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Senate

The Senate met at 9:45 a.m. and was called to order by the President pro tempore [Mr. STEVENS].

PRAYER

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

Let us pray.

Lord of life, high above all, yet in all, the challenges of our world are great and our hands are small. The mystery of life is deep, and our faith falters. The temptations of life are intense, and our wills are feeble.

Lord, guide our steps. Shower Your Senators with enduring blessings. As they deal with the swirling winds of change, be their ever present help. Give them patience to trust the unfolding of Your loving providence. Give each of us the wisdom to refuse to deviate from the path of integrity.

Lord, today we ask for You to comfort the grieving families of the Alaskan Boy Scouts.

We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

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

RESERVATION OF LEADER TIME

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

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2006

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 1042, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1042) to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

Pending:

Frist modified amendment No. 1342, to support certain youth organizations, including the Boy Scouts of America and Girl Scouts of America.

Inhofe amendment No. 1311, to protect the economic and energy security of the United States.

Inhofe/Kyl amendment No. 1313, to require an annual report on the use of United States funds with respect to the activities and management of the International Committee of the Red Cross.

Lautenberg amendment No. 1351, to stop corporations from financing terrorism.

Ensign amendment No. 1374, to require a report on the use of riot control agents.

Ensign amendment No. 1375, to require a report on the costs incurred by the Department of Defense in implementing or supporting resolutions of the United Nations Security Council.

Collins amendment No. 1377 (to Amendment No. 1351), to ensure that certain persons do not evade or avoid the prohibition imposed under the International Emergency Economic Powers Act.

Durbin amendment No. 1379, to require certain dietary supplement manufacturers to report certain serious adverse events.

Hutchison/Nelson (FL) amendment No. 1357, to express the sense of the Senate with regard to manned space flight.

Thune amendment No. 1389, to postpone the 2005 round of defense base closure and realignment.

Kennedy amendment No. 1415, to transfer funds authorized to be appropriated to the Department of Energy for the National Nuclear Security Administration for weapons activities and available for the Robust Nuclear Earth Penetrator to the Army National Guard, Washington, District of Columbia chapter.

Allard/McConnell amendment No. 1418, to require life cycle cost estimates for the destruction of lethal chemical munitions under the Assembled Chemical Weapons Alternatives program.

Allard/Salazar amendment No. 1419, to authorize a program to provide health, medical, and life insurance benefits to workers at the Rocky Flats Environmental Technology Site, Colorado, who would otherwise fail to qualify for such benefits because of an early physical completion date.

Dorgan amendment No. 1426, to express the sense of the Senate on the declassification and release to the public of certain portions of the Report of the Joint Inquiry into the Terrorist Attacks of September 11, 2001, and to urge the President to release information regarding sources of foreign support for the hijackers involved in the terrorist attacks of September 11, 2001.

Dorgan amendment No. 1429, to establish a special committee of the Senate to investigate the awarding and carrying out of contracts to conduct activities in Afghanistan and Iraq and to fight the war on terrorism.

Salazar amendment No. 1421, to rename the death gratuity payable for deaths of members of the Armed Forces as fallen hero compensation.

Salazar amendment No. 1422, to provide that certain local educational agencies shall be eligible to receive a fiscal year 2005 payment under section 8002 or 8003 of the Elementary and Secondary Education Act of 1965.

Salazar/Reed amendment No. 1423, to provide for Department of Defense support of certain Paralympic sporting events.

Collins (for Thune) amendment No. 1489, to postpone the 2005 round of defense base closure and realignment.

Collins (for Thune) amendment No. 1490, to require the Secretary of the Air Force to develop and implement a national space radar system capable of employing at least two frequencies.

Collins (for Thune) amendment No. 1491, to prevent retaliation against a member of the Armed Forces for providing testimony about the military value of a military installation.

Reed (for Levin) amendment No. 1492, to make available, with an offset, an additional $50,000,000, for Operation and Maintenance for Cooperative Threat Reduction.

Hatch amendment No. 1516, to express the sense of the Senate regarding the investment of funds as called for in the Depot Maintenance Strategy and Master Plan of the Air Force.

Inhofe amendment No. 1476, to express the sense of Congress that the President should take immediate steps to establish a plan to implement the recommendations of the 2004 Report to Congress of the United States-China Economic and Security Review Commission.

Allard amendment No. 1383, to establish a program for the management of post-project

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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completion retirement benefits for employees at Department of Energy project completion sites.

Allard/Salazar amendment No. 1506, to authorize the Secretary of Energy to purchase certain essential mineral rights and resolve natural resource damage liability claims.

McCain modified amendment No. 1557, to provide for uniform standards for the interrogation of persons under the detention of the Department of Defense.

Warner amendment No. 1566, to provide for uniform standards and procedures for the interrogation of persons under the detention of the Department of Defense.

McCain modified amendment No. 1556, to prohibit cruel, inhuman, or degrading treatment or punishment of persons under the custody or control of the United States Government.

Stabenow/Johnson amendment No. 1435, to ensure that future funding for health care for veterans takes into account changes in population and inflation.

Murray amendment No. 1348, to amend the assistance to local educational agencies with significant enrollment changes in military dependent students due to force structure changes, troop relocations, creation of new units, and realignment under BRAC.

Murray amendment No. 1349, to facilitate the availability of child care for the children of members of the Armed Forces on active duty in connection with Operation Enduring Freedom or Operation Iraqi Freedom and to assist school districts serving large numbers or percentages of military dependent children affected by the war in Iraq or Afghanistan, or by other Department of Defense personnel decisions.

Levin amendment No. 1494, to establish a national commission on policies and practices on the treatment of detainees since September 11, 2001.

Hutchison amendment No. 1477, to make oral and maxillofacial surgeons eligible for special pay for Reserve health professionals in critically short wartime specialties.

Graham/McCain modified amendment No. 1505, to authorize the President to utilize the Combatant Status Review Tribunals and Annual Review Board to determine the status of detainees held at Guantanamo Bay, Cuba.

Nelson (FL) amendment No. 762, to repeal the requirement for the reduction of certain Survivor Benefit Plan annuities by the amount of dependency and indemnity compensation and to modify the effective date for paid-up coverage under the Survivor Benefit Plan.

Durbin amendment No. 1428, to authorize the Secretary of the Air Force to enter into agreements with St. Clair County, Illinois, for the purpose of constructing joint administrative and operations structures at Scott Air Force Base, Illinois.

Durbin amendment No. 1571, to ensure that a Federal employee who takes leave without pay in order to perform service as a member of the uniformed services or member of the National Guard shall continue to receive pay in an amount which, when taken together with the pay and allowances such individual is receiving for such service, will be no less than the basic pay such individual would then be receiving if no interruption in employment had occurred.

Levin amendment No. 1496, to prohibit the use of funds for normalizing relations with Libya pending resolution with Libya of certain claims relating to the bombing of the LaBelle Discotheque in Berlin, Germany.

Levin amendment No. 1497, to establish limitations on excess charges under time-and-materials contracts and labor-hour contracts of the Department of Defense.

Levin (for Harkin/Dorgan) amendment No. 1425, relating to the American Forces Network.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, we come back for a final week before our recess with a number of important items, many of which are the culmination of many months of work. It will be a challenging week in order to accommodate the range of issues. I will mention a number of those that will be addressed. I do hope all of our colleagues will consider the importance of addressing each of these and doing it in a timely way that respects people's schedules and gets us out at the end of this week. It is going to be a real challenge, but it can clearly be accomplished if we all work together in a collegial and civil way as we go.

This morning we will resume debate on the Defense authorization bill. Under the order, there will be 20 minutes remaining for debate to be used on the Collins and Lautenberg amendments on contracts. Following that time, we will proceed to a series of votes. We will be voting on the Collins amendment. Following that, we will vote in relation to the Lautenberg amendment. Following that, we will vote in relation to a Boy Scouts amendment. That will be followed by a cloture vote on the pending Defense authorization.

If cloture is invoked, we will stay on the Defense bill until that is completed, something I am very hopeful we will be able to do shortly. If cloture is not invoked, we would proceed to a cloture vote with respect to the motion to proceed to the gun manufacturers liability bill which we also will address this week. These cloture votes will allow the Senate to complete these two important measures.

In addition to that, we have a number of additional items, including the conference report on energy, the conference report on highways, and then there are a number of appropriations conference reports that may become available in addition to these measures. We are looking at the issue on Native Hawaiians and a death tax issue. We have a lot of work to do in a very short period of time. We clearly will be working through Friday of this week and, if it means going into the weekend to complete the work, we are prepared to do that.

THE BOY SCOUT JAMBOREE

Mr. FRIST. Mr. President, very briefly, I want to mention—I know the Senator from Alaska has a comment—our sympathy for the tragic events that have occurred at the Boy Scouts Jamboree. Our thoughts and prayers are with the many families who have been affected so directly. We will continue to reach out over the course of the day for the tragic event that occurred there.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The minority leader is recognized.

