the bill from his side of the aisle. I know how hard he has worked to do that.

Thanks, too, to the many Members on both sides of the aisle, in the Senate and in the House, who have supported this legislation over this long struggle for reform. Working together, we have finally begun to address the many problems facing our capital punishment system. Here in the Senate, Senator BIDEN has championed additional funding for rape kit testing. Senators KENNEDY, KOHL, FEINGOLD, and DURBIN have been longtime and steadfast proponents of sensible reform. Senators FEINSTEIN and SPECTER were strong supporters of the Innocence Protection Act in the 107th Congress, and have been constructive partners in the effort in this Congress. Senator GORDON SMITH and Senator COLLINS were early cosponsors of the Innocence Protection Act as well. Senator DEWINE was a lead sponsor of the Senate DNA bill, and has made many important contributions. I have spoken to the majority leader a number of times over the last year having learned of his interest in these matters and thank him for allowing the Senate to turn to this important matter even as we approach adjournment of this session.

Many people have been generous with their time and expertise and experience over the years. Steve Bright, Bryan Stevenson, George Kendall, Jim Liebman, Larry Yackle, Scott Wallace, and Kyl O'Dowd have offered useful and important suggestions on how to improve State indigent defense systems. Peter Neufeld and Barry Scheck have been invaluable resources on the intricacies of post-conviction DNA testing. Ron Weich has offered superb legal counsel to both Republican and Democratic Senators and their staffs as we have worked on this bill. Pat Griffin's masterful advice has also been invaluable.

I have already mentioned the Justice Project, a nonprofit organization dedicated to criminal justice reform, which has been a staunch supporter of this bill from the beginning. I particularly want to recognize the contributions of my good friend Bobby Muller, as well as John Terzano, Cheryl Feeley, Laura Burstein, Cynthia Thomet, and Peter Loge.

Finally, I want to thank several staff members of the Senate and House Judiciary Committees who worked tirelessly, some for years, to accomplish this goal. I commend the Chief Counsel to Chairman SENSENBRENNER, Phil Kiko. He was instrumental in keeping the process moving over the past year. His hard work, fairness and judgment helped fulfill his chairman's dogged determination to get this done and make these needed changes. Also on the chairman's staff, I acknowledge the efforts of Jay Apperson and Katy Crooks. I want to express my deep gratitude to Mark Agrast, former counsel for Representative DELAHUNT, and his successor, Christine Leonard.

In the Senate, I want to acknowledge several Judiciary Committee staff members who made immeasurable contributions during this long and challenging effort. On Chairman HATCH's staff, I want to thank Bruce Artim, Brett Tolman, and Michael Volkov, a former detailee, for investing so much of their time and expertise in helping us to arrive at this moment. My staff and I appreciate the contributions of Neil MacBride, Jonathan Meyer, and Louisa Terrell on Senator BIDEN's staff, David Hantman on Senator FEINSTEIN's staff, and Robert Steinbuch with Senator DEWINE.

On my own staff, I want to express my appreciation to an entire team of talented and dedicated attorneys and staff who have devoted themselves so long to this effort and to this commitment to justice. Julie Katzman, a senior counsel on my staff, has devoted innumerable hours over the past 4½ years to accomplishing this goal, and I want to extend my deeply felt gratitude to her. Tara Magner began as a law clerk, and later as my counsel has dedicated herself to this effort with superb results. Beryl Howell, my former general counsel, guided this effort for years, and Bruce Cohen, my Chief Counsel, guided all of their efforts. Tim Rieser, Luke Albee, David Carle, and more all supported and contributed to this extraordinary effort.

I also want personally to thank the Senate Legislative Counsel, in particular Bill Jensen and Matt McGhie, who labor in obscurity to produce the legislative text that is being constantly revised to reflect the understanding reached during this arduous process.

This bill is a rare example of bipartisan cooperation for a good cause. It reflects many years of work and intense negotiation. No one who has worked on this bill is entirely satisfied with everything in it, but that is what the legislative process is all about finding the substantive, meaningful, middle ground that a broad majority can support.

