forces. We can wonder what took so long and hope that their efforts in recent months were just the beginning, but we all recognize that the Iraqi election was an important milestone and success—a success made possible by the courage of the Iraqi people and the dedication of the men and women of the American military.

But the mission there is not complete. Even this week Iraq has been struck by deadly violence against innocent civilians. And the nascent government, even after the first election, can only be described as fragile. The Iraqi people are in the midst of an experiment with democracy—an experiment that must succeed. This supplemental bill will give them the tools and resources they need to succeed.

The legislation also provides critical funds for the mission in Afghanistan. The war against al-Qaida and international terrorism is not yet won, and our forces need these funds to continue the fight, to support the emergence of a free Afghanistan, and to bring Osama bin Laden to justice.

Last week, the Senate adopted two amendments I offered to improve benefits for surviving military families. One amendment extends the length of time surviving families may stay in military housing free of charge to one year. Military families suffer in unique ways when a loved one is lost in the line of duty. In the midst of grieving they must almost immediately plan to move and change their entire life. For those with children in school, the loss is compounded by the disruption in school and friends that moving in the midst of the school year may bring. The amendment the Senate accepted last week gives surviving military families the opportunity to get their affairs in order, to finish the school year, and to better cope with the loss of a loved one before having to move. I thank my colleagues for their support in this effort.

The second amendment I offered increases to \$100,000 the death gratuity paid to survivors of service members who die on active duty. The current law provides a miserly sum of \$12,400. I began talking about the need to increase the death gratuity more than a year ago. When the administration announced its proposal earlier this year, it sought to limit the increase to those who died in Iraq and Afghanistan. No one thought that was a good idea, including the uniformed leadership of the United States military. The Senate Appropriations Committee addressed part of the problem in its mark of this bill, but avoided the simple solution of changing U.S. Code to read "\$100,000" instead of the current \$12,000. My amendment did just that. And I thank my colleagues for their overwhelming support of it.

Our missions in Iraq and Afghanistan are not yet done. Until they are, the administration must continue to build international support for our efforts and ensure that the men and women of the American military have everything they need to succeed and that their families have the support they need and deserve.

The Congress has an important responsibility to pass this legislation swiftly. Any effort to unnecessarily burden this legislation with immigration provisions in conference will unnecessarily delay the passage of this

vital legislation to the detriment of the men and women in the field today. I strongly urge the conferees to reject any effort to attach the REAL ID Act to this legislation. Let's pass a clean bill that provides our forces with the tools they need and the resources they need to succeed.

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

In this bill we have provided \$5.4 billion to fix or replace equipment that has been damaged during combat operations. We have also added \$3.3 billion to add armor to all convoy trucks, buy more armored vehicles and provide helicopter survivability systems.

To help protect our troops from deadly improvised explosive devices, IEDs, I supported the addition of \$60 million for the Army to purchase field jamming systems \$213 million for the Army to purchase Up-Armored Humvees. We have preserved support for C130J aircraft, so vital to transporting troops and materiel around the world.

To ensure that we do all we can to care for soldiers when they are injured, this bill includes an additional \$275 million for the Defense Health program. It also eliminates a petty charge to some service members recuperating from combat injuries in military facilities who are being asked to pay for their own meals.

More than 1,700 servicemen and -women have made the ultimate sacrifice in Iraq and Afghanistan. Part of the debt of gratitude we owe the families they leave behind is to ensure that they do not have to face a financial crisis at the same time that they are dealing with the loss of a loved one.

To help alleviate their burden, we have increased from \$12,000 to \$100,000 the Fallen Heroes compensation for family members of those brave troops who make the ultimate sacrifice on behalf of our country. We have applied this increase retroactively, to include all those who have died since the beginning of operations in Afghanistan, and we have extended this compensation to apply to every service member who dies while on active duty, not just in a designated combat zone.

We also need to make sure that families receive the full amount of this compensation. Working closely with Senator GRASSLEY, I have taken steps to ensure that the full benefit is tax free. Senator GRASSLEY has assured me that this important correction will be added to the next tax bill considered in the Senate.

To further ease the strain for these families, we have allowed the family of a service member who dies to remain in military housing for a year, rather than the 6 months currently allowed.