CLOTURE VOTES

Mr. REID. Mr. President, I would, through the Chair, ask the distinguished majority leader if the majority leader would agree that we would continue on the Defense bill, vitiate cloture on it and the gun bill, and finish the Defense bill by a time certain, say Thursday at 7 o'clock in the evening? We would try to work through our amendments. We would have time agreements on amendments. We would have the two managers of the bill set us up so we could vote on these, Republican and Democratic amendments, work through all these. I have a more extended statement I am going to give in a little bit, if we can't work something out on this. I will ask unanimous consent, but I would ask the distinguished Senator from Tennessee if he would consider a unanimous consent agreement that will allow us to finish this bill by a time certain on Thursday and, following that, in fact, what I think would be most appropriate is we finish the very important Defense bill this week, and the second we get back in September move to the gun legislation.

The PRESIDENT pro tempore. The majority leader.

Mr. FRIST. Through the Chair in response to the Democratic leader, we laid out a plan at the end of last week where we can stay on the Department of Defense authorization bill. We have filed cloture to bring some order to that process. We will have the opportunity to vote on cloture this morning. I expect cloture to be invoked. We should finish the Defense authorization bill. I have also made it clear from this desk and on the floor that we are going to finish the gun manufacturers liability bill before we leave. That makes it challenging because we have the very important Department of Defense authorization bill, but we have a plan and a way to finish that by invoking cloture this morning, finishing with that issue, and then moving directly to the gun manufacturers liability bill. Therefore, I do not believe we need—in fact, I know we don't need a unanimous consent agreement in order to accomplish that. So at this juncture we will stay on the plan, the Department of Defense cloture vote this morning—and I expect it would be invoked—finish that bill and then proceed to the gun liability bill.

Mr. REID. Mr. President, I ask through the Chair if the Senator from Tennessee, the distinguished majority leader, has a statement to make. Otherwise, I have a statement I am going to make this morning.

Mr. FRIST. I do not have a statement this morning. Following the Democratic leader's statement, I believe the Senator from Alaska has a brief statement to make as well.

Mr. REID. Mr. President, I heard the Senator from Alaska say he needed a minute or two. I would be happy, if he wants to do that at the present time, to allow the President pro tempore of

the Senate, the most senior Member of the Senate, to give a statement. Then I will give mine.

Before the leader leaves the floor, I will use leader time. I don't think I will need to use more than the 10 minutes, but that would push the votes back 10 minutes. I think everyone should be entitled to the time they have. Is that OK with the leader?

Mr. FRIST. Yes.

The PRESIDING OFFICER (Mr. VITTER). The Senator from Alaska is recognized.

BOY SCOUTS JAMBOREE TRAGEDY

Mr. STEVENS. Mr. President, let me thank the two leaders for their courtesy.

Last Thursday it was my privilege to meet on the Capitol steps with a group of Boy Scouts from my State, 71 young Scouts and 9 adults, which included 5 distinguished Boy Scout leaders. As we all know, we have heard the news, a tragic accident occurred at Fort A.P. Hill, and four of those leaders have passed away. Another is seriously injured. It has been a shock to the Alaska community, certainly a shock to the Jamboree. We are working with the Army. This occurred on an Army base, and there is a CID investigation going on, as well as a Virginia State investigation, to determine the cause of this tragedy. Clearly, there are 71 young men down there who are very shocked and very disturbed over this tragedy.

I want to thank the leader for his comments and the Chaplain for the mention of these men in his opening prayer. It is impossible for us to fathom a tragedy of this sort. In any event, I want to say to the Senate and to the Alaskan people we will do everything we can to help these young men and to comfort them and make certain they are cared for in this period of mourning the loss of these distinguished Boy Scout leaders.

I ask unanimous consent that statements that appeared in the Anchorage Daily News this morning about this incident and from the Washington Post reporting on the incidents be printed in the RECORD.

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

[From the Anchorage Daily News, July 26, 2005]

ALASKA SCOUT LEADERS DIE NEAR D.C.

(By Katie Pesznecker and Lisa Demer)

Four Boy Scout leaders were killed in Virginia on Monday, the opening day of the organization's national Jamboree, when a metal tent pole they were holding hit a power line and apparently ignited the canvas tent above them, according to Scout officials and witnesses.

Officials late Monday confirmed the leaders who died are Ron Bitzer, Michael Lacroix and Michael Shibe of Anchorage and Scott Powell, who moved to Ohio last year.

A fifth Alaska Scout leader, Larry Call, and an unidentified contractor were hospitalized with injuries, according to Boy Scout officials. Call is being treated at a Virginia hospital burn unit, said his wife, Paula Call.

No children were seriously injured, but about 30 Alaska Scouts saw the accident happen some time between 12:30 p.m. and 1 p.m. Alaska time at Fort A.P. Hill, an Army base about one hour south of the nation's capital.

Karl Holfeld, an Anchorage father, said his 15-year-old son, Taylor, witnessed the accident. Taylor was on his cell phone talking to his mother in Anchorage when the accident occurred.

''They all started screaming,'' Holfeld said. ''He said, 'Oh my God, oh my God, the tent is on fire, they're being burned!' And she told him to stay away, to not touch anything, because there could be a live wire.''

Paula Call spoke to her husband and others after the accident. The group of men was erecting a large tent, like a circus tent, she said. She didn't know what it was for.

''As they got it up, this pole started to lean and it touched a utility live wire,'' Paula Call said.

She hadn't heard about the fire but said her husband suffered electrocution burns on his hands, hips and feet. His condition improved during the day and he will recover, she said.

The Calls' son Kendell, 15, saw the accident but is too upset to talk about it in detail, Paula Call said. A second son was also there. Witnesses told her Kendell reacted quickly to help his father.

Her husband ''was just concerned about the boys. It was the most horrific thing he knows they will ever witness,'' she said.

The Scouts were taken from their camp to meet with grief counselors and a chaplain, said Renee Fairrer, director of National News and Media for the Jamboree.

Seventy-one boys and nine adults were traveling with the Jamboree contingency representing the Western Alaska Council of Boy Scouts of America. Bill Haines, executive director of the council here, said others came from Juneau and Fairbanks.

Jamboree leaders are ''the cream of the crop,'' he said. ''They were the best we had.''

Of the men who died, Shibe had two sons at the Jamboree, and Lacroix, who runs an Anchorage vending machine company, had one son in attendance, Haines said.

Holfeld had known both Bitzer and Shibe for years. Shibe and Holfeld earned their Eagle ranks together in the 1970s.

''We crossed paths at Scout things all the time,'' Holfeld said. ''They were just phenomenally effusive and so dedicated to the youth. They were enthusiastic gentlemen that totally believed in the Boy Scouts and showed that through their efforts and commitment.''

Bitzer and his wife, Karen, had recently sold their Anchorage home, and Haines said he believes they were preparing to move to Reno. He worked a couple of years as a Scout executive, Haines said. Bitzer was a retired administrative law judge and an assistant scoutmaster of Troop 129 in Anchorage, said family spokesman Ken Schoolcraft, the troop's scoutmaster.

Bitzer spent years running the Junior Leader Training Conference, a summer event at Camp Gorsuch on Mirror Lake, said Dylan O'Harra, 19, a former Anchorage Boy Scout who went to Bitzer's program.

''He was another guy who was dedicated to spending his time helping Scouts, helping kids advance and appreciate the outdoors,'' O'Harra said.

Powell was single and retired last year after a career in Boy Scouts. He had moved to Ohio but attended Jamboree at the last moment after a boy was unable to go, Haines said.

Powell had devoted years to Alaska Scouts, including more than 20 years as program director at Camp Gorsuch.

''For every kid who ever went to the camp, Scott Powell was the most inspirational and exciting guy that you've ever met,'' said O'Harra, who attended and worked at Camp Gorsuch. ''When you wanted to be on staff, you wanted to be on staff so you could be on Scott's team. He's the reason a lot of kids came back to the camp as counselors for years and years.''

Jamboree is a decades-old event and one of the biggest gatherings of Boy Scouts worldwide. The first, in Washington, D.C., in 1937, drew more than 27,000 people. Scout officials said attendance at this one, the 16th Jamboree, is expected to top 43,000 Scouts and leaders from the United States and 20 countries.

This is the seventh Jamboree at Fort A.P. Hill, nestled in the rolling hills of Caroline County, Virginia. Scouts swarm 3,000 acres. Within hours on Monday, cadres from various cities and states were expected to stake down some 17,000 tents and put up 3,500 patrol kitchens. The Scouts who attend are at least 12 years old and younger than 18.

Boys at the 10-day event do all things Scout-related—from biking to archery to kayaking. They earn merit badges and cook many of their own meals. Camp highlights include blow-out opening and closing arena shows that include Army Rangers parachuting in, fireworks exploding, folks singing and dancing. President Bush is scheduled to speak Wednesday night.

Alaska leaders split the kids into two groups: Troop 711 and Troop 712. They spent four days together touring Washington before arriving at Jamboree for opening day Monday.

Several adults from Alaska's group helped put up a large tent. It might have been a mess hall for the group or the sleeping quarters for the leaders, said Mike Sage, an Anchorage father who chaperoned Alaska Scouts at the last Jamboree four years ago.