The Justice For All Act is the most significant step we have taken in many years to improve the quality of justice in this country. DNA is the miracle forensic tool of our lifetimes. It has the power to convict the guilty and to exonerate the innocent. And as DNA has become more and more available, it also has opened a window on the flaws of the death penalty process. This is a bill to put this powerful tool into greater use in our police departments and our courtrooms. It also takes a modest step toward addressing one of the most frequent causes of wrongful convictions in capital cases, the lack of adequate legal counsel. These reforms, to put it simply, will mean better, faster, fairer criminal justice.

I thank each one of my colleagues in both bodies who worked hard to resolve conflicts and congratulate them on this legislative achievement.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I compliment the chairman and ranking member of the committee.

This bill was held up for a long while. Provisions were added to the bill, which I totally support, that will allow people who were wrongly accused of having committed crimes to be able to have DNA testing to prove their innocence.

I don't want anyone to misunderstand why this is so important. All of you should know so you can tell your constituents. In fact, we set up a provision in the crime bill whereby when there is a rape or a sexual assault, we have put a lot of money—you have put a lot of money over the years into providing for training of police, training forensic nurses and doctors to be able to take DNA samples.

There are over 800,000 so-called rape case kits sitting on shelves of the cities where you live and the States you represent. They have never been tested because of the cost of testing them. The bottom line is that an estimated 48 percent of outstanding rapes could be solved by just comparing the database that will come from testing these kits and the existing database in our State prison systems where DNA is already on the record. This will liberate thousands of women from the fear and concern that the man who raped them is out there and will be back again.

We have done a good thing today. You should let your people back home know. It is a big deal.

I yield the floor.

INTELLIGENCE COMMITTEE REORGANIZATION—Continued

The PRESIDING OFFICER (Mr. TALENT). The question is on agreeing to the amendment No. 4027, as amended.

The amendment (No. 4027), as amended, was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4015

The PRESIDING OFFICER. There is 2 minutes equally divided prior to the vote on the Hutchison amendment.

Mrs. HUTCHISON. Mr. President, my amendment keeps the intent of the Senate. It creates an intelligence subcommittee on Appropriations. It keeps 13 subcommittees on Appropriations, but it allows the Appropriations Committee to do the reorganization within those parameters.

According to the Congressional Research Service, there has never been a subcommittee eliminated by the Senate without coming from a committee itself.

This would set a precedent that could affect committees for years to come. It is not right, and there is no reason to have to do it on the Senate floor today. We must consult with the House so that our Appropriations Committees match. Appropriations are complicated

enough. Having Appropriations Committees that are different in the House from the Senate is not a wise decision, and we don't have to do it today.

I urge my colleagues to adopt my amendment which keeps the intelligence subcommittee, it keeps 13 subcommittees in Appropriations, and allows the Appropriations Committee to do its job in reorganizing around those parameters.

Mr. REID. Mr. President, the 9/11 Commission is watching what we are doing. We have created an intelligence subcommittee on Appropriations. That was very difficult to do. But we did it. The consolidation of Defense appropriations and Military Construction makes sense. The subject matters are related, with the same players and same departments. It is military. It doesn't make sense to create an artificial divide different than this one.

The Appropriations Committee as it stands has all kinds of authority to organize within itself.

In short, we have done the work of the Senate. It is the right thing to do. It sets forth something that Governor Kean says makes sense.

I hope we will defeat this amendment and keep intact what we already have.

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

Mr. REID. Mr. President, does the Senator from Texas wish to have a rollcall vote?

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mrs. HUTCHISON. I am happy to vitiate the yeas and nays.

Mr. REID. I ask unanimous consent that the yeas and nays be vitiated.

Mr. BUNNING. Mr. President, a rollcall vote has been ordered. I don't think that is permitted.

The PRESIDING OFFICER. Since there was no response, the vote has not begun.

Mr. REID. Mr. President, I ask unanimous consent that the yeas and nays be vitiated and there be a voice vote.

The PRESIDING OFFICER. Is there objection?

The question is on agreeing to the pending amendment.

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

The PRESIDING OFFICER. Is there a sufficient second?

At the moment, there is a not a sufficient second.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Colorado (Mr. CAMPBELL), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Texas (Mr. CORNYN), the Senate from Idaho (Mr. CRAIG), The Senator from South Carolina (Mr. GRAHAM), the Senator from Pennsylvania (Mr. SPECTER), and the Senator from New Hampshire (Mr. SUNUNU), are necessarily absent.

