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No. 105

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable SAM BROWNBACK, a Senator from the State of Kansas.

PRAYER

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

Let us pray.

Shepherd of our souls, we bring You our burdens and depend on Your strength. Thank You for supplying our needs. When we feel guilt, You supply forgiveness. When we are lonely, You provide companionship. When we are perplexed, You provide guidance. When we feel threatened, You provide protection. When we feel grief, You provide comfort. Thank You for never forgetting us and for loving us throughout life's seasons.

Bless our Senators. Help them to put first things first, ever seeking Your kingdom and righteousness. Strengthen them to stand for something, lest they fall for anything.

We pray it in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SAM BROWNBACK led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, August 2, 2006.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable SAM BROWNBACK, a Senator from the State of Kansas, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. BROWNBACK thereupon assumed the Chair as acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. FRIST. Mr. President, today we are returning to the Department of Defense appropriations bill. Our two managers opened the debate last night and are ready this morning to continue that debate and consider amendments that may be offered. If Senators have amendments to the bill, they should be contacting Senator STEVENS or Senator INOUE at this time. If we have a full day today and into the evening, there is no reason we can't complete this bill by Thursday night.

It is also my intention to move today to proceed to the death tax, minimum wage, and extenders package. There is an objection to moving forward on that bill, and therefore I will be filing a cloture motion on the motion to proceed to that bill. We will still be able to continue our work on the Defense bill, as the vote on invoking cloture on the motion to proceed will not likely occur until Friday morning; therefore, there will be votes today as Chairman STEVENS makes progress on the Defense appropriations bill.

I hope we can finish our work this week or this weekend, and if we work together over the next couple of days, we can complete a number of important legislative matters before we leave.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

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

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2007

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 5631, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 5631) making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes.

Mr. STEVENS. Mr. President, the subcommittee has been presented with some requests pertaining to the use of treatment to deal with the effects of acute radiation syndrome. We believe we do not have sufficient information available to respond to the request for funding for this concept.

I will send to the desk an amendment that will require the Secretary of Defense to submit along with the President's budget for 2008 a plan to deal with countermeasures for treating members of the Armed Forces against the lethal effects of acute radiation syndrome and identify countermeasures required to protect the members of the Armed Forces in the event of a nuclear or bioterrorist attack. We believe we should not move forward and dedicate funds at this time until we have such a plan.

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



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I will yield to our cochairman, if he has comments about this issue.

Mr. INOUE. Mr. President, we have checked the amendment, and we find that it is worthy of consideration. We approve of it.

AMENDMENT NO. 4762

Mr. STEVENS. Mr. President, I send an amendment to the desk.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] proposes an amendment numbered 4762.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require plans to procure medical countermeasures for treating forward deployed members of the Armed Forces against acute radiation syndrome and similar threats)

At the end of title VIII, add the following: Sec. _____. The Secretary of Defense shall submit to the congressional defense committees, at the same time the budget of the President for fiscal year 2008 is submitted to Congress pursuant to section 1105(a) of title 31, United States Code, a report setting forth the following:

(1) A plan to procure medical countermeasures for purposes of treating forward deployed members of the Armed Forces against the lethal effects of acute radiation syndrome, including neutropenia and thrombocytopenia.

(2) An identification of the countermeasures required to protect members of the Armed Forces in the event of a nuclear or bioterrorist attack.

(3) A plan for the forward deployment of the countermeasures identified under paragraph (2), including an assessment of the costs associated with implementing such plan.

Mr. STEVENS. Mr. President, last evening, on behalf of myself and the Senator from Hawaii, I submitted an amendment and the Senate agreed to the amendment dealing with additional funding on an emergency basis for the Department of Defense. That was offered after consultation with the Department of Defense and also the Office of Management and Budget. It considers a series of things, some of which would be covered by other amendments which I understand other Members have.

I see Senator REED is here now.

The amendment was intended to cover a whole series of issues.

I apologize to the Senator from Rhode Island. I know he wishes to offer an amendment.

I must say that these funds are duplicative, however, and we would have to examine each amendment to see what we will do with it. But we responded to the request of the Department of Defense and the OMB to provide additional emergency money for 2008 so-called reset programs. I will be happy to discuss that with anyone.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

Mr. REED. Mr. President, while I certainly appreciate the efforts last evening of Senator STEVENS and Senator INOUE to add roughly \$13 billion to this appropriations bill for the readiness of the U.S. Army and the Marine Corps, it is emergency spending, but it should come as no surprise that it is necessary.

What I find surprising is that apparently the requests by the Department of the Army, the Department of Defense, and also the OMB were turned down until it became obvious—and publicly obvious—that the readiness condition of the Army and the Marine Corps is the worst it has been in several decades. The principle is the lack of repaired, rehabilitated, and in certain cases replaced equipment. We are in a difficult situation with threats across the globe, with an Army that is heavily committed and a Marine Corps that is heavily committed to both Iraq and Afghanistan, and we are in a situation now in which our readiness is the worst it has been in three decades. This is a situation which requires not only the remedy of money, but it requires accountability.

How did the Department of Defense and this administration allow our military forces to become so degraded? In the judgment of many people, including former Secretary of Defense Bill Perry, myself, and others, two-thirds of the Army's operating force, Active and Reserve is now reporting in as unready. There is not a single non-deployed Army brigade combat team in the United States that is ready to deploy. Our Army currently has no ready strategic reserve. Not since the Vietnam era and its aftermath has the Army's readiness been so degraded.

How did that happen? It is not a surprise. Months ago, in February, I came to this Chamber and proposed an amendment to the tax reconciliation bill which would provide a fund of \$50 billion to provide for the reset recapitalization of Army and Marine equipment. I was offsetting that, as I think it is appropriate to do, with the upper income tax breaks that were being voted on in that bill. My measure didn't survive conference, but the tax cuts did. I believe that is an unfortunate paradigm of what is happening here too often.

We are sending soldiers and marines in harm's way, and we are not repairing their equipment. We don't have time to wait until it is too late—until the emergency is upon us. But we have plenty of time to debate tax cuts and estate tax reform.

I can tell you that I served, as so many others did, and in fact, we are privileged to have the chairman and ranking member of this committee as distinguished veterans of the Army Air Corps and U.S. Army. I don't know many soldiers who qualify for the estate tax, but every soldier needs adequate, decent equipment to do their job. Their lives depend upon it.

Yesterday Lieutenant General Blum, chief of the National Guard Bureau, stated:

I am further behind or in more dire situation than the Active Army.

This is the Reserve National Guard forces. The National Guard is charged not only with assisting in operations such as Enduring Freedom and Iraqi Freedom, they are the first line of protection at home. They are the first responders in a hurricane situation. They are in worse shape than our active forces.

At the end of June—again, several weeks ago—at a hearing before the House of Representatives, Congressman IKE SKELTON asked the Chief of Staff of the Army:

Are you comfortable with the readiness level for the non-deployed units that are in the continental United States?

General Schoomaker replied: No. The Chief of Staff of the United States Army says in a public hearing he is not comfortable with the readiness condition of our forces in the United States. That is a stunning admission.

Senator DODD and I were ready to propose an amendment to this Defense bill, along with Senators LAUTENBERG, MIKULSKI, LIEBERMAN, and many others, to try to rectify this. We would offer \$10.2 billion in emergency spending. I not only support but commend the leadership of this committee, Senator STEVENS and Senator INOUE, proposing \$13.1 billion. The money is necessary. I concur in their judgment and their action.

This is not a situation where suddenly yesterday someone jumped up and said, we need some money. This is a situation that has been recognized for months. Not only was nothing done, but the budget sent here by the White House was inadequate and they knew it. At a time of war when soldiers are committed, at a time of contest and conflict around the globe when we have to respond to threats, they lowballed money for the Army and the Marine Corps. We can give them all the money we want, but we need a little accountability, also. We didn't reach this position overnight. This was not a midnight discovery. This is years in the making.

The Army told those who would listen that for every year of intense operations in Afghanistan and Iraq, they need \$12 billion for reset. Last year we only provided a fraction of that, so this year the bill was \$17 billion. Some of those funds cannot be used in this year so it will be pushed forward a bit, but basically we know what is happening. It will continue to happen every year. Twelve billion baseline for reset. If we do not make that number, it is rolled over to next year. This is not going to be a one-time affair. It is an emergency, but it is a chronic emergency. We have to understand the Army will need another \$12 billion and the Marine Corps will need another \$12 billion next year and the next year, as long as we are committed. It is the real course of

Iraq, the course that seldom is found in speeches about “staying the course,” or “when they stand up, we will stand down.” We have to pay those costs.

Last October, GAO released a report on military readiness. It assessed the state of 30 pieces of equipment, predominantly tanks, vehicles, helicopters, and aircraft. They made several disturbing operation observations last October:

GAO’s analysis showed reported readiness rates declined between fiscal years 1999 and 2004 for most of these items. The decline in readiness, which occurred more markedly in fiscal years 2003 and 2004, generally resulted from, 1, the continued high use of equipment to support current operations and 2, maintenance issues caused by the advancing ages and complexity of the systems. Key equipment items—such as Army and Marine Corps trucks, combat vehicles, and rotary wing aircraft—have been used well beyond normal peacetime use during deployments in support of operations in Iraq and Afghanistan.

Let me relate a story. I was in Fallujah about 3 weeks ago with the 1st Marine Expeditionary Force. They are doing a superb job, as all our forces are. We asked questions about the state of the helicopters. They told us their helicopters are flying 200 percent more than in peacetime. They told us this before we got on the helicopters. We got on anyway because the helicopters are being maintained. But it costs money to maintain those helicopters. It costs money to repair those helicopters. If you fly any helicopter, fixed-wing aircraft, or you drive any military vehicle 200 percent more than its normal allocation, they wear out very quickly. That is what is happening.

A report of the GAO went on to say:

Until the DOD ensures that condition issues for key equipment are addressed, DOD risks a continued decline in readiness trends, which could threaten its ability to continue meeting mission requirements. The military services have not fully identified near and long-term program strategies and funding plans to ensure that all the 30 selected equipment items can meet defense requirements.

Another GAO report released last October assessed the readiness of the Army National Guard. It found:

To meet the demand for certain types of equipment for continuing operations, the Army has required the Army National Guard units to leave behind many items for use by follow-on forces. The Army Guard estimates that since 2003 it has left more than 64,000 items, valued at more than \$1.2 billion, overseas to support operations. Without a completed and implemented plan to replace all Guard equipment left overseas, Army Guard units will likely face growing equipment shortages and challenges in regaining readiness for future missions.

Again, this is the Army National Guard. These are the people we expect in the next few weeks to respond to a hurricane if it strikes the gulf coast, the Atlantic coast. These are the folks we expect to respond to earthquakes and to other problems any place in this country. They have left a great deal of their equipment overseas. They need help, also.