The tent has a large metal pole as its center support and also poles at its corners. Men were reportedly holding on to those, Paula Call said.

It's unclear how the pole came in contact with the wire.

''They either hit the power line with the pole, or a truck went by and knocked the pole over,'' Holfeld said. ''Either way, the pole hit the power line, electrocuted them, set the tent on fire, the tent fell on them, and they were trapped underneath,'' with Scouts watching.

In interviews and press releases all day, Boy Scout officials referred to the incident as ''an electrical accident.''

A statement on the official Jamboree Web site said: ''Our prayers and sympathies are with the families of each of the victims. It is a tragic loss that is shared by everyone in the BSA. Counselors and chaplains are at the jamboree and available to any Scout or leader. A thorough investigation into this accident is under way.''

Fairrer said Boy Scouts of America is leading the investigation and working with the military.

People have died or been seriously injured before at Jamboree, Fairrer said. But she could not recall a catastrophe of this magnitude.

''And any time there's a death, it hurts all of us,'' Fairrer said. ''Within scouting, we are one big family.''

Gov. Frank Murkowski said in a statement early Monday evening that he was ''very saddened today to learn of the deaths of these four Scout leaders in such a tragic and unexpected accident. . . . These individuals were killed while serving Alaska's young people, and I admire and thank them for that service.''

The three boys whose fathers died are returning to Alaska, Haines said.

''The other boys who didn't lose their fathers are going to make a decision with their leaders about what to do.''

[From the Washington Post, July 26, 2005]

FOUR SCOUT LEADERS DIE IN VA. ACCIDENT

(By Karin Brulliard and Martin Weil)

FORT A.P. HILL, VA.—Four adult Scout leaders from Alaska were killed Monday afternoon at the Boy Scout Jamboree in an electrical accident that apparently occurred when a pole from a tent they were setting up struck an overhead power line, officials said.

Three others, a Scout leader and two contract workers, were injured in the accident, which happened a few hours after the official noontime opening of the jamboree. The gathering draws thousands of Scouts every four years from across the United States and many foreign countries.

No Boy Scouts were injured.

The leaders were from the Anchorage area and represented the Scouts' Western Alaska Council, an official of that council said. Bill Haines said two of those killed and the injured leader had children with them at the jamboree, about 75 miles south of the District.

''It's a very tragic loss for all of us,'' Haines said.

The children, he said, were coping. ''They are all being taken care of,'' he said.

Sheriff A.A. ''Tony'' Lippa Jr. of Caroline County said a preliminary investigation indicated that the pole had struck the power line but that authorities had not determined how it happened. ''We're not sure if the poles shifted,'' he said.

Scout officials gave no details of how the accident occurred, other than to say that it was between 4:30 and 5 p.m. while the camp for the Alaskans was being set up. One person with knowledge of jamboree operations, who spoke on condition of anonymity because an investigation is underway, confirmed that a tent-support pole touched an electric line.

After the accident, witnesses saw a slender pole that protruded through the apex of a pyramid-shaped tent and appeared to be touching one or more overhead lines. The tent was one of two at the Alaskans' site that appeared to be intended for use as a group gathering place rather than for sleeping.

One of the two light-colored tents apparently had been fully erected. The other tent, where the accident apparently occurred, was cordoned off with yellow tape. The Scouts who might have stayed in that area had been moved.

Haines, in a telephone interview from Alaska, said the four men who died ''were leaders in the Scouting community, longtime Alaskans. They were very instrumental in the council'' It was the first jamboree for one of the men.

Lippa said the ages of three of the four were 42, 47 and 58.

All those injured were in stable condition at hospitals, the sheriff said. None of the men's names was released last night.

Officials said late last night that they expected the jamboree to continue but were not certain whether any adjustments to the schedule or participation might be made. Bob Dries, volunteer chairman of the event's national news and media operation, said: ''I would expect the jamboree is going to carry on. Certainly, our sympathy is with the families. It's a sad day. The jamboree is about kids and having fun.''

Renee Fairrer, director of national news and media for the jamboree also said the event would go on. She said the Alaska contingent had been separated from the others.

Gregg Shields, a spokesman for the Boy Scouts, said chaplains and grief counselors were meeting with the Scouts from the Western Alaska council. Those Scouts are ''our primary concern right now,'' he said.

Haines said he did not know whether they would stay for the duration of the jamboree, which runs through Aug. 3. ''We're going to do what the troop wants,'' Fairrer said.

Other Scouts from the general area in which the accident occurred appeared to be taking part late yesterday in planned activities. Some were seen setting up cots or reading. A Scout-run camp radio station interrupted its normal broadcast to report the accident.

Fairrer said the accident was being investigated by the Boy Scouts and the U.S. Army, which operates the base in Caroline County, about 10 miles east of Interstate 95 on Route 301, just south of the Rappahannock River.

She said late Monday that 32,000 Scouts and an additional 3,500 leaders had assembled to live for 10 days in what is essentially a huge tent city on the grounds of the base. President Bush is scheduled to address the gathering Wednesday night.

The accident, Fairrer said, occurred at the eastern edge of the campsite, which she estimated at seven to 10 miles from the fort's main gate. The base is about 76,000 acres; the Scouts are using about 5,000. Jamboree representatives said as many as 17,000 two-man tents might be pitched.

The site is supplied with electricity by the Rappahannock Electric Cooperative, Fairrer said. The utility last night said it was assisting in the investigation.

Over the past weekend, some of the Scouts have been in Washington, swarming over the Mall and through the monuments, a blur of khaki and neckerchiefs and patch-covered shoulders.

Hundreds of buses pulled into the military base yesterday to disgorge Scouts by the thousands. Officials said they came from 50 states and 20 foreign countries. At least 400 Scouts from the Washington region were scheduled to be on hand.

The jamboree has been held at the military base since the 1980s.

Mr. STEVENS. Again, I thank the Senate and the leaders for their courtesy.

The PRESIDING OFFICER. The minority leader is recognized.

CLOTURE ON DEFENSE AUTHORIZATION

Mr. REID. Mr. President, Members heard the colloquy between the distinguished majority leader and this Senator. I ask unanimous consent that the time I use not apply to any of the order now before the Senate with regard to the four votes that are pending.

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

Mr. REID. I was in Chicago over the weekend at an event. I talked to a well-dressed, very articulate man. I didn't realize he was as old as he was, but I learned later he was 83 years old. His name is Green. He had served in the South Pacific for 3 years during World War II. All those islands we hear so much about, he was on all of them, carrying a rifle, fighting for our country.

This morning I thought about Mr. Green. In World War II, do you think the Senate would have spent a matter of a few hours on the Defense bill? I don't think so. During World War II, Senator Truman, among others, debated very vociferously whether there should be an investigation into how money was being spent by the military and the Government generally. It was controversial, but it was debated. Senator Truman's actions carried.

What are we doing here today? What are we doing here today? A bill involving 1.4 million active-duty men and women serving in uniform for our country and a million Guard and Reserve, approximately 2.5 million men and women serving this country in Iraq, Afghanistan, Korea, Germany, all over the world, a bill that is costing the American taxpayer during this year approximately $450 billion—that doesn't count the usual emergency supplementals that are not part of this process involving tens of billions of dollars—we are going to spend on this bill a few hours. To this point we have not had a single vote on a Democratic amendment. It is unconscionable to do this, to end debate on these amendments that help our country.

Just a few of them. Concurrent receipt is something I have worked on with the two managers of this bill for 4 years. What is concurrent receipt? Is it important to the military? It absolutely is. Prior to the 4 years this Senate worked on it, a person who retired from the U.S. military who was disabled could not draw his disability benefits and his retirement benefits. If you are retired from the military with a disability and you worked at Sears, you could draw both, or if you worked at the Department of Interior, you could draw both. But not from the military. We have changed it. We have not changed it enough, but we have changed it a lot and it is helpful. But we need to continue to work with these disabled American veterans to get them the money they have earned and they deserve and which this country is obligated, in my opinion, morally to pay them. We won't have an opportunity to do that on this bill because in an hour or so cloture will be invoked.

Senator NELSON from Florida wants to offer an amendment authorizing surviving spouses to receive both survivor benefit plan annuity benefits and indemnity compensation, and they should be able to get both.

Senator KERRY wants to make permanent the temporary authority, including the emergency supplemental for dependents of service members who die on active duty to remain in military housing for 1 year after the person has been killed in the line of duty. That is not asking too much. We would like that amendment to be offered. We want to improve this bill. We are not trying to tear the bill apart. We want to improve it.

Senator LIEBERMAN and others want to increase the size of the military by 20,000 a year for the next 4 years. I believe in this amendment, but we very likely will not have the opportunity to have that voted on.

Senator MURRAY has a childcare amendment that would help members

of the U.S. military have their children taken care of while they are on active duty.

Senator DURBIN has an amendment to require Federal agencies to pay the difference between military and civilian compensation for National Guard and Reserve. This is something we very likely will not have the chance to vote on.