The veterans' health care system is stretched to the limit at a time when

more and more veterans are turning to VA. That's why I supported an amendment by Senator MURRAY to increase veterans funding by \$2 billion to meet the health care needs of soldiers returning from Iraq and Afghanistan and other war veterans. Although this amendment was defeated, I will continue to fight for adequate funding for veterans' health care, because the VA will continue to see more enrollment of veterans and a higher demand for care.

We know that nearly 40 percent of the soldiers deployed today in Iraq and Afghanistan are citizen soldiers who come from the National Guard and Reserves. More than half of these will suffer a loss of income when they are mobilized, because their military pay is less than the pay from their civilian job.

Many patriotic employers and state governments eliminate this pay gap by continuing to pay them the difference between their civilian and military pay. The Reservist Pay Security amendment, which I worked on with Senator DURBIN, will ensure that the U.S. Government also makes up for this pay gap for Federal employees who are activated in the Guard and Reserves.

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

But expressions of sympathy are not enough. As I said at the time of this terrible disaster, the United States must set the example and lead the world in the humanitarian effort of recovery and rebuilding.

So I am especially proud that this bill includes \$907 million to help keep America's promise to tsunami victims. It provides \$656 million for the Tsunami Recovery and Reconstruction fund to support on-going and long-term relief efforts. It also provides \$25 million for U.S. tsunami warning programs to help prevent future human disasters on the scale we have seen in Asia.

Because it is just as important to support our communities at home as it is to support our troops in the field, I will continue to fight for responsible military budgets. For that reason, I joined Senator BYRD's call for the President to fund our operations in Iraq and Afghanistan through the regular budget and appropriations process. After 3 years in Afghanistan and 2 years in Iraq, we should not be funding these operations as if they were surprise emergencies.

I also joined Senator BYRD in his call for the President to provide Congress information on the costs so far of these operations and for an estimate of what we can expect them to cost in coming years.

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

We support our troops by getting them the best equipment and the best protection we can provide. We support them by making it easier for our citizen soldiers in the National Guard and Reserves to serve their country. And we support them by ensuring that their families do not face a financial crisis at the moment when they are grieving the loss of a soldier who has sacrificed everything for our country.

Mr. FEINGOLD. Mr. President, today I cast my vote in support of the 2005 supplemental bill for Iraq, Afghanistan, and tsunami relief. I do so despite my strong objections to the administration's policy of continuing to fund our military operations in Iraq and Afghanistan through emergency supplemental bills, as if the needs of our men and women on the ground in these troubled countries comes as some sort of surprise. These needs should be addressed in the regular budget request so that they can actually be paid for, not placed on the tab of the American people so that debt can pile up.

The American people deserve honesty in budgeting, and they deserve straight answers about just how long they should expect the United States to continue shouldering this extremely heavy burden in Iraq. Some have suggested that calling for straight answers somehow undermines the mission at hand. Nothing could be further from the truth. A clear vision, clear goals, and clear plans are essential to success. I hope the administration will articulate them soon.

But this tremendously irresponsible budgeting and dangerously vague overall strategy do not change the fact that our troops on the ground need timely support, and I will cast my vote to see that they get it. I was in Afghanistan and Iraq less than two months ago, and I was inspired by the commitment and professionalism of the service men and women I met there.

I was pleased the Senate adopted my amendment that would correct a flaw in current law that unintentionally but severely restricts the number of families of injured service members that qualify for travel assistance. Too many families are being denied help in visiting their injured loved ones because the Army has not officially listed them as "seriously injured," even though these men and women have been evacuated out of the combat zone to the United States for treatment. My amendment will provide at least one trip for families of injured service members evacuated to a U.S. hospital so that these families can quickly reunite and begin recovering from the trauma they've experienced.

I want to make plain that I also believe that our diplomats on the ground in tough situations deserve our support and certainly deserve the resources they need to provide for their own security. Any suggestion that we can pursue our political strategy on the cheap while leaving the military alone responsible for the success or failure of

the U.S. intervention in Iraq is foolish. But I did vote to reduce some of the funds for the State Department provided in this bill, including funds for the embassy in Iraq—an embassy that will be the most expensive U.S. embassy in the world. These expenses simply do not belong in an emergency supplemental. They are predictable, they are ongoing, and they can be provided through the regular appropriations process.