In April of this year, still 3 months before the markup of this Defense ap-

propriations bill, the Lexington Institute and the Center for American Progress jointly released the report called “Army Equipment After Iraq.” This report clearly stated:

High utilization rates and harsh conditions have greatly accelerated the aging of equipment. A significant amount of equipment is being destroyed due to both combat losses and the wear associated with constant use. Equipment readiness in deployed units has shown a gradual erosion as the service struggles to keep up with maintenance and replacement needs. Readiness in nondeployed units has plummeted as equipment is transferred to deploying units or left behind when troops depart Iraq.

Again, warning bells were sounded, but the administration was deaf. The Army knew the situation was growing increasingly difficult—indeed, perilous. They always knew that there would be a reset bill. Last November, as I suggested, they said it would cost \$12 billion a year for each year of ongoing operations until 2 years after that. The Marines estimated at that time that they needed \$11.7 billion over a 5-year-period for reset. These figures were confirmed by our March GAO report, entitled “Preliminary Observations on Equipment Reset Challenges and Issues for the Army and the Marine Corps.” Again, these pleas for help were ignored.

However, when the Army and Marine Corps submitted their reset needs to the Office of the Secretary of Defense and the Office of the Management and Budget, these requirements, the requirements of the commanders in the field, were slashed. The Army’s request was reportedly cut by \$4.9 billion and the commanders in the field were not able to submit a rebuttal argument as they have in other administrations. Our military leaders were told what they would get by the budget experts and that was the end of the discussion until it became so painfully obvious and publicly obvious that we are not ready to deploy significant forces that are here in the United States.

In February, the President’s budget request was submitted to Congress. The shortfall for reset was obvious. Again, I recognized this, as others did. That is why in February I submitted my amendment to the reconciliation bill to provide a fund of \$50 billion over the next several years so we could deal with this readiness problem, not through emergency spending but through an offset where we would use proposed tax cuts for the very wealthiest Americans to buy equipment for our soldiers and marines in the field. This amendment was rejected and the tax cuts went through. The equipment remained unrepaired.

As early as 2005, information on the state of Army and Marine Corps readiness was readily available for all who were willing to pay attention. Billions of dollars would be needed to solve this problem. Now here we are in August of 2006. We are debating the fiscal year 2007 Defense appropriations bill and until last night there was only \$2.5 bil-

lion in this bill for the Army for their reset needs.

Again, we all must commend and thank the chairman and ranking member for taking the action they did last night. But we have to ask serious questions about an administration that would allow this situation to develop, that would tell commanders that they were not going to get the money they needed to provide for the equipment and troops in the field.

This administration has tried to run a serious war on the cheap. They have tried gimmicks. They have hidden costs. They have failed to admit staggering costs that are involved already. It goes not only to the equipment, but having just returned from Iraq, having observed reconstruction that has produced very little after \$30 billion, having listened to Prime Minister Maliki in his speech ask for further reconstruction aid, if we are ever going to make a difference there, we would have to complement our military effort with renewed reconstruction. That is a multibillion dollar proposition. Where are we going to get the money?

I am pleased the Army and Marine Corps will receive this \$13.1 billion, but that is just an installment payment. As long as we are committed, we will continue to see this type of expenditure go on and on and on. We have to provide for it, not on an emergency basis, not suddenly with the expression of surprise. We have to understand this will happen again and again and again. Anyone who goes to Iraq or Afghanistan, anyone who has the privilege of being with soldiers, marines, sailors, and airmen, knows the extraordinary sacrifices they make. Anyone who has ever been around a military unit knows one of the quickest ways to undermine morale, undermine the spirit of these troops, is to give them lousy equipment and not repair their equipment. They know their life depends upon the equipment. They also know that it is not the speeches, not the parades, not the flag pins in the lapel that say what you mean about troops; you have to give them what they need to fight. Last evening, we did that.

This administration has to be accountable. I don’t understand how we can have both an administration and a Secretary of Defense who would see the readiness numbers that are presented today and deny money, forcing Congress to put it in. There is a gross lack of accountability bordering on dereliction.

Mr. DODD. Will the Senator yield?

Mr. REED. I yield.

Mr. DODD. I commend my colleague from Rhode Island for raising this issue, particularly the point he raised about how long we have known about this.

I commend to my colleagues a report dated March 28 of this year, Army Equipment RESET Update to HAC-D.

I further ask my colleague, just to make the point, this has been known for some time. The fact that the

Commander in Chief did not send up a budget, including the necessary resources knowing exactly what my colleague from Rhode Island has described, is troublesome. I commend him in joining our colleagues who offered the amendment last evening, although I would still suggest we are still in excess of \$6 billion short of what our uniformed services are telling us they need.

It might be appropriate here to have an amendment that would include a soft mark that would allow the military, if they are able to do it, have the resource capability to fill in the gaps that are necessary. The amount we are talking about here, based on what we presently know, would allow them to meet what they can do with the money that has been appropriated, yet there is a significant shortfall still, but to make sure the units are going to be combat ready. Lord forbid they are called upon to respond to a crisis in the Korean Peninsula or elsewhere.

I appreciate the comments of my colleague from Rhode Island. I will have some comments myself, and then discuss the possibility of an amendment that might require the soft mark that would not require the spending to occur, but if the military could use those resources, we ought not to deprive them of the cash they need if the units are ready. I do not know if he has any additional comments to make.

Mr. REED. Mr. President, I thank my colleague. He has been extraordinarily active in ensuring us the resources are available for our military forces. I would be happy to explore with him the possibility of additional funding if it is necessary.

Again, let me thank Senator DODD. We traveled together in October of last year to Iraq and saw the great service that is being rendered by our soldiers and the need for the equipment, the honest need. But I will, at this juncture, Mr. President, yield the floor.

Mr. INOUE. Mr. President, will the Senator yield?

Mr. REED. I yield the floor.

Mr. INOUE. Mr. President, I wish to join my colleague from Connecticut in commending our leader from Rhode Island for the role he has played in bringing this to our attention. The men and women of the Army and the Marines are fortunate to have the Senator looking after their interests. I thank him very much.

Mr. REED. I thank the Senator.

The PRESIDING OFFICER (Mr. COLEMAN). The Senator from Alaska.

Mr. STEVENS. Mr. President, we join the Senator from Rhode Island, Mr. REED, with his distinguished military career, who has raised this issue. Some time ago, we had reports on this matter of the reset funding and the goal of about \$17 billion for that purpose.

I personally visited with Secretary Rumsfeld and Deputy Secretary Gordon England and Admiral Giambastiani about this and asked

they check how much was needed for this reset operation and urged them to deal with the Office of Management and Budget so we would not have any problem over the total amount.

If you examine the bill, as we have it now, with the moneys we added last night, and the money that is already in the bridge account, there is the \$17 billion there that was requested by the military.

In my trips to Iraq, I visited some of the places where they are up-arming large trucks and up-arming some of the humvees and saw some of the activities they were pursuing in order to get better armor on some of the helicopters.

All of this is part of the process, and it is not something new. After the Persian Gulf war we had two separate requests for funds for the reset activities. And "reset" is a word of art in the military; that is, to literally reset the force and the equipment so it is usable and ready in the event of another operation, should that be necessary.

But again, we had several sums suggested. And when we went to the OMB and to the Department, they came back with the figures we offered the Senate last night on a bipartisan basis. I think they are sufficient at this time to carry us through. We will have a supplemental in the spring. We all know that. The bridge is to carry us forward through the period until we look at what might be the requirements for the operations going on in some 120 countries. As I said yesterday, in terms of our people in uniform, they are in 120 countries as we speak. So this is an enormous problem to assure that the equipment and all of the systems are brought up to absolute the best state possible.

But again, Senator REED has put forth his comments about this necessity from his military background. We appreciate that, and we agree with him. We agreed with him, and, as a matter of fact, the moneys we added last night were in addition to what the Senator was seeking because they cover some other activities beyond what he was talking about.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I want to take a few minutes, if I can, and speak on similar subject matter. I appreciate the comments of the distinguished Senator from Alaska and my great friend from Hawaii who brings a wealth of knowledge and information, including his personal experiences, of the importance of adequate equipment.

America's soldiers, sailors, airmen, and marines are courageously waging wars on two fronts against terrorism and militant insurgents, with 19,000 U.S. servicemembers still engaged in combat in Afghanistan and 132,000 of our troops in uniform in Iraq, as we speak this morning on the floor of the Senate.

No other military service bears the brunt of these military operations

more than the U.S. Army and Marine Corps. And no other Americans are sacrificing more in these wars than the soldiers, marines, and their families involved in these conflicts.

It is therefore critically important, as Senator REED from Rhode Island has pointed out, and my colleagues on the floor—Senator INOUE and Senator STEVENS—that we pay particular attention to their uniformed leadership when these leaders speak out about equipment shortfalls that they warn could jeopardize our missions and our military's overall combat readiness.

When the U.S. Army's Chief of Staff repeatedly sounds the alarm in testimony before Congress—repeatedly—that the budgets drawn up by the civilian leaders at the Pentagon and the White House have left them with a \$17 billion shortfall in vehicles and equipment they need, then we should take heed and listen to what they are saying.

And when our Army and Marine Corps' top leaders are telling us such shortfalls are so severe that major portions of their forces are unprepared for combat duty, then I think we need to take action.

I am deeply concerned, as I think others are, that we are not meeting our obligations to these men and women in uniform. Amendments may serve as a first step toward addressing the needs of our soldiers and marines. Out of the \$17 billion identified by the Army Chief of Staff that is needed to address equipment shortfalls, the amendment that was adopted last evening would add \$7.8 billion on top of the \$2.5 billion that is also included in the underlying bill, and another \$5.3 billion for the Marine Corps.

Nonetheless, I remain concerned, as I hope my colleagues are as well, that there remains almost a \$7 billion shortfall of what we are being told by the uniformed military leaders we need to address the Army's outstanding requirements, as expressed by GEN Pete Schoomaker, the Army's top general.

As the Senator from Rhode Island has pointed out, these shortfalls have been known for months. The report that I included in the RECORD a moment ago is dated March of this year. They were not suddenly discovered last evening or in the last few days. I have a slide presentation that the Army provided to the House Appropriations Committee on March 28 of this year that specifically identifies all of these shortfalls without exception. And yet, despite that briefing in March, the administration and Congress did little or nothing about it.

Today, I do not think we can stand by—in the remaining days of this Congress—and allow this Congress to proceed further without addressing our Nation's major and most pressing needs, particularly as our men and women in uniform continue to defend America in combat operations each and every day.

We are not talking about arbitrary budget numbers that we pulled out of

thin air. These are very specific allocations requested by our top leaders in uniform—leaders such as General Schoomaker and his deputies: LTG James Lovelace and LTG David Melcher. They have testified repeatedly—repeatedly—that the Bush administration has once again proposed a Defense budget that falls far short of what our troops need.

As far as this Senator is concerned, the days of sort of nickel and dimming our national defense needs should be over when it comes to these soldiers in uniform. We can no longer afford to continue down the path the Bush administration has brought us.