Senator LEVIN has an amendment that would provide $50 million to cooperative threat reduction to meet the new opportunity to provide security upgrades to 15 key Russian nuclear weapons sites.

Last week a report was issued by former Secretary Bill Perry that said the No. 1 problem the world faces is loose nukes. That is what this is all about.

This is a bill that is so vitally important. It is important in dealing with veterans health care benefits. It is important in dealing with Guard and Reserve, base closure, our war on terror, impact of sustained military operations to our troops and their families, detainee abuse.

Republicans have joined with Democrats in saying let's take a look at what has gone on with how we treat prisoners of war—a bipartisan amendment. We can read in any paper in the United States that last week the Vice President of our country had been calling people at the White House, Members of the Senate, to tell them not to do that. Why? What are we afraid of? This is an open society. This is the United States. We won't be able to offer that amendment. Is that why this bill is being taken away from us? Because the administration has said we don't want you to look at what has gone on in Guantanamo, Abu Ghraib, and other such places? This majority leader, apparently under pressure from this administration, decided we were not going to deal with these important issues this year. Rather than putting our troops and our Nation's security first by letting the Senate work its will on these important issues, the majority leader and this administration decided to prematurely cut off debate.

It is unheard of to do what is being done here. The hue and cry will go forth from this majority we have here saying these awful Democrats are trying to hold up the Defense bill. Hold up the Defense bill for a couple of days?

We believe we have an obligation, we Democrats believe we have an obligation to face difficult issues and not run from them, including the embarrassment of what went on in our prisons at Guantanamo and Abu Ghraib. We believe it is important to deal with weapons of mass destruction in this bill. Unfortunately, that is precisely the choice the majority leader is forcing this body to make today. If we do not invoke cloture on this bill and forego our right to offer these important amendments, the bill is gone. We are not going to be able to take these things up.

This work period is ending. We are going to go home. We are going to come back in September. The fiscal year is on top of us. We have the Roberts nomination that will take a little time on the Senate floor after the Senate Judiciary Committee completes its important work. What are the Republicans afraid of?

There is more to this than the administration simply wanting to cut off debate because of embarrassment to them about talking to these issues. The Republican leadership is also engaged in a very cynical ploy here today. They have pitted the interest of a very powerful special interest group against this Nation's security needs. Rather than spending the time needed to carefully consider critical national security issues—and I think that is something that again we need to focus on, national security issues—the Republican leadership has decided it is more important that the Senate instead take up gun legislation. I support the legislation, but let's be realistic about this. Legislation that would trump the men and women of America who wear the uniform of our country? I don't think so. I don't think it is a fair match. No matter how you may feel about gun legislation, it is not a match to allowing us to proceed on the Defense bill as we have done traditionally in this body.

I recognize we have wasted a lot of time in the Senate, spending one-third—one-third—of the Senate's time on voting on three judges. Every one of the people who was made a judge had jobs already. One-third of the Senate's time was spent on three judges. So I know we are crimped for time around here because of that. But we are going to take gun legislation and compare it to the men and women who I visited out at Walter Reed laying in those hospital beds. Think of my friend, my new friend, Mr. Green from Chicago, World War II veteran, proud of the service he made to this country. He gave to this country. What we are doing here today, would it ever have happened during World War II? No. I think it would be unfortunate if the Senate were to vote to end debate today, but this is a position individual Senators can pick. I haven't twisted any arms. Senators can do what they want to do.

What would be the best of all worlds is we could have a bipartisan opposition to this invocation of cloture today. That is what should happen. There should be a revolt by my friends on the Republican side to cut off debate on this bill at this time.

This is an embarrassment to this body. It should be an embarrassment to the majority. This is something that is going to be around for a long time. What is going to be around for a long time is how we have been treated on this legislation. Who is we? The American people.

I have only mentioned a few. I don't know how many amendments we have pending—probably 30 amendments already that have been laid down. We have had several others. The last time cloture was invoked on this bill we had already acted on 80 amendments, after days and days of debate. That is what it is supposed to be. And we are not asking for days and days. We are saying we will finish the bill by Thursday. Today is Tuesday.

Mr. DURBIN. Mr. President, will the Senator yield for a question?

Mr. REID. I am happy to yield to the Senator.

Mr. DURBIN. I would like to clarify what we face at this moment. If I understand what the minority leader has said to the Senate, we have pending amendments before the Senate on the Department of Defense authorization bill which will not survive, are not likely to survive, cannot even be considered because of this procedural decision by the majority leader, by Senator FRIST. And if I understand what the Senator from Nevada has said, he has said that included in the amendments which will fall, will not be considered this week, would be an amendment he wants to offer to help totally disabled veterans, an amendment by Senator NELSON of Florida to provide funds for the widows and orphans of those who die in combat, an amendment by Senator KERRY to provide for housing for 1 year for the family of a soldier who dies in combat, the amendment by Senator MURRAY to provide childcare for soldiers' families when the soldier is deployed overseas, and my amendment to make up the pay difference for National Guard and Reserve who are activated and lose money from their civilian pay. And if I understand the Senator from Nevada, he is saying these amendments, these five or six I have read, we have been told we won't have time to consider this week.

If I understand the Senator from Nevada, he has said we don't have time to deal with the totally disabled veterans, the widows and orphans of those who fall in combat, and those Guard and Reserve members who are activated, we don't have time for that because we have to move to a bill for the gun lobby, for the National Rifle Association.

If I understand what the Senator from Nevada says, it is more important for us to do our best for the gun lobbyists in their three-piece suits than for the men and women in uniform who are fighting and dying for our country. That seems to me to be the agenda and the priority of the majority leader who has come to the floor today.

Is that my understanding of what the Senator from Nevada has said?

Mr. REID. I say through the Chair to the distinguished Senator from Illinois, yes. We have been reasonable. I believe there is no jury you could have in the world that would think we are doing other than the right thing, asking for a couple days to improve a bill that will give benefits to 2½ million Americans serving in uniform and a bill that is going to cost the taxpayers $450 billion

in 1 year. We want to spend a couple days on this bill and we are not being allowed to because the administration is pushing them and the gun lobby is pushing them.

Look, I am not opposed to everything the administration does. I am not opposed to everything the gun lobby does. But I am opposed to what the administration is doing in this instance and the gun lobby in this instance because it is wrong for the people of our country.

Mr. DURBIN. I ask further if I could ask a question of the Senator from Nevada through the Chair. Is it my understanding the Senator from Nevada came to the floor and gave the Republican leader his assurance that these amendments would be considered in a timely fashion and that we would agree that this bill, the Department of Defense authorization bill, would be passed from the Senate this week, no later than Thursday evening, in plenty of time so that it will be there for the administration and for the conference committee to consider, so there would be no delay, so we could take up in a timely fashion amendments to help the totally disabled veterans, amendments to help the widows and orphans of those who have fallen in combat, amendments to help the Guard and Reserve when they are activated so their families can stay together? Did the Senator from Nevada give that assurance to the Republican leader, Senator FRIST, that we are not trying to delay this unreasonably but want to move it through quickly, consider these amendments in a timely fashion, vote up or down and move to final passage this week?

Mr. REID. The answer is yes. I also say, Mr. President, so there is no problem later on, so everyone understands the quandary we are in—but we didn't get us there, we didn't spend a third of our time on three judges—here is the quandary we are in. As I understand the rules, if cloture is invoked on the Defense authorization bill, we will finish it sometime Wednesday evening. Then there will be a vote that will occur automatically on the gun handling bill legislation and then there will be 30 hours to debate the motion to proceed on the gun legislation. Senator REED from Rhode Island has told me he wants to use all that 30 hours, he or some combination of Senators, so that will end sometime around midnight on Thursday. And then if the majority leader wants to continue the presentation of the gun legislation, there would have to be cloture filed again for a Saturday vote or maybe even have a Friday vote if he does it Friday before midnight, and then there is another 30 hours to go forward on the gun legislation. And during that period of time no other business can be conducted.

I have spoken with the majority leader about this issue. There will be a small window of time on Wednesday between whatever time the 30 hours runs out at midnight, if he decides to continue on the gun legislation, that we can in the few hours do the Energy conference report, Interior conference report, highway conference report, legislative branch conference report, and whatever else is available.

The time spent on judges has put this Senate in a real difficult position, notwithstanding that the majority leader promised the Senators from Hawaii they can do the Native Hawaiian bill.

I want everyone to understand what they are walking into. The best would be to defeat cloture. Senators from the majority side should join with us to defeat cloture, finish the bill in the ordinary course, and do whatever would come naturally after that, which would be a motion to proceed to the gun liability legislation.

Ms. STABENOW. Mr. President, will the Senator yield for a question?

Mr. REID. Yes, I yield for a question.

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

Mr. REID. I have yielded to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, let me raise an issue and ask a question. We have spent time in this Chamber trying to address an immediate shortfall in veterans health care funding. Senator MURRAY has brought this to our attention. We have yet to see this resolved. We have gone back and forth about whether we are going to provide adequate funds now for our veterans.