I further announce that, if present and voting, the Senator from Texas (Mr. CORNYN), would vote ''yea.''.

Mr. REID. I announce that the Senator from Indiana (Mr. BAYH), the Senator from California (Mrs. BOXER), the Senator from Louisiana (Mr. BREAUX) the Senator from North Carolina (Mr. EDWARDS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KERRY), the Senator from Georgia (Mr. MILLER), and the Senator from Maryland (Mr. SARBANES), are necessarily absent.

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

The result was announced—yeas 44, nays 41, as follows:

[Rollcall Vote No. 207 Leg.]

YEAS—44

Alexander	Domenici	McConnell
Allard	Ensign	Murkowski
Allen	Enzi	Nickles
Bennett	Fitzgerald	Roberts
Bond	Frist	Santorum
Brownback	Grassley	Sessions
Bunning	Gregg	Shelby
Burns	Hagel	Smith
Chafee	Hatch	Snowe
Cochran	Hutchison	Stevens
Coleman	Inhofe	Talent
Collins	Kyl	Thomas
Crapo	Lott	Voinovich
DeWine	Lugar	Warner
Dole	McCain	

NAYS—41

Akaka	Durbin	Lieberman
Baucus	Feingold	Lincoln
Biden	Feinstein	Mikulski
Bingaman	Graham (FL)	Murray
Byrd	Harkin	Nelson (FL)
Cantwell	Inouye	Nelson (NE)
Carper	Jeffords	Pryor
Clinton	Johnson	Reed
Conrad	Kennedy	Reid
Corzine	Kohl	Rockefeller
Daschle	Landrieu	Schumer
Dayton	Lautenberg	Stabenow
Dodd	Leahy	Wyden
Dorgan	Levin	

NOT VOTING—15

Bayh	Cornyn	Kerry
Boxer	Craig	Miller
Breaux	Edwards	Sarbanes
Campbell	Graham (SC)	Specter
Chambliss	Hollings	Sununu

The amendment (No. 4015), as amended, was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Nevada

Mr. REID. Mr. President, I am wondering if Senators would give consideration to maybe not having the vote on cloture.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, we still have the technicals that are under consideration. We are essentially out of work for the moment until we get to the technicals.

Mr. GREGG. Mr. President, I have a housekeeping matter.

The Senator from New Hampshire.

TAXPAYER-TEACHER PROTECTION ACT OF 2004

Mr. GREGG. Mr. President, I ask unanimous consent that the Senate now proceed to consideration of H.R. 5186, which is at the desk.

The PRESIDING OFFICER. The clerk will report the title of the bill.

The legislative clerk read as follows:

An act (H.R. 5186) to reduce certain special allowance payments and provide additional teacher loan forgiveness on Federal student loans.

There being no objection, the Senate proceeded to consider the bill.

Mr. KENNEDY. Mr. President, this bill deserves to pass, but it's only a down-payment on the real reform needed to close a flagrant loophole in the student loan program. The bill takes $285 million in excessive subsidies to banks and gives it to college students and new teachers in the form of increased forgiveness for student loans.

It is only a downpayment, however, because it does not close all of the notorious 9.5 percent student loan loophole, and because even this reform will expire after one year. The bill is silent on the full interest rate gouging that has taken place over the last 18 months—funds that the Secretary of Education should have reclaimed on his own, and still should after this bill passes.

Obviously, our Republican colleagues hope that this modest action will cool the public outcry that has erupted in the past month as the full extent of this shameful loophole has come to light.

For almost 25 years, the taxpayer has been guaranteeing banks a 9.5 percent rate of return on a specific type of student loans. In 1993, Congress acted to end the guarantee, but a loophole emerged that even the Government Accountability Office says the Bush administration has refused to shut down.

Today's bill still leaves 40 percent of the loophole wide open. In other words, our Republican colleagues can no longer stand the heat from the loophole, and so they're now sacrificing 60 percent of it, in the hope that their special interest friends in the student loan industry can still retain the other 40 percent.

Sadly, under this Republican bill, the abuse will continue. New loans will be