I regret the managers of the bill did not seize the opportunity to extend the mandate of the Special Inspector General for Iraq reconstruction in this bill. Transparency and accountability in the reconstruction effort is not about finding new things to criticize. It is about responsible stewardship of U.S. taxpayer resources, and it is about getting reconstruction right. Ultimately, it is about achieving our goals in Iraq. We need ongoing, vigorous, focused oversight of the reconstruction effort. While I was unable to get my amendment passed, I will continue to work to ensure that this need is met.

Finally, I strongly support the tsunami relief provisions in this bill. The scale of this December 2004 tsunami disaster was nearly overwhelming, and the human losses were horrifying. I know that most of us here in the Congress and most Americans are firm in our resolve to be strong, consistent partners to the survivors and the affected communities.

Mrs. LINCOLN. Mr. President, as debate about the supplemental appropriations for military operations and reconstruction in Iraq and Afghanistan comes to a close, I would like to ensure that our focus remains on the welfare of our Nation's troops.

That is why I would like to speak on behalf of the men and women who are serving in our Nation's Armed Forces—those currently on active duty as well as in the National Guard and Reserves—who are serving today in Iraq, Afghanistan, and across the globe.

Since the President declared an end to major combat operations in Iraq on May 1, 2003, 1,419 American troops have died in Iraq and more than 11,000 have been wounded.

Even if combat in Iraq is something that no longer makes the front pages of our newspapers, it is still agonizingly clear that our troops remain in danger.

That is why it is even more important for this body to use sound judgment and good planning. One of my major concerns is that year after year we have found a way to take the process of funding military operations in Iraq and Afghanistan out of our regular budget process.

I am frustrated, quite frankly, that we have been subjected to this biannual ritual. I am frustrated that questioning the timing of these requests may cause our political opponents to call us unpatriotic. But, most of all, I am frustrated that doing my duty as a U.S. Senator could be considered anything less than keeping a sacred trust with our men and women in uniform.

In April of 2003, just a little over 2 years ago, Congress, at the President's request, provided approximately \$78 billion to meet the challenge in Iraq. Six months later, in October of 2003, the administration came back to us and requested another \$87 billion in the form of a supplemental appropriation to fund continuing operations in Iraq.

In early June of 2004, the Senate voted for another \$25 billion to keep operations going through the end of that year. Now we are faced with yet another emergency supplemental request of more than \$80 billion.

I agree that there is a need to adequately fund our troops. We must do everything we can to protect our men and women who are in harms' way. What I don't understand, quite frankly, is this President's inability or unwillingness to make this request a part of the normal budget and appropriation process that we go through every year.

As you recall, in April of 2003, the President requested \$78 billion in emergency military funding. We were at the beginning of a war. Although it was a war of our choosing, I understood the uncertainty that war brings. Furthermore, I understood the value of not allowing our enemies to get a read on our intent by peering into our budget process over the course of a year. I supported the President's request.

A mere 6 months later, President Bush returned to this body to request another \$87 billion for ongoing military operations in Iraq and Afghanistan. At that time, our troops were facing the imminent and ever-present danger of guerilla attacks.

Also, many of our troops were expressing concerns that they were not adequately trained for the specialized demands of peacekeeping and policing that the reconstruction effort required.

Moreover, the dangers and difficulties that our troops faced went far beyond the threat posed by attacks from insurgents and guerillas. I grew increasingly concerned about the conditions under which many of our troops were being forced to serve in the Middle East.

I was consistently hearing about shortages of quality food and water. I was hearing that our troops were not properly equipped with the tools of warfare. I was hearing of parents sending their children bullet-proof vests because the military could not or would not provide them.

Although the administration had completely misjudged the nature of this conflict, I understood that our troops must not suffer because others had let them down. I understood that whatever this administration's shortcomings were in terms of planning, our troops' safety and well being came first. I supported the President's request.

Once again, in June of 2004, this administration asked for another \$25 billion supplemental for the ongoing efforts in Iraq. At that time, we were spending money in Iraq at an unexpect-

edly high rate, the promised money from Iraqi oil receipts was becoming an urban legend, and we were still dealing with a pervasive insurgency.