Is it not true that one of the amendments—and I know this is true because I offered an amendment that would address this situation long term—where instead of coming back and forth constantly trying to figure out whether we are going to have the veterans funding year to year so our veterans do not stand in lines, wait months to see a doctor, and not receive what they need, isn't it also the understanding of the Democratic leader that my amendment that would address permanently the issue of veterans funding, therefore guaranteeing that when our brave men and women come home from the wars, end their service, and become veterans, that they would be assured we will keep our promise to them as it relates to full funding of veterans health care, is it the Senator's understanding that this amendment would also fall, we would not have the opportunity to address this issue in this bill?

Mr. REID. Mr. President, we have been told that this amendment would fall. This amendment, which has already been filed, would fall postcloture. People would not have an opportunity to vote on this amendment.

I will also say, one of the points I mentioned during my statement is the Interior bill is coming up. We promised that would come up before we leave because there is $1.5 billion in that bill for veterans' benefits for this fiscal year because they have been so shortchanged.

I yield for a question from my distinguished chairman of the Armed Services Committee.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I thank my distinguished friend and Democratic leader. I ask a very narrow question. He has pointedly raised three or four amendments that address the benefits that could go to veterans or active.

The Senator from Nevada has been a leader every year that this bill has been brought up on a variety of issues, and no one takes the place to his fervor in trying to provide particularly for the concurrent receipt legislation. But I have to say to my good friend, and my question is, am I not correct that this bill came up Wednesday night, and Senator LEVIN and I were on the Senate floor into the evening, this bill was on the floor Thursday right up until early evening and again Friday morning? Every one of those bills—concurrent receipts, I remember specifically asking Senator NELSON of Florida: Could you not bring up that bill early? He said: No, I am going to wait until Tuesday. That is all he said.

I have to say, I believe I am correct that all of those pieces of legislation that were mentioned could have been brought up Wednesday, Thursday, Friday, and addressed by the Senate.

Mr. REID. Mr. President, I say to my distinguished friend, I have sat side by side with him in the Environment and Public Works Committee for many years now and have the greatest respect for him. In this instance, he is just absolutely wrong.

On Wednesday, this bill was taken up late in the afternoon, with time for opening statements. On Thursday, there were no votes after 6 o'clock in the evening. Friday, no votes. Monday, no votes. As has been mentioned here on the floor of the Senate by me, among others, on many different occasions, we cannot have work done here when we cannot have votes on amendments. Fridays have become no-work days. If there are no votes, we do not get anything done here. So I say to my distinguished friend, I don't know when they should have offered amendments. I don't know when Senator NELSON should have offered them. The point is, we have said we will finish this bill by Thursday at 7 o'clock. Pretty good time. It would give us today, tomorrow, and Thursday to complete this bill. This would be far shorter than the time we normally spend on this bill. Tuesdays, Wednesdays, and Thursdays is when we vote around here. I think we should vote on Fridays and Mondays, but we do not. The Monday vote is a meaningless vote, in my opinion, to get people back here.

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

Mr. REID. I will be happy to yield.

Mr. LEVIN. Is it not also true that these amendments, plus many others, have been offered, and people would

have been perfectly happy to have votes on them if they were permitted, but votes were not permitted, so they had to be temporarily laid aside so others could be offered? But the idea that those people who offered those amendments would not have been happy to have votes on those amendments is not right.

Mr. REID. I say to my friend through the Chair, not only is it true that those amendments have been filed, they were required by the rules of the Senate to have been filed because there was a 2 o'clock cutoff for the amendments to be filed.

Mr. LEVIN. And are pending; is that correct?

Mr. REID. Yes. I don't know how many.

Mr. LEVIN. Over 40.

Mr. REID. In addition to that, I think there are a couple hundred amendments filed by both sides. As happens here, with the cooperation of these two fine managers, we work down the number of these amendments and only go to the most important ones. That is what we said we would do. I think it is a shame that we are going to be taken off this bill in about an hour. It is not good for this body, it is certainly not good for this country, and it is certainly not good for the 2.5 million people we respect so much who serve our military.

AMENDMENT NO. 1377, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, there will be 20 minutes equally divided between the Senator from Maine, Ms. COLLINS, and the Senator from New Jersey, Mr. LAUTENBERG.

The Senator from Maine.

Ms. COLLINS. Mr. President, the Senator from New Jersey has shed much needed light on a disturbing problem, and that is the improper use of foreign subsidiaries by U.S. firms to conduct business in certain rogue nations where they might otherwise be barred from doing business by U.S. sanctions laws.

Like the Senator from New Jersey who has been a real leader on this issue, I have been very disturbed to read of allegations that foreign subsidiaries of some of the best known American corporations have been conducting operations in countries such as Iran and Syria, even though U.S. sanctions laws prohibit their U.S. parents from doing so directly. There are allegations that some of the subsidiaries in question are not even real companies but, rather, they are shell corporations that were created just for the purpose of evading the law.

These reports highlight that our sanctions laws are not as tough and as effective as they should be. In seeking a solution to this problem during the past year, I have consulted extensively with the Treasury Department, the State Department, and other experts. It turns out to be very complicated and presents a technical set of legal and foreign policy issues to accomplish the goals that both the Senator from New Jersey and I share.

Let me try to frame the choice that is now before our colleagues.

We have before the Senate two proposals designed to extend the reach of U.S. law, specifically the International Emergency Economic Powers Act, or IEEPA, to cover companies doing business with countries covered by U.S. sanctions laws.

Let me explain what my proposal would accomplish. It does four things. First, it would extend IEEPA to prevent U.S. companies from trying to evade the law by moving operations overseas.

Second, my amendment would prohibit U.S. companies from approving, facilitating, or financing actions that are illegal under IEEPA.

Third, it ratchets up the penalties for violations of the law from $10,000 per civil violation and $50,000 per criminal violation to $250,000 and $500,000 respectively.

And fourth, it ensures that the Treasury Department has the subpoena power it needs to enforce the new sanctions.

Let me explain what it would not do. Most important, my proposal would not jeopardize our working relationships with key allies by attempting to assert U.S. jurisdiction on companies that operate and are incorporated elsewhere.

Second, it will not provide yet another incentive for American companies to move their jobs overseas through corporate inversions.

These are the main problems with the approach of my colleague from New Jersey. Again, I emphasize that I share the same goal as my colleague from New Jersey, and I salute him for focusing much needed attention on a very real problem.

Let me explain further. My colleague's amendment attempts to impose sanctions on businesses operating and incorporated in foreign countries. So, for example, if a U.S. firm has a subsidiary in Great Britain, my colleague's amendment proposes to extend U.S. law to that subsidiary, even if U.S. law is inconsistent with British law.

This is a dangerous and imperious approach to foreign policy. If other countries tried to impose similar rules on us, imagine how we would respond. For example, imagine if Saudi Arabia tried to impose criminal and civil penalties on a Saudi firm's U.S. subsidiary operated and incorporated under the laws of our country because that firm was doing business in Israel, or imagine if Germany attempted to impose sanctions on a German firm's American subsidiary, again operating here under our laws and regulations, for not meeting German labor laws that are inconsistent with our laws.

Moreover, my colleague's amendment would create the perverse incentive for American firms to invert or move overseas in order to avoid the onerous and extraterritorial application of our sanctions laws. We must not choose that path.

There is a very real problem here with some American companies exploiting an exception that is in the current law, but I believe that the proposal I have advanced would greatly strengthen our laws, would provide new tools for enforcement, and would enormously increase penalties for violations.

It would make crystal clear that a U.S. company is prohibited from in any way approving, facilitating or financing actions of a subsidiary that would be illegal under the sanctions law.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, I extend my thanks to the Senator from Maine for her graciousness, in terms of describing an effort we are both very much interested in, in solving a problem that exists before us. Very soon, the Senate is going to vote on the two amendments, both of them aimed at foreign subsidiaries doing business with terrorist nations. But only one of these amendments—and it may not come as a surprise, mine—gets the job completely done.

I have great respect for the Senator from Maine. She works very hard to chair a committee on which I sit, the Homeland Security and Governmental Affairs Committee, and accomplishes a lot. But unfortunately, in this case, the amendment she offered will not close the loophole we are concerned about, nor will it stop American businesses from doing business with terrorist nations such as Iran.

It recognizes the seriousness of the problem but unfortunately, as it is presented, does not solve the problem. Iran is one of the world's largest state sponsors of terrorism. Nobody doubts that. Every year, the Iranian Government funnels tens of millions of dollars to Hamas and Hezbollah and Islamic Jihad, to name a few. These organizations turn around and use that money to murder Americans and others who are trying to live their lives. No American company should be permitted to help them in any way, either directly or with a sham corporation.

Iran also uses its oil revenues to fund its nuclear weapons program. Once again, through sham corporations, American companies are helping them develop those oil revenues. Revenues, for what purpose? The purpose is to attack our people and other innocents across the world. That is why we do subject Iran to one of the strongest sanction regimes that we have. But some American companies exploit a loophole in our sanctions laws. They go offshore, open a sham foreign subsidiary and use that foreign subsidiary to do business with the Iranian regime with impunity and help create profits for them to be used for any purpose they choose.