Regrettably, this is not the first time we have had to address the administration's poor budget planning for this war. But I hope it might be the last. I have come to the floor to try to address, in the past, some lacking resources for our military's essential equipment needs from the very first year of this conflict.

In 2003, the Army identified \$322 million in shortfalls in critical health and safety gear—ranging from body armor, camelback hydration systems, and combat helmets, to equipment for deactivating high explosives—all of them are listed as priorities that the Rumsfeld Pentagon and Bush administration failed to provide in their initial budgets.

I offered an amendment, in 2003, to the emergency appropriations bill to resolve those problems. Unfortunately, the administration opposed this legislation, and the amendment was defeated, despite the fact that our top uniformed military leaders were asking otherwise.

In 2004, we tried a different approach, in an amendment I offered requiring the Department of Defense to reimburse military personnel who bought equipment for their military service in Iraq and Afghanistan that the Rumsfeld Pentagon had failed to provide. This time, despite ardent objections from the Secretary of Defense, Congress approved the legislation. And in October 2004, the President signed that bill—the larger bill which included those amendments—into law.

We approved similar legislation last year because the Pentagon did not act on them, despite the fact that Congress had voted overwhelmingly in support of those provisions and the President signed them into law. And on the very day I offered a new amendment, I received a call from the Pentagon saying on that day—a year later—they were beginning to implement the legislation as required under law.

This year, the difficulties associated with equipment shortfalls pose a far more serious problem. The ones I identified earlier, which my colleagues will recall—having servicemen stand up and admit they were rummaging—rummaging—through garbage dumps in Baghdad to provide equipment to uparmor their humvees and other equipment because they were not getting it

from the Pentagon. These were not some dissidents, some activists outside complaining. These were our men and women in uniform telling us what they had to do in a theater of war to protect themselves because they were not getting it from the Pentagon.

Well, today the problems are more serious. The ones that Senator REED has identified are real. And the concerns are being expressed by our top military leaders. It is disgraceful it takes an amendment being offered on the floor of Congress to try to provide for these needs rather than coming from the leaders at the Pentagon, the civilian leadership or out of the White House.

We are not talking today about a shortage of flapjackets or gun scopes. Today, the challenge is that our Army's entire fleet of tanks, aircraft, and vehicles are wearing out. And we are not doing enough about it.

Recent media accounts have indicated that the administration's failure to fund the replacement and repair of this critical hardware is greatly affecting America's overall military readiness. The Associated Press reported on July 26 that up to two-thirds of the Army's combat brigades are not ready for wartime missions, largely because they are hampered by equipment shortfalls.

In other words, if America does not finally heed the warnings of the U.S. military's top generals, and fully fund our equipment needs, the Armed Force's ability to respond to future challenges to America's national security—whether on the Korean Peninsula, the Middle East or elsewhere in the world—could be harmed, to put it mildly.

Maintaining a wartime military is very different from business as usual—something I am afraid that the Rumsfeld Pentagon does not seem to entirely understand, after 5 years of combat in Iraq and Afghanistan. Having 16 to 18 combat brigades deployed in combat at one time over the last year 3 years, in addition to other U.S. forces, has placed tremendous stress on the military's equipment.

In Iraq, U.S. tanks are being driven over 4,000 miles per year—five times the expected annual usage of 800 miles. Army helicopters are experiencing usage rates up to two to three times their planned usage. The Army's truck fleet is experiencing some of the most pronounced problems of excessive wear, with usage rates of five to six times the normal rates, further exacerbated by the addition of heavy armor.

This increased use, obviously, shortens the life of equipment and demands much earlier and larger investments in maintenance and procurement. On top of that, our equipment is being further degraded by the sand and extreme heat in that part of the world, which harm the mechanical and electronic systems, not to mention rocket-propelled grenade and explosive attacks that are causing grave harm and loss of equipment at an alarming rate.

As this chart I put up shows, just a few years in combat will age military equipment dramatically. These statistics are coming from the U.S. Army. They are not ones I made up. So my colleagues can appreciate what we are talking about here.

For example, the Abrams tank, listed up here—it may be hard to read on the TV screen—but the first item here, the Abrams tank, usually has a lifespan of 20 years before it needs to be overhauled. It is seeing its lifespan being cut short to just over 5 years because of where they are.

The flatbed truck, which we have listed here as well—this item here—normally has an expected lifespan of 20 years. It is getting 3.3 years today—substantially less than would normally be expected to be the case.

The humvee has a 15-year normal, expected lifespan. And 2.5 years is what we are getting here.

The semitrailers and trailers—all 20 to 15 years—but the actual numbers they are getting is in the range of 2.5 to 3.3 years.

This is what we are being told and have been told repeatedly. These numbers didn't pop up yesterday or the week before. We have been told repeatedly by top military leaders that this problem has persisted and is growing.

Recently, Army officials testified before Congress that it will cost \$36 billion to fully reset the force due to this situation. But this estimate assumed that the United States would fully draw down its forces by the end of 2007. Army Chief of Staff Peter Schoomaker conceded that if the Army continues to operate in Iraq at its current pace, the reset cost will total over \$72 billion and will eventually require steady reset expenditures for a full 2 years after the U.S. military withdraws from Iraq. These estimates do not even take into account the Marine Corps' reset requirements. In the meantime, the Army intends to leave over 280,000 major items in theater and will not re-deploy this equipment to be reset until forces draw down in Iraq.

The situation in the Army National Guard, which my colleague from Rhode Island who is knowledgeable on these matters has pointed out, is particularly alarming. In late 2003, the Army began to direct redeploying Guard units to leave their equipment in theater for use by deploying forces. Under current regulation, the Pentagon requires the Army to replace equipment transferred to it from the Guard. But under Secretary Rumsfeld's leadership, the Army has not tracked much of the Guard equipment left in theater nor prepared to replace it.

The National Guard and Reserves comprise 40 percent of the forces now fighting in Iraq. If you consider that the National Guard began the Iraq war with less capable equipment than the Active Force to begin with, it only seems reasonable to assume that they have lost ground as the occupation has continued. The Army claims that the

National Guard has been directed to transfer more than 75,000 pieces of equipment, valued at \$1.7 billion, to the Army. But the Army does not have a complete accounting of these items. An independent analyst at the Government Accountability Office put the cost of resetting the Guard at \$20 billion. Since much of the stay-behind equipment is relatively old, I presume it will never return to the United States.

The drawdown of the National Guard equipment in the United States to support the war effort is so extensive that it raises doubts about preparedness for homeland defense. As the Senator from Rhode Island pointed out, we are now going into the hurricane season and the problems that can ensue there. I don't think the National Guard is going to be ready to respond to those situations because of the situation we are in today.

For that reason, I am joining my colleague from Vermont, Senator LEAHY, in supporting an amendment he will be offering to provide necessary funding for the National Guard that for too long has been neglected by this administration. On Tuesday of this week, the Chief of the National Guard Bureau, LTG H. Steven Blum, admitted that more than two-thirds of the Army National Guard's 34 brigades are now not combat ready due largely to the vast equipment shortfalls that will take as much as \$21 billion to correct. General Blum addressed the situation this way:

I am further behind or in an even more dire situation than the active Army, but we both have the same symptoms, I just have a higher fever.

In spite of all the administration's rhetoric that we have turned a corner, I think many of us believe that the insurgents are not in their last throes, as the Vice President said only a few months ago, or that the mission is accomplished, as others have suggested. Our military commitments in Afghanistan and Iraq have only grown, as we are hearing now additional requests for troops to protect the Baghdad area, to the point that our forces are now larger in number in these countries than they were when we started the wars in 2001 and 2003. And there is some indication that our forces in Iraq may increase even more. Now it seems that the effect on our own forces has been devastating. Our forces are stretched thin. Our fleets of aircraft, tanks, and trucks are wearing out. But the administration's only answer for Iraq and Afghanistan is to stay the course.

I can tell you, with today's situation, that is not an option. If we are going to maintain America's edge in the war on terrorism, retain the ability to respond to other future threats, then we need to provide some relief to our Armed Forces and start putting critical investments into rebuilding these forces.

During two Presidential election campaigns, the Bush-Cheney team sold its candidacy to the American people as a solution to all of our Nation's se-

curity needs. A vote for that ticket, we were told, would shore up our Nation's vulnerabilities at home and keep us on the offensive overseas. Sadly, I submit, the policies of this administration have only left our Nation weaker, as the administration shortchanges the needs of our Armed Forces and fails America's National Guard personnel.

The 2000 campaign disparaged President Clinton's stewardship of the Armed Forces, and it was leaked that two of the Army divisions were rated C-3 and C-4, the lowest levels of preparedness and readiness, the lowest category, according to the Army's own scale, decrying that "two Army divisions could not report for duty." The then-Governor of Texas pointed out that he promised help was on the way. Instead today, as a result of the administration's strain on our forces, the situation is dramatically worse.

According to the Army's own accounts, our forces are being drained of critical resources to meet our homeland security needs in the United States and to stay prepared to address our military threats in the future.

While the sheer size and scope of U.S. Army readiness remains classified, one thing is for certain, our military hardware is stretched thin. Our fleets of aircraft, tanks and trucks are wearing out. Those are the facts. The military leaders are telling us that in clear, uncomplicated voices. U.S. military experts and media reports have long been sounding the alarm about the Iraq and Afghanistan wars and their impact on military readiness.

The Washington Post recently said the following:

The unexpected heavy demands of sustained ground combat are depleting military manpower and gear faster than they can be fully replenished. Shortfalls in recruiting and backlogs in needed equipment are taking a toll, and growing numbers of units have been broken apart or taxed by repeated deployments, particularly in the Army National Guard and Army Reserve.

That was from a year and a half ago. Things have only gotten worse since then. The administration's failures are literally breaking the back of the U.S. Armed Forces. I am worried about it. I know my colleagues are. In addition to the amendment we have adopted, and while the Senator from Alaska is correct, the amount of money they can receive and actually spend is constrained. But I am hopeful our military leaders will be able to do a better job. I ask them to consider the possibility of what we might call a soft mark that would provide the resources now, not wait until next spring, and that if our military leaders can find the way to expend the dollars to increase the readiness of this equipment, we ought not wait another almost year to do so. If they can't spend the money, then it doesn't get spent. It comes back to the Treasury. But I wouldn't want them saying we could have used the money, but you didn't appropriate it on an emergency basis for us.

So while I appreciate the amendment that was adopted last night, as I point-

ed out, we are still \$7 billion short, according to the military leaders testifying before Congress in the last number of months. I think it is not only appropriate but required of us here to provide those resources, put them in place. And if they can be spent, they ought to be spent to make sure this equipment we are falling so short on is going to be replenished and repaired so that our units can be combat ready, not only for the present crises but also for future ones we may face.

Again, my compliments to the Senator from Alaska and the Senator from Hawaii, who historically have placed the needs of our military very high on their agenda. My criticism is not focused on them. It is focused on the fact that the Secretary of Defense and the Commander in Chief should have been having these numbers in the budget coming up here, not requiring us to ask them to do a better job. That is what the two Senators did last night. They should have been telling us how the leadership of the Pentagon and the White House put the numbers in and that we were supporting them, not requiring an amendment to be adopted out here to fill the needs.