By June of 2004, we knew or should have known that Iraq was going to be a part of this Nation's financial responsibility for some time to come. But I understood that the situation was still uncertain. We had only been in Iraq little more than a year and I was sure that the President's 2006 Defense budget proposal would more accurately reflect the costs of the war. I understood that we could not drop the ball on the welfare of our troops. I supported the President's request.

Now the President is requesting an additional \$80 billion to support ongoing military efforts in Iraq and Afghanistan. It seems as if we have been here before. I have to ask myself, when does an "emergency" supplemental request become sufficiently routine that it should be considered as part of our normal budget process?

Over the last 2 years we have been subjected to this "emergency" four times. We have had two budgets come to Capitol Hill from this administration in that time. Neither of those budgets requested one thin dime in support of our troops in Iraq or Afghanistan.

The present way in which we fund these conflicts is irresponsible and unsustainable. This administration, by not properly submitting this request through the normal budget and appropriations process, has effectively cut off our oversight role.

We now only have a scant few weeks to consider one of the most important pieces of funding legislation we will consider this year. Furthermore, as this supplemental becomes more and more routine, we run the risk of hiding the true costs of the war from the American people.

The American people have every right to know, in as clear and straightforward a manner as possible, what the financial costs of the war are. By excluding those costs from the normal budget process we obscure the true effect of this conflict on our national debt, our budget and our economy. I believe that the American people deserve more transparency from us.

We are now at the point where poor budget planning is no longer acceptable. We can no longer accept the argument that unexpected events have changed our outlook therefore we must have a supplemental. We know that Iraq is unpredictable. We know that unforeseen events occur. Our planning must be flexible enough to accommodate this reality.

We see very clearly the effects of poor planning. We have seen it in the way our troops have been inadequately equipped early on in this conflict. We have seen it in the way this administration has failed to properly budget and has been forced to run to Congress for emergency funds every 6 months.

In spite of the haphazard way that this administration has planned for the



financial aspects of this conflict, this Congress must keep faith with our troops and the American people. Part of that is making sure that we hold this administration and any future administrations accountable for proper planning.

We must make sure that our troops are properly equipped and provided for and we must make sure that the American people have a true sense of the economic impact of this war.

We know that we will continue to have a commitment in Iraq. The level of that commitment is no longer a surprise. I expect to see that commitment reflected in the next Defense budget that is submitted to this Congress for consideration. I do not believe that another supplemental request beyond this one would be appropriate except in the most extreme circumstances.

We must make sure that our troops are safe and have the equipment they need. But, we must also make sure that the America they return to is stronger than the one they left. We must make sure that their children will not be burdened with the debt of our irresponsibility. We must make sure that we are never accused of shirking our duty to create an America with more opportunity, more hope and more prosperity.

We can only do that when we understand that our insistence on using the normal budget process to fund ongoing operations in Iraq is not an affront to our men and women in uniform, but rather, it is our way of honoring them and the nation that they are fighting to protect.

Mr. DODD. Mr. President, as a cosponsor, I rise to discuss the DeWine/Bingaman amendment. This important measure would designate \$20 million for critical election assistance, employment and public works projects, and police assistance in Haiti. I am pleased that agreement has been reached to include this amendment in the managers' package.

It has been just over a year since President Jean Bertrand Aristide was forced into exile. It is well known that the United States played an active role in his departure. I do not wish at this time to consider just how great that role may have been. But as I have stated before, I am troubled that our Government chose to use its influence to remove a democratically elected leader—and for all of President Aristide's faults, he was that—rather than working to restore stability.

To its credit, the United Nations Peacekeeping force in Haiti, MINUSTAH, has done much to reestablish security following President Aristide's departure. I applaud those countries, particularly those Latin American countries, which have contributed forces. I am also encouraged by the work of the international community in support of the Haitian elections scheduled for this fall.

But without United States leadership, I am afraid that any temporary stability will be fleeting. Indeed, the

Bush administration and the international community had an opportunity to become engaged in Haiti well before we reached the current state of affairs. It failed to do so. The presence of President Aristide used to be the Bush administration's excuse to not properly engage with Haiti. Right or wrong, that issue is no longer a factor.