This has to stop. In the past, I believe the Senator from Maine agreed

with me that this has to stop. In fact, last year she supported my amendment. So I am hopeful that she will once again vote for my amendment. I am going to vote for hers.

I want to be clear. I have no objection to the Collins amendment, and I am going to vote for it, as I said, as a signal that we must do something to stop supporting these avowed enemies of America. The Collins amendment is not a bad amendment, but it only codifies existing regulations that, frankly, are not enough. It confirms what we have now and permits companies to escape sanctions.

In the case of Cuba, we do not allow, any American company to use a sham to do business there. We ought not permit Iran to do the same things.

If we want to close this loophole, my amendment is the only one that accomplishes it. Under the Collins amendment, the scenario on this placard is still possible. Here is a U.S. corporation. Here is a foreign subsidiary of the U.S. corporation. They can do business with Iran, who then sends funds to Hezbollah, Hamas, and other terrorist organizations. They have their subsidiaries operating in other places. But they should not have subsidiaries that are allowed to do business in this way.

We want to strengthen existing law. The way we do it is to explicitly say that any foreign subsidiary, controlled by an American company, must obey our sanctions.

The senior Senator from Michigan pointed out last week that the standard we have, the sanctions standard, already applies to foreign subsidiaries that do business in Cuba. I repeat what I said before. My amendment simply applies the same rules to terrorist states such as Iran.

I ask my colleagues, is fighting al-Qaida really less important than fighting Castro? If you vote no on this amendment, that is what you are saying.

My amendment is simple and straightforward. It makes clear we will not allow foreign subsidiaries of U.S. companies to provide funds to Iran. It is common sense. That is why a conservative group, the Center for Security Policy, supports my amendment. Frank Gaffney, who is president of the Center for Security Policy, said in the Washington Times today:

> If the Senate is serious about truly closing this loophole, it must adopt the Lautenberg amendment.

That is from Frank Gaffney, president of the organization.

We have to stop U.S. companies from doing business with terrorists when they intend to murder innocent Americans. I ask my colleagues, please support my amendment. Families across this country do what they can to protect their loved ones and we can do no less. Every day we wait to close this loophole, more and more money flows into the hands of terrorists. For the sake of our troops, for the sake of our citizens, we have to shut down this source of terrorist funding.

I again restate my intent. My intent is to support the Collins amendment because it does open our eyes a little bit further to the problem. But I hope, if we really want to solve this problem, the Lautenberg amendment is the one that will finally be voted for.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, again I commend the Senator from New Jersey for focusing attention on what is a very real problem, and that is that the current law is not tough enough and there are reports that subsidiaries of some very well-known American corporations are doing business in states where U.S. sanctions laws apply. But I think when you deal with this area, you need to be very careful to not craft a proposal that has unintended consequences.

Moreover, my colleague's amendment does not do what the Treasury Department's Office of Foreign Asset Control, OFAC, has specifically named as the legislative step that would be of most benefit to them, and that is substantially increasing the penalties in the current law.

My proposal would do that. Senator LAUTENBERG does not include increases in the penalties.

In addition, my proposal explicitly grants the Treasury statutory subpoena power to ensure that it has all of the enforcement tools it needs.

But let me go back to the underlying issue. The Collins amendment would be very specific in barring any action by a U.S. firm in approving, facilitating or providing financing for any action by its foreign subsidiary that would be unlawful for the parent company to engage in.

It would also prevent U.S. companies from evading the law by setting up a subsidiary overseas, a shell corporation. So I think the proposal that I have set forth greatly strengthens the current law.

We do not, however, want to create a perverse incentive that would encourage American companies to invert and reincorporate overseas, and I fear that could well be the result of the amendment of Senator LAUTENBERG.

I am concerned about something else, and I have given these examples. We don't want to open the door to foreign governments trying to impose on the American subsidiaries of firms incorporated in their countries, their countries' laws.

Let me give the example again. What if the Saudi Government tried to impose a restriction on doing business in Israel on the American subsidiary of a Saudi firm? We would be outraged about that.

This proposal raises many complex technical questions, and that is why the Treasury Department and the State Department have urged caution and much prefer the approach embodied in the Collins amendment.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. How much time remains?

The PRESIDING OFFICER. The time of the Senator from Maine is expired. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. I appreciate that clarification.

I ask the Senator from Maine, under your amendment, is it possible for a foreign subsidiary owned and controlled by a U.S. company to do business with Iran?

Ms. COLLINS. Mr. President, if the Senator would yield from his time, I would be happy to answer that question.

Mr. LAUTENBERG. I respect the Senator from Maine and do allow time for an answer, if it is a short answer, please.

Ms. COLLINS. Mr. President, under my amendment, it is very clear that an American parent could not in any way be involved in a subsidiary's decision to do business in a prohibited nation. It could not approve it. It could not facilitate it. It could not direct it. It also could not set up a subsidiary for the purpose of evading the law.

Mr. LAUTENBERG. If the Senator would yield for a question on my time. Can a subsidiary do business with Iran?

Ms. COLLINS. The subsidiary could not do business if it were in any way directed to do so, approved, financed, in any way, by the American parent. The language is very clear on that.

Mr. LAUTENBERG. I think the conclusion is in error. Rather than have the debate about the precision with which the Collins amendment is drawn, I point out two things. AIPAC and the Cuban American National Foundation support my amendment. That is very specific.

In the reference used about a Saudi company doing business with Israel, Saudi Arabia already boycotts Israel, so that question is taken care of.

I fail to see, I must say, why we are going through these gyrations explaining a perverse effect when, in fact, what I want to do is stop any—by the way, the practice is taking place, currently.

What the Senator from Maine has done is codify regulation. I want to stop any possibility for a sham corporation that wants to evade our laws to do business. That is where we are.

I hope my colleagues will support my amendment.

The PRESIDING OFFICER. All time has expired on the amendment.

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

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

The yeas and nays were ordered.

The PRESIDING OFFICER. The first question is on the amendment of the Senator from Maine.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Idaho (Mr. CRAIG).

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

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

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 202 Leg.]

YEAS—98

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

NOT VOTING—2

Craig Rockefeller

AMENDMENT NO. 1351

The PRESIDING OFFICER. At this time, there will be 2 minutes equally divided on the Lautenberg amendment, amendment No. 1351, on which the yeas and nays have been ordered.

The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, we have just had a vote on the Collins amendment that confirms we have a problem. There is no denying there is a problem out there, but there is only one way to solve it; and that is to say that any American company cannot form a sham corporation and do business with Iran as is presently being done. We do not permit it in Cuba, and we should not permit it in any other place in the world. So I hope now I will get the same kind of support we have just seen because we want to cure the problem. This is the best way to do it.

The PRESIDING OFFICER. Who seeks time in opposition?

The Senator from Maine.

Ms. COLLINS. Mr. President, I respect the intentions of my colleague from New Jersey, but his proposal is overbroad. It is strongly opposed by the administration. I urge opposition to the Lautenberg amendment.

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

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

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Idaho (Mr. CRAIG).

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

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

The result was announced—yeas 47, nays 51, as follows:

[Rollcall Vote No. 203 Leg.]

YEAS—47

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

NAYS—51

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

NOT VOTING—2

Craig Rockefeller

The amendment (No. 1351) was rejected.

Ms. COLLINS. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, will the Chair advise the Senate as to the pending business.

AMENDMENT NO. 1342, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, a vote will now occur on the Frist amendment No. 1342. There will now be 2 minutes equally divided for debate. This will be a 10-minute vote. The subsequent cloture vote that has been scheduled will also be a 10-minute vote.

Who seeks time?

The Senator from Virginia.

Mr. WARNER. Mr. President, on behalf of the majority leader, who is participating in a ceremony in the Rotunda, the Support Our Scouts Act of 2005—and I am a cosponsor—is a very important piece of legislation, particularly in the wake of the tragic events that occurred last night. It will help ensure that the Defense Department continues to provide the Scouts the type of support it has lawfully provided in the past, to include supporting the Scouts at their jamborees.

In this context, I thank Senator DURBIN for helping to refine the amendment's language to provide flexibility to the agencies that provide like support.

This amendment also ensures the Scouts have equal access to public facilities, forums, and programs that are open to other youth and community organizations. Boy Scouts, like other nonprofit organizations, depend on the ability to use public facilities and participate in these programs.

The Scouts are a youth organization, well known to every Member of this body, that is committed to developing qualities such as patriotism, integrity, honesty, and other values in our Nation's boys and young men. The amendment by the distinguished majority leader makes that goal clear.

As such, the amendment of the majority leader also makes clear that Congress believes the Boy Scouts should be treated the same as other national youth organizations.

I hope that all of my colleagues will join the 50-plus cosponsors of this legislation and vote with me and other supporters of Scouting.

Yesterday, July 25, tens of thousands of Scouts from around the country began arriving at Fort A.P. Hill in Virginia. Tennesseans, such as Bill and Diane Goins from Soddy Daisy, TN, have traveled great distances to participate. Vote for this amendment and let them know that Congress wants the Pentagon's support to the Scouts at their jamborees to continue.