I am urging my colleagues to take a look at some additional funding we may need in order to meet these requirements.

Mr. INOUE. Will the Senator yield?

Mr. DODD. I am happy to yield.

Mr. INOUE. I commend my colleague from Connecticut. I concur fully with my friend that when we are prepared to send men and women into combat and in harm's way, the least we can do is provide them with appropriate equipment to carry out the mission and to return home safely.

Mr. DODD. I thank my colleague.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I ask unanimous consent to proceed as in morning business for up to 10 minutes.

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

(The remarks of Mr. BOND and Mr. SESSIONS pertaining to the introduction of S. 3774 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, what is the pending matter?

The PRESIDING OFFICER. The Stevens amendment.

AMENDMENT NO. 4775

Mr. SESSIONS. Mr. President, I will not speak on an amendment at this time, but if others do not object, I would like to call up amendment No. 4775 and ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Is there objection to laying aside the present amendment?

Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS] proposes an amendment numbered 4775.

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

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

The amendment is as follows:

(Purpose: To provide \$1,829,000,000 for the Army National Guard for the construction of 370 miles of triple-layered fencing, and 461 miles of vehicle barriers along the southwest border)

On page 221, line 9, strike "\$204,000,000", and insert "\$2,033,000,000, which shall be designated as an emergency pursuant to Section 9011 of this Act."

Mr. SESSIONS. I yield the floor.

Mr. STEVENS. 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. SESSIONS. 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. SESSIONS. Mr. President, I had previously offered and called up amendment No. 4775, and I ask that Senator KYL of Arizona be made an original cosponsor.

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

Mr. SESSIONS. Mr. President, a few weeks ago, on May 17, by a vote of 83 to 16, we approved my amendment to mandate the construction of at least 370 miles of fencing and 500 miles of vehicle barriers along the southwest border of the United States. That was a very strong vote. It represented the request of Secretary Chertoff of the Department of Homeland Security. It was the amount of barriers and construction that he felt was necessary to help him create a secure border. I believe this Senate meant it when we voted to do that.

When the vehicle came forward on Homeland Security, we failed to fund this project. I think it left this body in an embarrassing position, telling the American people we are for barriers at the border, we are for meeting the request of the Secretary of Homeland Security, but, by the way, we are not going to put up any money to fund it.

I know there were reasons that some felt it couldn't be afforded under the amendment process, which gave the appropriators a requirement to find it within the \$30-billion-plus Homeland Security bill, but we are now in a position where we feel there are funds available that we can utilize to make this step.

We believe this is a germane amendment to the Defense bill. The National Guard is going to be a part of our border security, and the National Guard does have the authority to enter into construction and other engineering projects as part of their directive to assist in securing the border.

That is where we are today. I think this is an appropriate amendment. I see my colleague, Senator KYL from Arizona, is here. I would say it has been my honor to work with him quite a number of years—ever since I have been in the Senate. There is not a single Senator here who has ever spent anything like the number of hours he has spent in advocating for a legitimate, sound method of border security, nor has anyone voted more consistently than he to establish that. I am glad he is a cosponsor.

Senator KYL understands this process. He is one of the leaders in the Senate. I am glad he feels this is an appropriate way we can go forward.

I thank the Chair and yield the floor. The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 4788 TO AMENDMENT NO. 4775

Mr. KYL. Mr. President, I call for the regular order with respect to amendment 4775 and send a second-degree amendment to the desk.

The PRESIDING OFFICER. The amendment is pending. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. KYL] proposes an amendment numbered 4788 to amendment No. 4775.

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

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

The amendment is as follows:

(Purpose: To provide \$1,829,000,000 for the Army National Guard for the construction of 370 miles of triple-layered fencing, and 500 miles of vehicle barriers along the southwest border)

On line 2, strike "2,033,000,000" and insert "2,033,100,000"

Mr. KYL. Mr. President, this amendment simply adds \$100,000 to the sum that would otherwise be appropriate to the National Guard for the purpose of constructing the fence. There is some question about whether the appropriations for vehicle barriers we have in the Department of Homeland Security appropriations bill will be added to construct the full number of barriers that are required. This is a very slight addition to the funding called for in the underlying amendment to help ensure we have that funding as well.

What Senator SESSIONS and I are committed to doing is ensuring that the authorization for construction of fencing is fully funded so that we can assure our constituents that we have done everything necessary to provide the fencing on the border that the experts have said is necessary. When we talk about vehicle barriers, let me describe briefly how that fits into fencing.

Fencing is primarily a way for the Border Patrol to ensure, as it patrols the border in urban areas primarily, that it is very difficult to cross. It is hard for the Border Patrol in urban areas to be able to patrol on a contin-

uous basis and deal with the large volume of people who could come across if there is not adequate fencing. I think we have all seen the pictures of the rush to the border at border points of entry where large numbers of people congregate on the Mexican side of the border, come rushing across, and it is virtually impossible for the Border Patrol to deal with that mass of people when they cross. In order to make it more difficult in the urban areas where this is likely to occur, they prefer fencing as one of the mechanisms for securing the border.

Fencing is not effective unless you also have Border Patrol to patrol along the fencing because it is possible, in most cases, to get over a fence or through a fence. But it slows people down to the point that the Border Patrol is able to apprehend them and ensure that they do not cross illegally. One of the reasons for a double fence is that the Border Patrol can get to the point where people are trying to cross illegally if you have a double fence, and that is what this funding is helping to achieve.

Right now, we have this single fence constructed of steel. It is excess or surplus landing mat steel that the military has no more use for but used to be the equipment they would lay down on a field in order to be able to land planes on an emergency basis. This is surplus steel. They put that on end, welded together, and it constructs a fence. It is somewhat effective in the urban areas, but much of it is deteriorating in the areas where it has been constructed for a long time, and it is also not as effective because the Border Patrol cannot see through it and therefore it does not as easily know what is happening on the other side of the fence—whether people are congregating there. They would prefer to replace that deteriorating landing mat fencing with other kinds of fencing.

What the amendment from Senator SESSIONS does is ensure the National Guard will have the funds necessary to put the landing mat fencing up that they are currently constructing in those areas where that is appropriate but also that there will be adequate funding to convert to the other kind of fencing we are familiar with in the form of a very heavy gauge chain link kind of fencing with barbed wire, and so forth, to prevent entry.

The vehicle barriers we speak of are a real necessity now because the Border Patrol is gradually gaining control of the border, and their control is being contested by the cartels and the coyotes who in the past have had significant control of that territory. They are responding with violence, and they are using pretty high-caliber weapons.

What the Border Patrol says is that every time they see a vehicle coming across the border, they know they have a problem because it is big enough to carry weapons. It is also big enough to carry contraband, usually drugs, which is protected by weapons. So unlike the

situation with illegal immigrants crossing the border, they know that the coyotes and the cartels, the gangs that are in control, are going to use weapons to protect their turf, protect their territory, and enable that contraband to get across the border. So vehicles present a special threat to the Border Patrol.

The vehicle barriers they will construct and they are constructing will prevent, in the flat areas, beyond the urban areas, these vehicles from coming across. They are constructed in such a way that animals or people could get through them, but vehicles cannot. In some of the more mountainous areas, obviously it is not possible to put up either fencing or vehicle barriers. But the combination of those two items, plus cameras that can view large areas of the border at a time, plus lights that enable the Border Patrol to see at night and sensors in the more remote areas, in addition to the unmanned aerial vehicles, fixed-wing and helicopters that patrol the border, provides a mechanism that supports the vehicular patrols of the Border Patrol and the combination of which provides the mosaic for securing the border.

All this is a part of the Border Patrol's recommendations—the Department of Homeland Security recommendations—and is authorized by legislation we have adopted. But the funding is not adequate to complete all of this work. That is what the amendment Senator SESSIONS has offered would do. It would in effect put our money where our mouth is. It would provide the funding that is needed to achieve the goals we have all agreed we need to achieve.

Just a final point. When the previous appropriations bill was before us, and Senator SESSIONS referred to this, we had amendments—for example, one that I offered that was accepted which applied more funding to achieve the authorization we had previously passed to fund more detention spaces to end the catch-and-release program. Right after that or very shortly after that amendment was adopted, the amendment of Senator SESSIONS was laid down. Through no fault of his, there was a problem in funding—that is, it would have provided a potential across-the-board funding reduction of everything else—so some of us were caught in a catch-22. We very much wanted to support what Senator SESSIONS was doing—he is absolutely right, we needed to secure more money for the construction of fencing—yet in my case it could have been taken out of funding I had just succeeded in adding to the bill. So it was an impossible vote for us.

One of the reasons this amendment is before us is to correct that and ensure that all of the things we need to fund will be funded: the detention spaces that I was able to add, more border patrol that we have added, as well as the fencing that has to be added. So in effect this is the last block in the foun-

ation for the effort we have of securing the border. We need to put it in place.

We have authorized the work. Everybody agrees it needs to go forward. There has simply been a difference between the funding appropriated and the funding required. This amendment will provide that funding and will do so in a way that will do harm to no other account and will help us to achieve the goal of securing the border.

I am very happy to support the amendment. The second-degree amendment that I laid down, as I said, is technical; it simply adds \$100,000 to ensure there is enough money to provide for the vehicular barrier construction as well.

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

Mr. KYL. I am happy to.

Mr. SESSIONS. I had a call several months ago, before I offered the amendment, from Congressman DUNCAN HUNTER of San Diego, who chairs the House Armed Services Committee, and he shared with me his positive view of what the San Diego fencing had meant for that area. Crime had gone down. Economic growth had occurred on both sides of the border—it was so positive. I know there is fencing in Arizona, and it is not the best kind, not the most attractive. As was said, it is not something you can see through—landing mats.

But based on the Senator's experience and many years of examining what has happened at the border, is he convinced and would he share his thoughts about how this could be helpful in the overall view of creating a border in which the law is followed and we have security?

Mr. KYL. Mr. President, I appreciate that. We had testimony before the Terrorism Subcommittee of the Judiciary Committee, which I chair and on which Senator FEINSTEIN is the ranking member, about what the results of that fencing in San Diego have meant—on both sides of the border. The testimony was that it has reduced crime on both sides of the border. The people in Mexico are very pleased because the gangs and the coyotes that used to gather together before they would try to bring their load of illegal immigrants across the boarder—preying on them, stealing from them, robbing them, beating them, and committing other crimes against them—that whole milieu has ended because the fencing has made it impossible to cross, so the coyotes have gone to other places to try to take their loads across the border. They are no longer congregating and hanging out in that area in Tijuana and south of the San Diego area, and as a result, on both sides of the border, crime has gone down dramatically. The environment has improved dramatically because you don't have these thousands and thousands of people crossing, cutting all these trails, leaving their garbage behind.