Leadership here on the part of the Bush administration has been woefully lacking. Indeed, if we continue on our present course, long-term security in Haiti may be critically undermined. Most immediately, without increased United States support, the success of Haitian elections scheduled for this fall is in jeopardy—elections, which I might point out, could do much for the stability and well-being of the Haitian people.

Mr. President, during the past year, Haitians have endured unimaginable hardships. Flooding in late May claimed almost 3,000 lives. Tropical Storm Jeanne killed nearly 2,000—making it the deadliest storm this hurricane season. These catastrophes were only compounded by a deteriorating security environment. They created a vicious cycle where widespread looting and rioting significantly impeded disaster relief efforts.

Sadly, such violence and insecurity persists. The government lacks control over substantial portions of the country. Armed gangs continue to terrorize the capital of Port-au-Prince. Elements of the former military have occupied towns and police stations throughout the countryside. Since September alone, around 400 Haitians have been killed as violence spiraled out of control after an escalation in pro-Aristide protests.

The ongoing disorder is perhaps best symbolized by a February 19 attack on Haiti's national prison. Approximately a dozen armed men assaulted the facility and released 481 prisoners, including drug dealers and other suspected criminals. The attack—which appears to have been assisted from inside—is indicative of the government's inability to fully control even its own security forces.

If we are going to move toward a more hopeful future for Haiti, then we need to renew our support for the Haitian people. That means, of course, working to establish basic security. Clearly, we need to reign in the armed gangs and former military. But that is not enough. Long-term stability also requires a sustained commitment to democratic institutions and to economic development.

Last July, the United States pledged approximately \$250 million in aid for fiscal years 2004 and 2005. The United States provided \$130 million of that assistance last year. That's a good start. But we need to do more.

Mr. President, the United Nations peacekeeping force in Haiti, MINUSTAH, is making important contributions to peace and stability in Haiti. While it was criticized for early

inactivity, MINUSTAH has recently stepped up its efforts to disarm former members of the Haitian military and others. Indeed, recently two United Nations peacekeepers were killed during operations to control police facilities previously occupied by members of the former military.

Despite this increase in activity, it is hard to imagine how MINUSTAH can establish real security at its current force level. MINUSTAH only reached its full strength of approximately 7,000 military personnel and 1,600 civilian police officers in December. Haiti also has about 4,000 of its own police officers, but most of these individuals are badly trained and poorly armed.

By comparison, New York City, which has roughly the same number of citizens as Haiti, is patrolled by 40,000 well trained and equipped police officers. That is over three times the number of security personnel as in Haiti. And it is worth noting that New York is not plagued by many of the problems that Haiti faces every day.

That is why this amendment includes funding to support police activities in Haiti. A critical aspect of this assistance must be police reform. Because regrettably, human rights groups report that some members of the Haitian police have committed abuses, including arbitrary arrests and, possibly, extrajudicial executions. Unless we create a climate of trust in Haiti with respect to that nation's police force, there can be no lasting security. And it is difficult to build trust without respect for the rule of law and the rights of individuals. Any police assistance, therefore, must be used to teach good policing practices, not just provide new resources for personnel, guns and ammunition.

Mr. President, the elections scheduled for this fall in Haiti could be a critical step toward achieving lasting stability. After all, only democratically elected governments have the legitimacy necessary to fully address the persistent security and socio-economic problems facing the Haitian people.

With assistance from the United Nations and the Organization of American States, the Haitian government is organizing voter registration and preparing the technical measures necessary to conduct accurate and fair polling. Smooth and successful polling operations are necessary to ensure that the election outcome is never in doubt. To enhance the effectiveness of these efforts, this amendment would make available critically needed funds for election assistance.

To ensure full legitimacy, however, I believe that the Haitian government must also take steps to re-engage with the Lavalas family party of President Aristide, which has threatened to boycott the elections. The Lavalas party is the largest and best organized party in Haiti, and without its participation, I am concerned that the election results will not be accepted by the Haitian people.