Let's also let them know that not only is Defense Department participation helpful to the Scouts, it is also beneficial to the training of our armed forces.

Mr. President, I urge all of my Senate colleagues to vote for the young boys and girls who are following in the worthy Scouting tradition. A vote for this amendment is a vote for them.

Mr. DURBIN. Mr. President, as I noted earlier when the majority leader offered this amendment, I support the Boy Scouts, Girl Scouts, and other youth organizations. The Frist amendment seeks to ensure that government resources are not arbitrarily denied to youth organizations, while, at the same time, not limiting judicial review of the constitutionality of government actions.

I want to thank the distinguished majority leader for working with me to address my concerns regarding section 2, in which his amendment had provided a guaranteed funding level for youth organizations.

Together, we now have added flexibility to address cases where youth organizations no longer deserve the funding level they had previously received. For example, if a youth organization is convicted of a criminal offense or a senior officer of a youth organization is convicted of a criminal offense relating

to his or her official duties, under this modification, the head of a Federal agency would be able to waive the guaranteed funding level. Federal agencies also would have the ability to waive this funding level if the youth organization is the subject of a criminal investigation relating to fraudulent use or waste of Federal funds. It is my expectation that Federal agencies will use ths discretion wisely.

Our modification also clarifies that the support that a Federal agency is required to provide youth organizations is subject to the availability of appropriations, which Congress can revisit each year.

I also want to take this opportunity to reaffirm the importance of our Nation's strong tradition of religious liberty, our tolerance of the religious beliefs of all people, and our respect for those who do not believe in God or a higher authority. This amendment respects the significance of religious liberty by not limiting the jurisdiction of Federal courts in determining the constitutionality of government support for youth organizations.

Therefore, I support this amendment, as modified.

Mr. FRIST. Mr. President, yesterday, tens of thousands of Scouts began arriving at Fort A.P. Hill in Virginia to attend the National Scout Jamboree.

Held every 4 years at the Army base, the jamboree draws Scouts, leaders, and volunteers from around the world.

The Scouts will spend the next 10 days participating in outdoor activities like archery; fishing; and geocoaching, a GPS-based scavenger hunt.

One Scout told the Washington Post:

> It's just a lot fun. There's so much to do here. You get to see so many people from all around and they have all sorts of activities.

For the local community, the jamboree has been a great financial boost. Just this year alone, the event has pumped $26 million into the community. The Scouts have spent $20 million on base improvements, including road paving and plumbing upgrades.

Unfortunately, this great summer Scouting tradition may come to an end. The reason? Because the Scouting oath includes an oath of duty to a higher power. Despite decades of public support for Scouting, one Federal judge has ruled that the Pentagon can no longer provide its facilities as a matter of church and state.

Because of this lawsuit by the ACLU, 40,000 Scouts are in danger of being denied permission to hold their jamboree at Fort A.P. Hill, or any other publicly supported venue.

That is why I am offering the Support Our Scouts Act of 2005. These young people need our help and our voices to protect a great tradition.

Since 1910, Scouting has taught and enriched millions of boys and girls, and drawn generations of Americans together.

Boy Scout membership has totaled more than 110 million young Americans—including myself, my three boys, and over 40 current Members of the Senate.

Today, more than 3.2 million youths and 1.2 million adults are members of the Boy Scouts and Scout organizations such as the Tiger Cubs and Cub Scouts.

These Americans are all dedicated to fulfilling the Boy Scouts' mission of instilling in our young people solid values such as honesty, integrity, patriotism, and character.

The Support Our Scouts Act of 2005 will help ensure that the Defense Department continues to support the Scouts, as it has lawfully done for years, including the summer National Scout Jamboree.

This amendment also ensures the Boy Scouts have equal access to public facilities, forums, and programs that are open to a variety of other youth or community organizations.

Boy Scouts, like other nonprofit youth organizations, depend on the ability to use public facilities and participate in these programs and forums. My amendment ensures the Scouts have fair and equal access to these facilities.

My amendment also makes clear that the Congress regards the Boy Scouts to be a youth organization and that the Boy Scouts—and the Girl Scouts—should be treated the same as other national youth organizations.

I hope that all of my colleagues will join the 50-plus cosponsors of this legislation and vote with me and other supporters of Scouting.

I want to thank Senator DURBIN for helping to refine the amendment's language. The Durbin modification will allow agencies to waive the ''mandatory floor of support'' included in my proposal—but not necessarily the support itself—if some senior officer of a youth organization or the organization itself is convicted of a serious criminal offense.

We would expect agency heads to use this waiver sparingly and judiciously, and only for the most serious of offenses that are connected to their official duties.

And once an organization has remedied the problem, we expect the baseline of support to be fully restored by the federal agency to its previous level.

The Scouts are committed to developing the best qualities in our Nation's young people—qualities such as patriotism, integrity, honesty, and compassion. This long-honored organization helps prepare our young people to be leaders in the communities, and leaders of the future.

A vote for the Support Our Scouts Act will let them know that Congress continues to support this worthy endeavor.

Mr. President, I urge all of my Senate colleagues to vote for the young boys and girls who are following in the great Scouting tradition. A vote for this amendment is a vote for them.

The PRESIDING OFFICER. Who seeks time in opposition?

Without objection, the Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, we support this amendment, as modified. It has been modified to address a problem it had which did not relate to the Boy Scouts but which had to do with the wording which made it overly broad. The language clearly depends upon an appropriate agency making either a grant or an appropriation. We support the amendment. We thank Senator DURBIN, particularly, for his modification.

The PRESIDING OFFICER. Without objection, all time is yielded back.

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

Is there a sufficient second?

There appears to be a sufficient second.

All time having been yielded back, the question is on agreeing to amendment No. 1342, as modified. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Idaho (Mr. CRAIG).

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

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

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 204 Leg.]

YEAS—98

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

NOT VOTING—2

Craig	Rockefeller

The amendment (No. 1342), as modified, was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

CLOTURE MOTION

Under the previous order and pursuant to rule XXII, the clerk lays before the Senate the pending cloture motion, which the clerk will state.

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 S. 1042, an original bill to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

Bill Frist, John Warner, Michael Enzi, John Cornyn, Jon Kyl, Richard Burr, Kit Bond, Lindsey Graham, John E. Sununu, Chuck Grassley, Mike DeWine, Lamar Alexander, James Talent, Pat Roberts, Johnny Isakson, Conrad Burns, Richard G. Lugar.

The PRESIDING OFFICER. Under the previous order, there is 2 minutes equally divided for debate before the vote on cloture.

Who yields time?

The minority leader.

Mr. REID. Mr. President, I want to make sure the record is spread with the fact that we have offered everything. All we want is to finish this bill tomorrow at 11 o'clock at night. We even backed it off to 10:30. And the only amendments that would be in order would be those that are within the jurisdiction of the Armed Services Committee. We would have a Republican amendment, Democratic amendment, and we would go through the process by these two fine managers.

What is wrong? What picture am I missing? Why can't we go forward and do at least a little bit of work for the men and women in uniform of our country, namely 2½ million of them, plus taxpayers dollars, $450 billion for 1 year? Could not we at least spend 1 extra day on that?

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, very briefly, both sides have talked about the importance of the Defense authorization bill. We both feel the importance of that bill. Cloture being invoked here shortly, which I believe it will, will allow us to have a Defense authorization bill in about 30 hours. So we will complete our objective of having a bill if cloture is invoked, and I encourage people to vote for cloture.

Mr. REID. Mr. President, I would just say briefly we would finish the bill at the same time if we entered into the agreement that I submitted to Senator WARNER and the Republicans. Time is of no difference.

Mr. KERRY. Mr. President, it is vital that we complete action on the National Defense Authorization Act. It is an important piece of legislation that we must pass with all due haste to meet the needs of the men and women of the U.S. military.

Defense bills are always serious matters—but this year Congress works against a background of prolonged combat in Iraq and Afghanistan, worrying indicators of a force under strain, and with obligations to care for a new generation of combat veterans and their families.

By virtually any measure, the American military is a force under strain. It is a simple statement of fact—and a fact every one of us must acknowledge and address so that this most magnificent military is not irreparably harmed. Just 2 months ago, General Richard Myers, Chairman of the Joint Chiefs of Staff, reported to Congress that the American military is not as ready as it could be to meet new contingencies beyond Iraq and Afghanistan. Units and personnel are facing repeated deployments to Iraq and Afghanistan. So-called ''low-density-high-demand'' units and personnel are maxed-out. The Army has a dwindling number of Army Reserve and National Guard personnel available to perform combat support roles such as military police and civil affairs.