In fact, I am told nobody has actually gotten across the fencing in that

entire sector. I don't have the statistics off the top of my head here, but the testimony before our subcommittee was dramatic in terms of the number of apprehensions before the fencing and the number of apprehensions afterward. I am proud that I was a sponsor, along with Senator FEINSTEIN, of the fencing in that area which has made such a dramatic difference there.

As I said in the Judiciary Committee, when I got the authority to add fencing in Arizona, a lot of those folks who were crossing in California are now trying to do it in Arizona. Wherever that traffic is now attempting to cross the border, we need to provide the Border Patrol with all the tools it needs to get the job done, and that includes a substantial amount of fencing.

Mr. SESSIONS. One more question, if I could ask the Senator from Arizona. Would he share with us and the American people some information he might have about the size and scope and numbers of people that are crossing in the Arizona area? I know he cares about that. That is one reason the Senator feels so strongly about it. But I am not sure a lot of people understand the scope of the problem. He has already shared that fencing is a component of fixing the problem, but would the Senator share with us the scope of the problem?

Mr. KYL. Let me illustrate with a couple of examples. There are so many things one could talk about. For example, the violence at the border has increased 108 percent, according to the U.S. attorney in Arizona, Paul Charlton, in testimony before our subcommittee. The number of crimes and number of criminals crossing is up dramatically. Over 10 percent of all of the people apprehended now at the border have criminal records—and these are serious crimes. This is murder and rape and kidnapping and drug crimes and the like. So it is not just people coming across the border to find work here. There is a substantial number of criminals, and they are not just from our neighbor to the south, Mexico; they are from countries all over the world.

When you see the apprehensions of people from Russia and Vietnam or China or Iran or Iraq or other countries, you also wonder how many people we are not apprehending who are criminals or who can be terrorists. So there is that element.

I spoke to the matter of vehicle barriers. One of the areas they are adding barriers right now and want to add more is in the area of the Barry Goldwater Gunnery Range. This is known to the people in the military as the finest area of training for our pilots in the world. There are wide-open spaces. There is nothing to prevent the kind of activity that occurs, which includes dropping bombs. From all over the country, our pilots come to train there. There is one problem. With illegal immigration, the Marine Corps now has to go out on patrol to make sure there are not any illegal immigrants in the

area where the bombing or strafing will occur. Obviously you don't want to hurt anyone.

They do that at great cost. They come back and report the area is clear, our planes are gassed, ready, loaded with the bombs and so on, maybe take off, and then they get a report that more immigrants are streaming into the area.

They have had to call off their missions. Over the past couple of years there have been hundreds of missions that had to be canceled. Thousands of flying hours have been lost as a result.

My point is this: There are costs for not having secured the border that I think many in America aren't even aware of. There are huge environmental costs. Tons of garbage are left behind rotting, a danger that leads to the people as well as to the livestock, the way the ranchers' operations are disrupted when the fences are torn down, the water lines are broken, and all the other things that occur.

The bottom line is that we have to secure the border, and adding fencing helps to do that.

That is why the amendment is so important. We have to make up the difference between what we have authorized and what the Border Patrol says they need, with what we have already provided in funding in the amendment to make up the difference to ensure that we have full funding for what we have to do at the border.

Mr. SESSIONS. I thank Senator KYL. I yield the floor.

The PRESIDING OFFICER (Mr. COLEMAN). The minority leader is recognized.

Mr. REID. Mr. President, first of all, let me say this. We are in a procedural quagmire in the Senate as happens once in a while. Of course, it would have been the right of the minority to stop this Defense appropriations bill from going forward. For a couple of reasons I felt that was inappropriate.

First of all, the defense of this country is extremely important, and we should try to get a few things done dealing with our fighting men and women around the world as quickly as we can. But one of the factors in my agreement to go forward with this legislation is the two managers of this bill are history itself. Two of the most senior Members of the Senate, two of the most experienced Members of the Senate, the two Members who manage a bill as partners, as a couple of friends should, are experienced. I felt that with their management of this bill we would have a fair opportunity to do what was appropriate. My feeling has been underscored in the little while we have been on this bill. We will give a fair shake in the process to the men and women who are defending our country.

I come to the floor today with a simple amendment. I must confess that the amendment I brought to the floor is certainly not new and unique with me. The amendment that I am offering has been taken directly word for word

from a bill that was passed by the Republican-controlled House last week by a broad bipartisan margin.

This amendment consists of tax provisions—so-called extenders—excluding the abandoned mine land fund in the House-passed bill.

Again, every single provision in my amendment enjoys broad bipartisan support. But I am forced to offer this amendment for a couple of reasons.

First, our friends in the majority have allowed many of these provisions to expire.

Second, the statements made by the majority leader yesterday—which I don't think are hard to understand—I have to confess that the statements by my friend, the majority leader, were wrong in a number of different ways. What he basically said yesterday was we have a vote on the motion to proceed to a big bill on Friday; take it or leave it take that bill which includes these extending tax provisions which are so important to the country, some of which have expired.

It also has in it a minimum wage provision which is so flawed. It takes 3 years to kick in, but, more importantly, for seven States it would be a wage cut for these people. The threats—for lack of a better way to describe it—are simply an attempt to coerce, blackmail Members of the Senate to vote for a bill that is bad just because there are certain provisions that people might like, thinking, well, this allows a chance; whatever, we are going to have to vote on the extenders and the pension bill simply is not true. We have to pass these extenders. We always do, and we will this year.

I certainly hope we pass the pensions legislation. We have worked on that in conference for almost a year.

Last Friday, it was all agreed on, and on a bipartisan basis it was done. They were ready to sign the conference report. Had that happened, we would have long been done with this.

For the majority leader to say it is now or never, you vote for this Friday morning on the motion to proceed, that it is a very faulty, wrong-headed piece of legislation, not the least of which is to create an \$800 billion further deficit and debt for this country with the estate tax—\$800 billion.

It affects 8,100 people in our country. We are a country of 300 million people. This whole matter is being driven for 8,100 people—\$800 billion.

If we are talking about priorities, what is more important? The pensions provisions affect 45 million people, and these extenders which affect virtually everybody in the country—businesses and, of course, directly our citizens.

We do not need to go through each of these extenders, and I am not going to do that. For example, take the one that allows taxpayers to deduct up to \$4,000 of their college tuition expenses. Senator FRIST is telling us and the American people that the 8,100 Americans that we are creating a debt for this country of \$800 billion are more

important than parents sending their children to college with this deduction. It doesn't sound good to me. It doesn't seem like a fair chance.

This amendment contains an R&D tax credit to encourage American businesses to make investments that will benefit American workers. What is more important, to get that done before we leave here at the end of this week or to pass an estate tax repeal costing \$800 billion? Senator FRIST said that the 8,100 people are more important than the R&D tax credit.

My amendment contains a provision that will extend the State and local sales tax deduction, led by a number of Members but certainly the senior Senator from the State of Texas. That State's residents will benefit so significantly because there are so many people there. But Nevada, which doesn't have as many people, has a sales tax, and we want this benefit.

Senator FRIST says, no, you are not going to have a chance to do that unless you support my estate tax repeal—\$800 billion to extend the State and local sales tax.

This amendment includes a provision to allow teachers to deduct out-of-pocket expenses when they incur classroom expenses. In Nevada, we are struggling to find ways to have affordable housing for our teachers. This means a lot to them—deduct out-of-pocket expenses for classroom activities. Senator FRIST says, No, 8,100 of the richest of the rich of the rich take precedent.

As I have said, I am not going to go through each of these provisions. But why don't we just go ahead and pass this?

People say the House is out of session. The House is still in session.

I think it would give true impetus to this defense bill, and we could perhaps finish this bill within a day or two. There will be some stimulus for doing that. On the House side, just like we do over here, leadership can bring the House back into session. They have to come every 3 days. That is the rule. They cannot adjourn unless we give them permission.

They can do this by unanimous consent. We could do the Defense appropriations bill, and we could do these extensions.

This amendment is important. It provides an opportunity for every Member of this body to show the American people that we are prepared to respond to their needs.

These extenders should have been extended a long time ago.

I am speaking for my friend, the ranking member on the Finance Committee, Senator BAUCUS, who, as you know, is not here as a result of his nephew being killed while serving us in Iraq. He feels very strongly about this.

I don't believe we can be coerced into providing budget-busting tax breaks for the wealthiest of the wealthy in our country. We should not leave here

without giving our colleagues every opportunity to provide working Americans some tax relief, which they deserve.

Mr. DURBIN. Mr. President, I rise in support of amendment that is being offered by the Senator from Nevada.

Yesterday, the Republican leader, Senator FRIST, told us that the only chance the Senate would have to pass critical legislation to help countless deserving Americans will be if we are willing to reduce and virtually repeal the estate tax in America.

My question and the question of the Senator from Nevada and this side of aisle is, why? Why not just pass this tax-extender package that is ready right now on the Senate floor?

Those of us who have been in Congress for a few years know that this package of extenders is a spoonful of sugar. It helps the medicine go down. It is saved until the end of the session. It is offered as a sweetener to pass a package that is otherwise not palatable for indigestion.

We all know the merits of these proposals. They are very positive, and they help a lot of people across America. Why wouldn't we get that part right?

Why wouldn't this Congress, which has done so little to help people across America, make sure that this package of extenders passes?

Why wouldn't we pass this legislation and make it easier for veterans to own their own homes?

Why wouldn't we pass this to make it easier for families to pay for their kids' college education expenses?

Why wouldn't we pass this and help high school teachers pay for the expenses that they incur out-of-pocket to help students in the classroom?

Why wouldn't we pass it to encourage investment in low-income communities, to encourage employers to hire workers from low-income families, or Indian tribes, and encourage employers to hire high-risk youth and veterans?

Why wouldn't we pass this to encourage our businesses to conduct critical research on new products and ideas?

Why wouldn't we pass it to support coal mining cleanup and bolster coal miners' health care when they retire?

It appears that the answer, as Senator REID has stated, is very simple. The position of the Republican leader is you can't do these good things for America unless you do something that is terrible for America. Unless we repeal the estate tax creating an additional debt on future generations of at least \$750 billion to \$800 billion, you can't help Americans across-the-board unless you provide a special tax break for those who are the most well-off in America, the most comfortable, the people who have benefited the most from being part of this great Nation.

Unless you give them an additional tax break, the position of the Republican leader yesterday was, We will not help anyone else in America. We will not help 6.6 million minimum-wage work-

ers who desperately need an increase in the minimum wage after 9 years of being stuck at \$5.15 an hour.

We will not pass these tax extenders which help some Americans in so many different ways unless at the same time we repeal the estate tax at great expense to America and to future generations.

We believe these priorities in this amendment are too important to be any kind of subject for games in the Senate. This is serious business. I encourage my colleagues on both sides of the aisle, despite all the other debate we might get in, to enact this amendment. Pass these tax extenders at the earliest opportunity.