A critical step toward re-engaging the Lavalas party would be releasing former Prime Minister Neptune and any other Lavalas party members who are currently being held without formal charges being brought against them by Haitian authorities. To that end, I, along with several of my colleagues, wrote to Prime Minister Latortue requesting that he inform us on what charges the former Prime Minister is being held, and if there are no formal charges filed, to release him immediately. I have yet to receive an answer from the Haitian government.

But in the long-term, no single election can eliminate the instability and disorder that has afflicted the Haitian people for centuries. These problems have their root in persistent poverty and economic dislocation, and they can only be resolved through active engagement by the United States.

Haiti is the poorest country in the western hemisphere; 65 percent of the population lives below the poverty line. The average income is \$250. Life expectancy is a mere 53 years, and half of the population does not have access to clean drinking water. Only 50 percent of the population works in the formal economy. In such an environment, is it any wonder that Haiti has suffered from years of violence and disorder?

Sadly, children are particularly affected by these impoverished conditions. Over one in ten Haitian children dies before age five. Approximately 20 percent of all children suffer from malnourishment. Haiti also has the highest prevalence of HIV/AIDS in the western hemisphere, and 4,000 to 6,000 children in Haiti are born with the virus each year. Yet according to the World Bank, in the 1990's, there were only two physicians for every 10,000 Haitians. That figure is unlikely to have improved. To combat the effects of such abject poverty, this amendment would provide assistance for employment projects.

For many Haitians, moreover, economic progress is impossible because they lack access to needed infrastructure. There are not enough roads, schools or hospitals. That is why funds designated by this amendment would also be available for important public works.

Lastly, I encourage my colleagues to use the benefits of trade to help the Haitian people. Last Congress, I was proud to cosponsor Senator DEWINE's HERO Act. This important legislation would have helped reinvigorate the Haitian economy by granting preferential trade treatment to certain Haitian textile products. I was pleased that the Senate passed this bill last year. Unfortunately, it met opposition in the other body. I hope we can make that legislation a priority in the 109th Congress.

Mr. President, in 1994, the United States launched an armed intervention to reestablish Haitian democracy. Last year, the United States again sent a contingent of Marines to restore sta-

bility. Too often in our history, our neglect of Haiti's most basic problems have left us with no choice but to intervene when instability breaks out into open crisis. Only through proactive leadership and a commitment to long-term development in Haiti can we break this cycle. For all these reasons, I am pleased that this amendment has been accepted as part of the managers' package. I urge the conferees to ensure that this language is included in the conference agreement of this bill.

Mr. BAUCUS. Mr. President, I wish to address several amendments offered to the emergency supplemental appropriations bill this week. We are debating this emergency appropriation primarily to see to the needs of the men and women who are serving on the front line in Iraq and Afghanistan. That's because it's our job to make sure that our troops get the support and the resources they need when they need them.

But there is another front line we should not forget about, and that includes the home front. And serving on the home front are the men and women of the National Guard, Border Patrol, Immigration and Customs agents, as well as the police forces who serve in big and small communities alike.

They, too, need resources and support from Congress. And while we have a process by which Congress determines on a yearly basis what those needs are, I am not content to just wait and see. I am concerned about the fate of important legislation that was passed last fall that authorized putting more border patrol agents on our front line—which more and more often is up on the highline of Montana, and not only across desert stretches on the Southern border.

That legislation, which was negotiated as part of the National Intelligence Reform Act of 2004 and signed by President Bush, recognized for more personnel patrolling our borders. Now, while the administration's fiscal year 2006 budget did not propose the funding called for in that legislation, it is up to all of us in Congress to make sure that the border patrol gets the help it needs. That is why I am a cosponsor of Senator BYRD's amendment to deliver the funds our border security personnel deserve.

But we have to do more. We need to help the border patrol and other Federal and State law enforcement agencies get their workload under control and focus on the most serious threats to our Nation's security.

Surely, we all want to know who the millions of undocumented aliens are who cross our borders each year. And many of these people live and work amongst us. The vast majority of these undocumented workers are here because there are jobs—in the service, agricultural or other sectors—for which employers cannot find willing American workers.

As long as tough standards are in place for (1) proving that no willing

American workers could be found, (2) documenting the background of the worker and the nature of the work, and (3) consequences for breaking the law, I think we are a safer Nation when we encourage illegal migrants and their employers to come out from the shadows and show themselves.