In recent weeks, two reports—one by the GAO, the other by RAND—highlighted shortages in the Army Reserve. It is becoming increasingly difficult for the Army Reserve to continue to provide ready forces in the near term due to worsening personnel and equipment shortages. There are three primary causes for these shortages: the practice of not maintaining Army Reserve units with all of the personnel and equipment they need to deploy, personnel policies that limit the number of reservists and the length of time they may be deployed, and a shortage of full-time staff to develop and maintain unit readiness. As of March 2005, the number of Army Reserve eligible for mobilization under current policies had decreased to about 31,000 soldiers, or about 16 percent of Army Reserve personnel. But numbers don't tell the whole story as those still available for mobilization may not have the skills and ranks needed to support ongoing operations. We must all be concerned that the Army Reserve be able to provide forces that are ready and relevant to ongoing operations.

But these issues—as serious as they are—will not be addressed by simply rubber-stamping an important piece of legislation. I will vote against cloture because there are too many important amendments that would improve this legislation and help the men and women of the American military and their families. If we do invoke cloture, dozens of amendments that deserve a vote—up or down—would fall away, including amendments to protect the pay of mobilized reservists employed by the Federal Government and to create mandatory funding of veterans healthcare. My own amendments to extend survivor housing benefits beyond the end of the fiscal year, to increase funding for a vital weapons system sought by commanders in Iraq, and to begin the process of improving the GI Bill of Rights would never have received a vote.

I urge my colleagues to complete the defense authorization bill as quickly as possible and to consider the amendments which Members have offered.

Mr. FEINGOLD. Mr. President, I want to express my disappointment that the majority leader has decided to postpone further action on this year's Defense authorization bill. This is an extremely important piece of legislation that deserves the Senate's full and careful consideration right away. I have several worthy amendments to the bill, as do many of my colleagues from both sides of the aisle. We have an obligation to our men and women in uniform and to the American people to thoroughly debate these important amendments and come up with the best legislation possible for our Nation's security. If cloture is invoked on this bill prematurely, the Senate will not have been able to take up many of the essential amendments on which the Senate should be spending time, addressing such issues as pay and benefits for military personnel, nonproliferation, and our detention policies. I am therefore hopeful that the Senate will reject attempts to cut off debate on this bill prematurely. Unfortunately, rather than allowing debate and action on the Defense authorization bill to continue, the majority leader has decided to move to a special interest bill instead. I am hopeful, however, that the Senate will soon be able to go back to working on a bill that is so important to our national security.

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 S. 1042, the Defense authorization bill for fiscal year 2006, 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.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Idaho (Mr. CRAIG).

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

The PRESIDING OFFICER. Is there any Senator in the Chamber who desires to vote?

The yeas and nays resulted—yeas 50, nays 48, as follows:

[Rollcall Vote No. 205 Leg.]

YEAS—50

Alexander	Coleman	Gregg
Allen	Conrad	Hagel
Bennett	Cornyn	Hatch
Bond	Crapo	Hutchison
Brownback	DeMint	Inhofe
Bunning	DeWine	Isakson
Burns	Dole	Kyl
Burr	Domenici	Lugar
Chafee	Ensign	Martinez
Chambliss	Enzi	McConnell
Coburn	Frist	Murkowski
Cochran	Grassley	Nelson (FL)

Nelson (NE)	Smith	Thomas
Roberts	Specter	Vitter
Santorum	Stevens	Voinovich
Sessions	Sununu	Warner
Shelby	Talent	

NAYS—48

Akaka	Durbin	Lincoln
Allard	Feingold	Lott
Baucus	Feinstein	McCain
Bayh	Graham	Mikulski
Biden	Harkin	Murray
Bingaman	Inouye	Obama
Boxer	Jeffords	Pryor
Byrd	Johnson	Reed
Cantwell	Kennedy	Reid
Carper	Kerry	Salazar
Clinton	Kohl	Sarbanes
Collins	Landrieu	Schumer
Corzine	Lautenberg	Snowe
Dayton	Leahy	Stabenow
Dodd	Levin	Thune
Dorgan	Lieberman	Wyden

NOT VOTING—2

Craig	Rockefeller

The PRESIDING OFFICER. On this vote, the yeas are 50, the nays are 48. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The Democratic leader.

Mr. REID. I have a parliamentary inquiry. I would be happy to yield to my friend from Virginia.

Mr. WARNER. I was just going to ask the Presiding Officer the regular order.

Mr. REID. That is what I was going to do. I have a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. REID. Now that the Senate has defeated cloture on the Defense bill, will the Senate remain on this bill, which is the bill that is to pay for our troops and protect our troops and our country, the Defense bill?

The PRESIDING OFFICER. The Senator would be informed that under the previous order—under the regular order, the Senate is to proceed to a motion to invoke cloture on the motion to proceed to S. 397.

Mr. REID. Mr. President, then I have a unanimous consent request. That request is that the cloture vote on the motion to proceed to the gun liability bill be vitiated and that the Senate remain on the Defense bill and complete the Defense bill this week and the Senate begin the very minute it gets back on September 6 with the gun liability bill, on cloture on the motion to proceed.

The PRESIDING OFFICER. Is there objection to the unanimous consent?

Mr. FRIST. Mr. President, reserving the right to object, I made it clear about 3 weeks ago to this body that we had a number of issues we were going to address before leaving for recess. We listed a number of them this morning. One of them was the gun liability bill. There are lots of roadblocks right now, barriers being thrown up to prevent us from addressing a very important bill that I believe we will show here shortly we have over 60 votes for. Thus, I will say one more time that we intend to complete the gun liability bill before we leave, complete addressing it. I am very disappointed in the last vote, the fact that we are not going to be proceeding with the Department of Defense authorization bill. I do look forward to coming back and looking at that bill and passing that bill. It is a very important bill, and that is why we filed cloture to complete that. In all likelihood, what will happen, we will proceed to the bill on gun liability, and the objective will be to complete that this week, and thus I do object.

Mr. REID. Mr. President, another parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. REID. When we finish the gun legislation, do we automatically come back to the Defense bill?

The PRESIDING OFFICER. The Senator should know that if the motion to proceed is passed, it displaces the Defense authorization bill.

Mr. REID. But that does not respond to my question. It is put back on the calendar, is that right?

The PRESIDING OFFICER. If the Senate proceeds to the gun liability bill motion, then it would displace the DOD bill and place it back on the calendar.

Mr. FRIST addressed the chair.

Mr. DODD. Reserving the right to object.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. I would ask unanimous consent that at any time determined by the majority leader, the Senate resume the Department of Defense bill at that time.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. Will the Senator restate it.

Mr. FRIST. I ask unanimous consent that at the time determined by the majority leader, we will return to the Department of Defense authorization bill.

Mr. KENNEDY. Reserving the right to object.

Mrs. BOXER. Reserving the right to object.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I thank you. The majority leader said something here today that really surprised me. He said he is going to prove that the gun liability bill was one of the most important things we were going to do, and I want to know from the majority leader, does he think that bill is more important than the Defense authorization bill?

Mr. SANTORUM. Regular order.

Mrs. BOXER. Does he think that the Defense authorization bill is not as important as gun liability?

Mr. BUNNING. Regular order, Mr. President.

The PRESIDING OFFICER. The majority leader has the floor.

Is there objection to the unanimous consent request?

Mr. REID. Mr. President, I would suggest and ask if the distinguished leader would modify his request to say that when we finish the gun legislation, we would return to the Defense bill.

The PRESIDING OFFICER. Does the majority leader——

Mr. FRIST. I object and I once again state my request that at a time determined by the majority leader, we return to the Department of Defense authorization bill.

Mr. KENNEDY. Parliamentary inquiry.

The PRESIDING OFFICER. Is there objection to the majority leader's request?

Mr. KENNEDY. Reserving the right to object, Mr. President, if we go to cloture and cloture is invoked, do we not displace the Defense authorization bill for consideration in this Chamber this afternoon and for the next days, if we pass it? Is that not the case?

The PRESIDING OFFICER. If cloture is invoked on the motion to proceed, we will remain on the motion to proceed until time is used or yielded back.

Mr. KENNEDY. So the answer is affirmative, that we are displacing the Defense authorization bill by voting on cloture on the motion to proceed. Am I not correct?

The PRESIDING OFFICER. If the motion were to pass, the Senate would continue on that motion.

Mr. REID. Mr. President, I hope the distinguished majority leader will bring this bill back at the earliest possible time. This is such an important piece of legislation. It should not be added to the tail end of things we do around here.

Mr. KENNEDY. I object.

The PRESIDING OFFICER. The objection is heard.

PROTECTION OF LAWFUL COMMERCE IN ARMS ACT—MOTION TO PROCEED

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order and pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The assistant 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 the motion to proceed to Calendar No. 15, S. 397: A bill to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages, injunctive or other relief resulting from the misuse of their products by others.

Bill Frist, George Allen, Larry E. Craig, Craig Thomas, Michael B. Enzi, Jeff Sessions, Christopher Bond, Lamar Alexander, Mitch McConnell, Sam Brownback, Tom Coburn, Richard Burr, John McCain, Richard Shelby, Saxby Chambliss, John Ensign, Chuck Hagel.

The PRESIDING OFFICER. Under the previous order, 2 minutes are equally divided on each side.

Who yields time?

Mr. FRIST. We yield back our time.

Mr. SCHUMER. Mr. President, I urge my colleagues to vote no on the motion