AMENDMENT NO. 4795

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, my friends have agreed to set aside the pending amendment and I ask consent that be done, and I then call up my amendment which is at the desk.

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

The clerk will report.

The bill clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 4795.

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

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

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. STEVENS. I make a point of order this amendment is legislation on an appropriations bill and violates rule XVI, and it would bring about a blue slip if this is reported to the House.

With regret, I make that point of order.

The PRESIDING OFFICER. The point of order is sustained. The amendment falls.

The Senator from Michigan.

Ms. STABENOW. Mr. President, what just happened is extremely unfortunate for American families, extremely important for people all across the country who want Members to do things in the Senate that affect them and their lives.

People are feeling squeezed on all sides: Jobs, health care costs are rising, they are afraid they will lose their pension, maybe have lost their pension, the costs of college, men and women serving overseas want to know when they come home their house is not gone because of foreclosure, or they worry their family has a more difficult time because they have been serving our country.

The extension bill, the amendment Senator REID offered with Senator DURBIN, and of which I am proud to be a cosponsor, speaks to those issues the American families are asking Congress to address. It speaks to the kind of tax policy that makes sure middle-class Americans are supported and that we are doing something for them, not just for those who are the most blessed, the multibillionaires of this country.

Let me give an example. Our amendment that was just objected to included a provision to extend the \$4,000 deduction for higher education expenses for families to send their children to college or for people going back to school themselves to be retrained or get a new degree to better meet the demands of the new global economy. Why in the world would we not want to rush to extend that \$4,000 tax deduction for individuals who are just trying to make it, trying to get the American dream for themselves or their children?

Extending the research and development tax credit, again, is absolutely critical. Our State has gone through and continues to go through major transformations in manufacturing. This is not your father's factory anymore. This is high tech. The R&D tax credit is critical to be extended.

It is about jobs. There are many provisions in this amendment just objected to that directly relate to jobs, directly relate to our way of life in this country, creating opportunity, as well as supporting our troops. One of the provisions treats combat pay as earned income under the earned income tax credit for our brave men and women in uniform. Who would not support doing that as quickly as possible? I regret this amendment was not supported.

Let me go on to say, as our leader Senator REID indicated, there is another bill that affects middle-class Americans that is being held up, essentially is being used for political maneuvers right now, that affects upwards of 45 million people in this country. That is the pension bill. We are talking about people who have paid into a defined benefit plan all their lives. They assumed it would be there. They assume in the United States of America one shouldn't have to worry, after paying into a pension, that the funds would not be there at retirement. Yet that is happening for too many people I represent and too many people around the country.

We have a bill that has been worked on very hard. People on both sides of the aisle in the Senate have worked together in a bipartisan effort, a good-faith effort—the Committee on Finance, with Senator GRASSLEY and Senator BAUCUS, and the HELP Committee, with Senator KENNEDY and Senator ENZI, working very hard along with Senator MIKULSKI on our side playing such a critical role to make sure we get it right. Unfortunately, the process for this bill has been a disaster despite the best efforts of people on both sides of the aisle in the Senate.

Unfortunately, the price is being paid by families who find their economic interests, their future, their retirement security, put on the back burner. Three failed deadlines have occurred on this bill, 7 months of lost time in conference. Now the same families are being told they have to wait some more so we can take up a tax bill with provisions that do not even expire until 2010. People have pensions in jeopardy because of the possibility we will not act

in 2 days, and we are not acting. Hopefully we will get this done. We ought to get this done now before we focus on legislation that affects only .2 percent of the wealthiest in this country, people who are not even impacted for 4 years. There is something wrong with this picture.

There is no way to justify this. In my opinion, it is immoral to watch working Americans lose pensions they have earned over the last 30 or 40 years, and not step up and do something about it as quickly as possible. People have waited too long. In Michigan alone we have over 1.5 million families counting on their pension plan. They are counting on Congress to make sure it will be there. They are counting on Congress to make sure what they have worked for all their life will be there.

There is a fundamental principle: You work all your life, you pay into a pension, you ought to get it, period. We shouldn't be spending the time to take up another bill. This should have been done months ago. I don't understand this.

The families I represent are betting on us to help them. They are counting on us to make sure they have their pensions. Unfortunately, the leadership on the other side of the aisle has decided to prioritize a bill that impacts .2 percent of the wealthiest taxpayers while a bill that affects upwards of 45 million people is waiting to come to the Senate floor. We have no guarantee it will be passed this week. We cannot count on the fact when all of this is done on Friday that they will even proceed with this critical pension bill.

On the pension bill itself, I commend, as I said before, my colleagues, our leaders, who have worked so hard. I commend the conferees for considering the unique aspects of manufacturing and the auto industry. These are tough times in Michigan. The bill as it passed the Senate did not fully represent what we need for manufacturing. In the conference committee, people of good will worked together. We fixed those things. I am very pleased about that. Our automakers are trying to do the right thing, trying to fund their pension plans. The pension bill addresses those things that will allow them to continue to do the right thing.

We also have folks in the construction industry and building trades, the multiemployer plans, who are asking for flexibility to fix their pension plans. That is in this bill. We have companies such as Northwest Airlines, which has gone into bankruptcy but has chosen up to this point not to dump their pensions in the Pension Guaranty Fund. We have to make sure we do everything possible to help. Thousands of people, their livelihoods, their future, their retirement security, are at stake.

I thank all those working on the pension bill. I thank all of my colleagues who have worked to address our manufacturing issues and the multiemployer provisions. I am proud to be one of the

sponsors of the amendment to address the pension plans of about 10 million Americans in what is called multiemployer pension plans. I thank the conferees for including that, as well. I thank all of those businesses that are trying to hang in there and do the right thing.

Most importantly, people are counting on us to do the right thing. Part of the American dream has been to work hard all your life, care for your family, put money aside for retirement, be able to afford college, which this last amendment would have addressed if it had not been objected to.

Right now, too many people in America are feeling squeezed on all sides. They see decisions being made, issues being brought up, that have nothing to do with their lives. They see policies being proposed that have nothing to do with helping them do better, hoping they will be able to keep the American dream, be able to protect their way of life.

It is time we had a new direction in this country. It is time we had a new direction and focus on that which will directly affect people every day so they will trust in their Government again that we will have the right values and priorities that allow every middle-class American, every working American, everyone who is working hard and playing by the rules, to have a chance to know they will not only make it but we will keep our promises, as well.

In conclusion, I urge my colleagues, urge the leadership in the Senate, to bring before the Senate a bill that can have universal support, overwhelming support in the pension bill.

As we complete this very important Defense bill, this funding bill critical to our men and women, our troops, a bill we all want to see passed, I urge we then bring up the pension bill and let us pass it so 45 million people will have the assurance by the end of this week that their pensions will remain intact, or at least we will have given it our very best effort.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I have a chart that shows the reset requirements of the Army and Marine Corps. Again, I say to the Senate, the Defense Department identified a \$23.7 billion requirement for resetting the force, bringing it back up to operational capability. The amount included was \$17.1 billion for the Army and \$6.6 billion for the Marine Corps. The fiscal year 2007 Defense appropriations bill which we have presented to the Senate included \$10.6 billion that would directly address these needs. The remaining need was \$13.3 billion. That was addressed in the amendment Senator INOUE and I presented last evening.

I ask unanimous consent the chart be printed in the RECORD.

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

ARMY AND MARINE CORPS RESET NEEDS
(\$ in billions)

	Total need identified by DOD	FY 2007 bill as proposed	Remaining needs (Stevens-Inouye amendment)
Army:			
Equipment	8.6	3.6	5.0
Maintenance	8.5	5.7	2.8
Total, Army	17.1	9.3	7.8
Marine Corps:			
Equipment	5.3	1.1	4.2
Maintenance	1.3	0.2	1.1
Total, Marine Corps	6.6	1.3	5.3
Total in the Bill	23.7	10.6	13.1

AMENDMENTS NOS. 4758, AS MODIFIED, 4759, 4770, AND 4772, EN BLOC

Mr. STEVENS. Mr. President, we are prepared now to offer the first managers' package. This includes Senate amendment 4758, as modified, for Senator COCHRAN, requiring a report on depleted uranium. It includes Senate amendment No. 4759, for Senator MENEDEZ, regarding the New Jersey National Guard. It includes Senate amendment 4770, for Senator LUGAR, regarding man overboard ID systems, and Senate amendment 4772, for Senator CARPER, regarding contractor award fees.

I send these amendments to the desk and ask unanimous consent this managers' package be considered en bloc and agreed to en bloc.

Mr. INOUE. We have no objection.

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

The amendments were agreed to, as follows:

AMENDMENT NO. 4758, AS MODIFIED

(Purpose: To require a report assessing the Depleted Uranium Sensing and Treatment for Removal program of the Department of Defense)

At the end of title VIII, add the following:
SEC. 8109. Not later than December 31, 2006, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the assessment of the Secretary regarding the Depleted Uranium Sensing and Treatment for Removal program of the Department of Defense.

AMENDMENT NO. 4759

(Purpose: To make available from Other Procurement, Army, up to \$2,600,000 for the Virtual Interactive Combat Environment for the New Jersey National Guard)

At the end of title VIII, add the following:
SEC. 8109. Of the amount appropriated or otherwise made available by title III under the heading "OTHER PROCUREMENT, ARMY", up to \$2,600,000 may be available for the Virtual Interactive Combat Environment for the New Jersey National Guard.

AMENDMENT NO. 4770

(Purpose: To make available from Other Procurement, Navy, up to \$3,000,000 for the Man Overboard Identification System Program)

At the appropriate place, insert the following:

SEC. _____. Of the amount appropriated or otherwise made available by title III under the heading "OTHER PROCUREMENT, NAVY", up to \$3,000,000 may be available for the Man Overboard Identification System (MOBI) program.

AMENDMENT NO. 4772

(Purpose: To provide that none of the funds appropriated or otherwise made available by this Act may be obligated or expended to provide award fees to any defense contractor for performance that does not meet the requirements of the contract)

On page 218, between lines 6 and 7, insert the following:

SEC. 8109. PROHIBITION ON PAYMENT OF AWARD FEES TO DEFENSE CONTRACTORS IN CASES OF CONTRACT NON-PERFORMANCE.

None of the funds appropriated or otherwise made available by this Act may be obligated or expended to provide award fees to any defense contractor for performance that does not meet the requirements of the contract.

Mr. STEVENS. Mr. President, if Senator SESSIONS is prepared to consider his amendment No. 4775, the managers are prepared to accept this amendment.

Mr. SESSIONS. Mr. President, I thank the chairman for his interest and support. I know he indicated we needed to work on it the last time we voted on it. Perhaps I would like to speak a little more on it. And I think I would ask for a rollcall vote.

Mr. STEVENS. Senator KENNEDY had the floor when I interrupted him. When he is finished, we will be happy to proceed with your amendment.

Mr. SESSIONS. I thank the Chairman.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I am going to send an amendment to the desk, and at the appropriate time I will ask for its consideration. The floor managers have the amendment now and are reviewing it. But I wanted to make a brief comment, which I will do at this time, to outline the amendment. And then we will work with the floor managers to see if this might be an acceptable amendment.