Encouraging employers and foreign workers to work within the bounds of law will allow our border agents to better focus their efforts on those who would enter the country to do our citizens harm. And up on the Northern border, what used to be our nation's backdoor and is quickly becoming the front door, we face that more unlikely threat precisely because all eyes are on the southern border.

I'm not talking about amnesty, and I'm not talking about rushing into some sweeping immigration reform. I think that requires broader and more considered deliberation by Congress. But it does make sense to begin to document and track the movement of illegal migrants who would otherwise pay taxes and abide by our laws if they could earn the chance to do so. This in turn helps our small and seasonal businesses maintain a reliable, screened and legal workforce, and it allows us to focus our attention on stopping would-be terrorists from crossing our borders.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

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

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

The bill having been read the third time, the question is, Shall the bill pass?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. INOUE) is necessarily absent.

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

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 109 Leg.]

YEAS—99

Akaka	Chambliss	Ensign
Alexander	Clinton	Enzi
Allard	Coburn	Feingold
Allen	Cochran	Feinstein
Baucus	Coleman	Frist
Bayh	Collins	Graham
Bennett	Conrad	Grassley
Biden	Cornyn	Gregg
Bingaman	Corzine	Hagel
Bond	Craig	Harkin
Boxer	Crapo	Hatch
Brownback	Dayton	Hutchison
Bunning	DeMint	Inhofe
Burns	DeWine	Isakson
Burr	Dodd	Jeffords
Byrd	Dole	Johnson
Cantwell	Domenici	Kennedy
Carper	Dorgan	Kerry
Chafee	Durbin	Kohl



Kyl	Murray	Shelby
Landrieu	Nelson (FL)	Smith
Lautenberg	Nelson (NE)	Snowe
Leahy	Obama	Specter
Levin	Pryor	Stabenow
Lieberman	Reed	Stevens
Lincoln	Reid	Sununu
Lott	Roberts	Talent
Lugar	Rockefeller	Thomas
Martinez	Salazar	Thune
McCain	Santorum	Vitter
McConnell	Sarbanes	Voinovich
Mikulski	Schumer	Warner
Murkowski	Sessions	Wyden

## NOT VOTING—1

Inouye

The bill (H.R. 1268), as amended, was passed, as follows:

(The bill will be printed in a future edition of the RECORD.)

The title was amended so as to read: "An Act Making Emergency Supplemental Appropriations for Defense, the Global War on Terror, and Tsunami Relief, for the fiscal year ending September 30, 2005, and for other purposes."

Mr. COCHRAN. I move to reconsider the vote by which the bill was passed.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendment, requests a conference with the House on the disagreeing votes of the two Houses, and the Chair appoints Mr. COCHRAN, Mr. STEVENS, Mr. SPECTER, Mr. DOMENICI, Mr. BOND, Mr. McCONNELL, Mr. BURNS, Mr. SHELBY, Mr. GREGG, Mr. BENNETT, Mr. CRAIG, Mrs. HUTCHISON, Mr. DEWINE, Mr. BROWNBACK, Mr. ALLARD, Mr. BYRD, Mr. INOUE, Mr. LEAHY, Mr. HARKIN, Ms. MIKULSKI, Mr. REID of Nevada, Mr. KOHL, Mrs. MURRAY, Mr. DORGAN, Mrs. FEINSTEIN, Mr. DURBIN, Mr. JOHNSON, and Ms. LANDRIEU conferees on the part of the Senate.

Mr. COCHRAN. Madam President, I thank all Senators for their cooperation in the passage of this bill. There were a lot of amendments offered, and we agreed to some of them. Some of them were adopted. We are going to conference with the House now to work out differences between the two bills. I am confident we will be able to come back with a product in the form of a conference report which the Senate can support, which will continue to support the additional funding that is needed for this fiscal year for our troops in the field, for those who are deployed in Iraq and Afghanistan and elsewhere in the world in the war on terror, and will meet the needs of our State Department through replenishment of accounts that have been depleted because of the disaster in the tsunami episode and for other needs the Senate and House have seen fit to include in this appropriations bill.