Mr. President, the amendment I send to the desk would require the Director of National Intelligence to task the intelligence community to prepare an updated National Intelligence Estimate on Iraq. The amendment is co-sponsored by our Democratic leader, Senator REID, Senator BIDEN, Senator LEVIN, and Senator REED of Rhode Island.

The last time the NIE was updated was in July 2004. According to press reports, it outlined three possibilities for Iraq through the end of 2005. The worst case was civil war. The best case was an Iraq whose stability would remain tenuous in political, economic, and security terms. Much has changed over the last 2 years, and decisionmakers in the executive and legislative branches urgently need an updated NIE.

Since 2004, reports from the Departments of Defense and State and comments by administration officials on security and stability in Iraq have been unconvincing, and it is essential to have an objective assessment of Iraq from the intelligence community.

Our amendment would require the Director of National Intelligence to

provide an intelligence assessment by October 1—2 months from now. If he is unable to do so, he must provide a report outlining the reasons.

The intelligence estimate required in our amendment would require an update on eight key issues.

The first is sectarianism. We need an assessment from the intelligence community on whether Iraq is in a civil war now or is descending into civil war, and what will prevent or reverse a deterioration of conditions promoting civil war.

The growing sectarian violence, the ruthless death squads, the increasingly powerful privately armed militias, and the administration's decision to send thousands more U.S. troops to Baghdad are alarming and are of concern to the American people. We need an assessment from the intelligence community so we know how to adjust our policy.

The second issue the new intelligence estimate should address is security. One of the key elements of that assessment should be the militias. Militias are the engines of civil war. All one needs to do is look at Bosnia or Lebanon.

As the violence in Lebanon demonstrates, political parties cannot govern with one hand and use militias to terrorize civilians with the other. It did not work with Hezbollah in Lebanon, it will not work with Hamas, and it will not work in Iraq.

Prime Minister Maliki has acknowledged the militia problem, but he has not articulated a clear vision for how to tackle this critical issue. It is time for the new Government to move beyond vague statements and develop a viable strategy to deal with the militias and prevent Iraq from descending into full-scale civil war.

On this critical issue, we need to know the intelligence community's assessment of the likelihood that the Government of Iraq will obtain a commitment from the political parties to ban militias. We need to know the extent to which the Government of Iraq has developed and implemented a credible plan to disarm, demobilize, and reintegrate militias into Government security forces.

More broadly, we need an assessment from the intelligence community about whether Iraq is succeeding in standing up its own effective security forces and what actions are needed to increase the prospect of that occurring.

The third issue is terrorism. We need an assessment from the intelligence community about the extent of the threat from violent, extremist-related terrorism, including al-Qaida, in and from Iraq, and the factors the intelligence community believes will address the terrorist threat.

Iraq Prime Minister Maliki told Congress last week that in addition to the challenge of sectarian violence, his country is "the front line" against terrorism. Is a majority of the violence in Iraq driven by the insurgency rather than foreign terrorists? Is it still the

case that less than 1 percent of the prison population in Iraq are foreign fighters? We need to know the current nature and the extent of the terrorism threat. Just as important, we need the intelligence community's assessment on what we and the Iraqis can do to counter the threat.

Fourth, we need an assessment from the intelligence community about whether Iraq is succeeding in creating a stable and effective unity government, the likelihood that changes to the constitution will be made to address the concerns of the Sunni community, and the actions it believes will increase the prospect of that occurring.

Fifth is economic reconstruction. We need an assessment from the intelligence community about whether Iraq is succeeding in rebuilding its economy and creating economic prosperity for Iraqis, the likelihood that economic reconstruction in Iraq will significantly diminish Iraq's dependence on foreign aid to meet its domestic economic needs, and the actions the intelligence community believes are needed to increase the likelihood of that occurring.

Sixth is the future of Iraq. We need an assessment from the intelligence community of the optimistic, the most likely, and the pessimistic scenarios for the stability of Iraq through 2007. The future of Iraq is difficult to predict, but certainly the assessment provided in 2004 needs to be updated. We need to know what the intelligence community foresees now.

Seventh is an assessment of the international presence in Iraq, including whether and in what ways the large-scale presence of multinational forces is helping or hindering Iraqis' chances for success.

Eighth, and finally, we need an assessment of the extent to which our operations in Iraq are affecting our relations with Iran, Saudi Arabia, Turkey, and other countries in the region.

A new National Intelligence Estimate is long overdue. John Adams once said: "Facts are stubborn things." It is abundantly clear that the facts matter. They mattered before the war and during the war and they matter now as we try to deal effectively with the continuing quagmire.

So, Mr. President, at the appropriate time I will urge our colleagues to accept the amendment. And I will be glad to work with the floor managers if they have ideas about how it can be addressed and further effected.

Mr. President, I yield the floor.

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

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

AMENDMENT NO. 4775

Mr. SESSIONS. Mr. President, I would like to share a few remarks

about the amendment I have offered, No. 4775. It is to actually fund the border barriers and fencing that we authorized by an 83-to-16 vote just a few weeks ago, on May 17. This Senate said that is what we wanted to do. Unfortunately, when the more appropriate time came to fund it, we failed to have the money to do it.

I think there is a great deal of cynicism among the American people about Congress's commitment to actually creating a lawful system of immigration for America. They are not only cynical, but they are determined to see to it that Congress does. We are the vehicles for the American people to accomplish national goals of importance.

As a person who had been a law enforcement officer for many years involving Federal law, it is just heart-breaking to see, with regard to immigration, law made a mockery. People have every right to be upset with us, upset with the President—this President—and previous Presidents, previous Congresses.

Twenty years ago, in 1986, we developed a system that was supposed to work to deal with immigration. We gave a one-time amnesty to several million people. We promised we were going to make the system work in the future. And we never funded anything that would work. That is undisputable. It just cannot be denied by any person, I do not think, who would look at the situation as it has developed since 1986. There was a promise to do something. That promise was not fulfilled. So we do not want to head down that road again.

I think the House of Representatives is correct. Let's make sure we follow through this time. We have a credibility gap. We have a problem. People are not confident we are going to do it. Indeed, money gets tight around here. We spent \$30-something billion on homeland security, but we could not find \$1.8 billion to fund the fencing we voted to authorize and that DHS wants—fencing is a one-time expenditure that would reduce the number of Border Patrol agents, reduce the number of people who attempt to come in, and reduce the overall cost in the long run of making the border secure. But we did not do it. Why not? Well, those are the kinds of questions we are dealing with.

Now, the President has done some things that indicate he is committed to border enforcement. On July 25, Border Patrol Chief David Aguilar and National Guard Bureau General Steven Blum held a press conference on Operation Jump Start. That is where the National Guard is helping us at the border, as the President requested that they do. Chief Aguilar and General Blum explained: The National Guard is assisting them—the Border Patrol—with their “tactical infrastructure so they can be more effective; . . . better roads so they can move along the border laterally . . .” You have to be able to move along the border. You cannot

have people elbow to elbow trying to stop people coming here illegally. When you see people come, you have to be able to move laterally along the border. And quote: “fences and lighting and sensors.”

So that is what the National Guard is doing.

Now, yesterday, on August 1, we received a letter from Ralph Basham, the Border Patrol Commissioner, and Paul McHale, Assistant Secretary of Defense, announcing the fulfillment of President Bush's promise to deploy 6,000 National Guardsmen to the border by August 1. He met that goal. This is a good step. It is not the solution. They are not allowed to participate as a law enforcement agency. They have a lot of restrictions on them. But it is an assistance, and it is also part of a signal to the world that a wide-open border no longer exists, that we are taking steps to maintain security at our borders, like most nations of the world strive to do.

The letter describes how 6,199 soldiers and airmen are now working in four border States. One of the capacities they are serving in is “forward deployment,” which includes “engineering and other efforts.” This refers to the National Guard's role in building tactical infrastructures—roads and fencing.

So the National Guard is already charged with helping build the tactical infrastructure needed on the southern border. But they just do not have enough money to build what the Senate authorized: 370 miles of fencing and 500 miles of vehicle barriers that are less expensive but at least keep people from driving across the border in their vehicles.

So the amendment we have before us now, and the vote we will have, will finally appropriate the funds that will build fencing on the border. This is a real vote. What we often do in this Chamber is authorize expenditures. We authorize programs to be undertaken that will serve some good purpose. But if the appropriating committees and the Senate do not get around to actually funding those authorized activities, they never occur.

This is an appropriations bill, and it is a bill that has real power to fund a fence, in this case. So it is a real vote.

The language of the amendment is simple. We take the amount of money already in the bill to fund emergency National Guard activities and increase that money by the amount needed to construct the 370 miles of fencing and 461 miles of vehicle barriers on the southern border. Because 39 new miles of vehicle barriers were already funded in the Senate-passed Homeland Security bill we moved some weeks ago, we only fund 461 miles of vehicle barriers with this amendment.

Of course, the number of miles of barriers and fencing is what was requested by the Secretary of Homeland Security, Mike Chertoff, to the Congress. It is what he stated he needed to be effective on the border.

It is also important that we send that signal to the world that there has been a change in policy. We can deny we had a policy of open borders, but in reality we basically did. We have had an open borders mentality, so people around the world have received a message; and that is, if they are determined and if they come to our border, they can figure out a way to get across. That has been happening. We do not need to send that signal. We need to send a signal that the open borders time is over by passing this amendment. It is not a bottomless pit of costs. In fact, these barriers are one-time costs, but they will help us have good enforcement with fewer agents for decades to come. The net result will be that we will be able to save money. It will also save money in its signal capacity in that I believe we are going to have fewer people attempting to violate the law, as a result of a clear commitment to use the National Guard, fencing, increased Border Patrol, and also detention beds and deportation activity.

We are not playing games. The American people have every right to be dubious and concerned about the commitment of this Congress to follow through. However, I believe we can follow through. This is a test for us. I believe we will be ready to pass the test.

The cost to construct these miles of fencing and barriers will run between \$1 and \$3 million per mile for fencing, based on whether the military constructs the fencing or they use private contractors, and they are authorized to use contractors that they supervise, and \$1.4 million per mile of vehicle barriers. The total construction cost for these miles will be less than \$2 billion. That is not a small amount of money, but it is a manageable amount.

In a budget that spends over \$900 billion a year, we ought to be able to find a couple of billion dollars to follow through on a commitment we made and the commitment the American people expect us to fulfill.

Fencing is a proven approach. With the establishment of the San Diego border fence, crime rates in San Diego have fallen off dramatically. According to the FBI crime index, crime in San Diego County dropped 56 percent between 1989 and 2000, after the fence was built. This is a whole county. It was a huge lawless area. Congressman DUNCAN HUNTER, chairman of the House Armed Services Committee, lives in San Diego. He called me several months ago to give me some personal insight into the economic growth, the security, and safety on both sides of the border, after this lawless area was brought under control by a fence. It is a proven success.