As my first bill to manager on the floor of the Senate as chairman of the Appropriations Committee, I have to receive personally from staff members here in the Senate, other Senators as well who are more experienced and who chaired important subcommittees in

the past and this full committee, as a matter of fact.

Specifically, I am thinking about Senator BYRD, the distinguished Senator from West Virginia, who has served as chairman of this committee and ranking member of the committee; Senator STEVENS, who is chairman of the Defense Appropriations Subcommittee; Senator INOUE, who is the senior Democrat on that subcommittee, both of whom helped shape the content of this bill in areas under the jurisdiction of their subcommittee; and the staff director, Keith Kennedy, who is back from a leave of absence he had doing other things for the last several years but who, as a former staff director of this committee, provided strong leadership for our staff and gave me tremendous support which I needed to get this bill to this point. I am very grateful to him for his support and those who worked closely with him, like Terry Sauvain on the Democratic side; Sid Ashworth, who is the clerk of the Defense Appropriations Subcommittee, and her counterpart on the Democratic side, Charlie Houy; Paul Grove; Tim Rieser; Clayton Heil, who is counsel to the committee; and Chuck Kieffer, all of whom provided very important and appreciated support to me during the handling of this legislation.

Mr. BYRD. Mr. President, as we bring to a close the debate on the emergency supplemental, H.R. 1268, I thank my good friend from the State of Mississippi, the chairman of the Appropriations Committee, THAD COCHRAN. Senator COCHRAN was recently installed as the new Chairman of the Appropriations Committee, and, although he has managed numerous bills on the floor in the past, this is the first appropriations bill that he has managed as the chairman of the Appropriations Committee. I compliment Senator COCHRAN for a job well done, and I especially thank him for his patience. In fact, all of the Members should thank him for his patience. We have been on this bill for the better part of 2 weeks, and we have given consideration to many, many amendments. Throughout all of these many days of debate on the underlying bill and on the numerous amendments offered by both sides, Senator COCHRAN has kept a level head, and he has shown patience in seeing that this supplemental is processed in an orderly manner and that no Member is denied an opportunity to have input on this bill.

I also join with Senator COCHRAN in expressing gratitude to the staff members on both sides of the aisle who helped us with processing this bill and all those amendments. They worked late into the evening hours on some of these matters, and I appreciate not only their hard work but also their unstinting dedication to this institution.

Mr. President, this is only one in a series of supplemental requests that have come from the administration asking the Congress to appropriate

more funds for the wars in Iraq and Afghanistan and for reconstruction efforts in those countries. With approval of this supplemental, we will have approved over \$280 billion for the two wars through emergency supplemental bills. We should not continue to fund these wars in this way. This is not the chairman's fault. He can only respond to the administration's proposals. It is evident that many of my colleagues are in agreement that funding for war activities should be processed in regular annual appropriations measures, not through emergency supplementals. This was clearly and emphatically expressed again in of the sense of the Senate amendment earlier this week. I hope that this administration will take serious note of the Senate's strong view in this regard.

I assure my colleagues here today and the people of this country that I fully and wholeheartedly support our men and women in uniform. I give these troops my gratitude and my respect. I wish that we could give them more—I wish that we could give them a clearly defined mission, with a clearly defined strategy for ending the war in Iraq and coming home.

But, this administration is not winding down its military operations in Iraq—that is evident from the size of this most recent request submitted by the President. To the contrary, it appears that the United States may be gearing up either to accommodate a permanent military presence in Iraq or to establish a launching pad for other military operations in the region. This, certainly, would be the wrong message to send to the people of Iraq and others in the region. I pray that this is not the case.

Thank you, Mr. President, and I yield the floor.

## MORNING BUSINESS

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Madam President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

## TRAUMATIC INJURY PROTECTION

Mr. CRAIG. Madam President, we have completed a tremendously important piece of legislation for the funding of our troops in Afghanistan and Iraq. During this afternoon, I, along with Senator DANNY AKAHA, my ranking member on the Veterans' Affairs Committee, and Senator MIKE DEWINE, added an amendment I want to speak for a few moments about because I think it addresses a tremendous gap in the coverage that exists in the treatment of the soldiers, sailors, marines, and airmen who are fighting for our country at this very moment.

Our amendment addresses the coverage gap through the creation of a