Vehicle drive-throughs, where people drive across the border and run right past anybody who may be watching them, have fallen between 6 to 10 per day before the construction of the border infrastructure to only four drive-throughs in the whole year of 2004.

Those occurred only where the secondary fence was incomplete. It is undeniable that fencing has reduced illegal entries into San Diego.

According to the numbers provided by the San Diego sector Border Patrol in February of 2004, apprehensions decreased from 531,689 in 1993—they apprehended 531,689 people on the San Diego sector in 1993. As a result of the fencing at the most busily crossed area in 2003, there were 111,515. Isn't that great? That is about one-fifth as many, indicating that one-fifth as many people were trying to cross the border overall. They apprehended in the San Diego area last year—in 2003—111,000 people attempting to enter this country illegally, and there are hundreds of thousands now crossing in Texas and Arizona, far more than are crossing where the San Diego fence was built.

So the scope of this problem is huge. I can't understand the concern that people would have that barriers would be somehow impractical when we are dealing with these kind of numbers. Fencing has also reduced drug trafficking in San Diego. In 1993, before the fence, authorities apprehended over 58,000 pounds of marijuana coming across the border. In 2003, after the fence helped stem the tide, only 36,000 pounds of marijuana were apprehended. In addition, cocaine smuggling decreased from 1,200 pounds to approximately 150 pounds. We have made a lot of progress there. We need to replicate that. We have learned from it, and we need to follow our own example. It is a one-time expense that this bill would meet and will allow us to meet those challenges.

I am convinced that physical barriers at the border are an essential part of a cost-effective solution to our current border security crisis. Virtual fences are intriguing and may be good in remote areas, but they don't impress me with regard to high traffic areas where we are talking about half a million or a million people crossing per year. There are only two alternative routes that we can take to secure the border: manpower alone or manpower plus infrastructure. We can take either: just personnel alone or we can do personnel plus infrastructure. The latter is much more cost effective. It will save us money.

Attempting to secure the entire 2,000-mile border with manpower alone could require as much as 150,000 agents, if you put 15 per mile over the 2,000 miles of the border. Then you have 7 days a week, 24 hours a day. How serious is this? It is a huge cost, were we not to have barriers at the most troubled areas.

If we only build a virtual fence and not a real one, we will be spending millions on technology to detect illegal crossings, and then we will be spending millions on manpower to chase down, apprehend, arrest, process, and deport the illegal crossers. That is not what we want to do. We don't want to play an expensive game where we catch and

release and chase and catch and apprehend and pay to deport and pay to house while they are being deported. Apprehension is manpower intensive, slow, and legally complex. It requires additional related activities and costs such as incarceration and repatriation, courts, appeals, transport, lawyers. We don't want to do that. We want to get away from that.

We want to send a message to the world that this border is no longer open, that if you attempt to cross our border illegally, you are not going to succeed. You need to apply and wait in line to come legally. We are generous about how many people we allow now and how many people we will allow in the future. We are a very generous nation with regard to immigration. We will remain so. But we want people to make their application and wait in line, not to pour across the border. Many of the illegal crossers are coming from areas of the world that have terrorist influences. Once they are inside the border, they are that much harder to catch. Preventing people from coming here illegally is the right approach. Prevention is the right approach. We need to get to that place.

I talked to President Bush about this issue recently. He agreed that we need to get to what you might call a tipping point. Once we are serious and get border enforcement up and going in a real way, we get more Border Patrol agents, we end the catch-and-release policy, we put up fences and vehicle barriers, and we have sufficient detention beds so people don't have to be released on bail after they have been apprehended, never to show up again when they are asked to come back to court, if we end all of that, all of a sudden we will see a dramatic reduction in the number of people attempting to come. Couple that with a really workable biometric identifier card for people who come here with a lawful entry right and a job, and they have to present that card or they can't get work, people will wait in line to get that card. If we crack down on businesses who are hiring people without the proper identification, they will quit hiring people. Most businesses will do what you tell them to do.

We can get to that point very easily, far easier than a lot of people believe, where we can go back to a lawful system of immigration for America. That is what the American people want. They have every right to insist on it. They have been insisting on it for 40 years. We were supposed to have fixed it in 1986, 20 years ago. We did not do so. I am telling you, this Senator is not going to support any kind of immigration legislation that will not work to serve the interests of the United States and will not create a system that is lawful and not lawless. No Member of this Senate should.

I urge my colleagues to take this step and vote for this amendment because it is narrow. It simply adds money to the emergency National

Guard account already in this bill to provide funds for the construction of physical barriers on the most vulnerable miles along the southern border, the area that Secretary Chertoff and the Department of Homeland Security favor. If we don't use the emergency funds provided in the budget for this purpose, they will get used for something else. The Senate has already voted overwhelmingly to approve construction of physical barriers along the border. We missed a chance to fund that barrier in the Department of Homeland Security appropriations bill. With this vote, there are no difficult choices to make. We can actually say to our constituents that we followed through and we walked the walk as well as talked the talk. I am confident that we will be successful.

I thank Chairman STEVENS for his consideration. I understand we may have a vote later this afternoon, which would be pleasing to me.

I yield the floor.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Hawaii.

Mr. INOUE. Madam President, I ask unanimous consent that amendment No. 4802 to H.R. 5631 be the pending business after the conclusion of the Sessions amendment.

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

The Senator from Alaska.

AMENDMENT NO. 4788

Mr. STEVENS. Madam President, I ask unanimous consent that the Kyl second-degree amendment be agreed to; further, that the Senate proceed to a vote in relation to the Sessions amendment, as amended, at 2 p.m. today, with no further second-degree amendments in order.

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

The amendment (No. 4788) was agreed to.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. STEVENS. Madam President, it is my understanding that the Senator from Texas would like to offer an amendment. I ask unanimous consent that the pending business be set aside so that he might offer that amendment, keeping in mind we do have a vote set for 2 o'clock on the pending business.

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

The Senator from Texas.

AMENDMENT NO. 4768

Mr. CORNYN. Madam President, I call up amendment No. 4768 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Texas [Mr. CORNYN] proposes an amendment numbered 4768.

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

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

The amendment is as follows:

(Purpose: To provide emergency supplemental appropriations for border security and immigration reform)

At the appropriate place, insert the following:

TITLE _____

BORDER SECURITY AND IMMIGRATION REFORM

CHAPTER 1—DEPARTMENT OF HOMELAND SECURITY

UNITED STATES VISITOR AND IMMIGRATION STATUS INDICATOR TECHNOLOGY

For an additional amount for “United States Visitor and Immigration Status Indicator Technology” to accelerate biometric database integration and conversion to 10-print enrollment, \$60,000,000, to remain available until expended: *Provided*, That the amount provided under this heading may not be obligated until the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives receive and approve a plan for expenditure prepared by the Secretary of Homeland Security: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109–234.

CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses”, \$173,000,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading may not be obligated until the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives receive and approve a plan for expenditure prepared by the Secretary of Homeland Security: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109–234.

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

For an additional amount for “Air and Marine Interdiction, Operations, Maintenance, and Procurement” to replace air assets and upgrade air operations facilities, \$560,000,000, to remain available until expended: *Provided*, That the amount provided under this heading may not be obligated until the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives receive and approve a plan for expenditure prepared by the Secretary of Homeland Security: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109–234.

CONSTRUCTION

For an additional amount for “Construction”, \$2,155,100,000, to remain available until

expended; of which not less than \$1,628,000,000 shall be for the construction of 370 miles of double-layered fencing along the international border between the United States and Mexico; of which not less than \$507,100,000 shall be for the construction of 461 miles of vehicle barriers along the international border between the United States and Mexico; and of which not less than \$20,000,000 shall be for construction associated with the hiring of 500 border patrol agents: *Provided*, That the amount provided under this heading may not be obligated until the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives receive and approve a plan for expenditure prepared by the Secretary of Homeland Security: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109–234.

IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses”, \$196,500,000, to remain available until September 30, 2007; of which not less than \$38,000,000 shall be for the hiring of 200 investigators and associated support for alien smuggling investigations; of which \$113,000,000 shall be for the hiring of 600 investigators and associated support for work-site enforcement; of which \$45,500,000 shall be for 1,300 detention beds, personnel, and associated support: *Provided*, That the amount provided under this heading may not be obligated until the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives receive and approve a plan for expenditure prepared by the Secretary of Homeland Security: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109–234.

UNITED STATES COAST GUARD

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for “Acquisition, Construction, and Improvements” for acquisition, construction, renovation, and improvement of vessels, aircraft, and equipment, \$416,000,000, to remain available until expended: *Provided*, That the amount provided under this heading may not be obligated until the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives receive and approve a plan for expenditure prepared by the Secretary of Homeland Security: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109–234.

UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES

For an additional amount for “United States Citizenship and Immigration Services” for the development and the implementation of the Electronic Employment Verification System, \$400,000,000: *Provided*, That the amount provided under this heading may not be obligated until the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives receive and approve a plan for expenditure prepared by the

Secretary of Homeland Security: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109–234.

GENERAL PROVISIONS—THIS TITLE

Notwithstanding any other provision in law, the transfers and programming conditions of the Department of Homeland Security Appropriations Act, 2007 shall apply to this title.

CHAPTER 2—DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

ADMINISTRATIVE REVIEW AND APPEALS

For an additional amount for “Administrative Review and Appeals”, \$2,600,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109–234.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For an additional amount for “Salaries and Expenses, General Legal Activities”, \$2,600,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109–234.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For an additional amount for “Salaries and Expenses, United States Attorneys”, \$2,600,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109–234.

Mr. CORNYN. Madam President, I also ask unanimous consent that Senators KYL and BURNS be added as co-sponsors to the amendment.

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

Mr. CORNYN. Madam President, I thank and commend Senator STEVENS and Senator INOUE for their hard work on the Defense appropriations bill. They have done a tremendous job of putting together a bill that funds programs critical to the global war on terror.

I come to the floor today to talk about another aspect of our national security, and that is our border security. This amendment is a border security emergency supplemental appropriations amendment that I filed to the Defense appropriations bill.

At the outset, I made clear to the chairman of the Defense Appropriations Subcommittee, Senator STEVENS, and anyone else who was interested, this amendment does not reduce by one penny any funding for the Defense Department or our troops, nor would this amendment add to the budget deficit

because it is emergency spending necessary to control our borders and improve our national security.

It has now been about 2 months since the Senate passed a comprehensive immigration reform bill and over 7 months since the House of Representatives passed its bill. We are at a stalemate, I think it is fair to say, with no apparent way out.

While there has been no progress over the past few months on comprehensive immigration reform and border security measures, I remain optimistic and certainly committed to sending the President a comprehensive immigration reform bill before the end of the year.

The enforcement titles in the House and Senate bills are, upon inspection, people would agree, very similar. And there are several different proposals for addressing the 12 million people who are currently living here out of status, including one Senator KYL and I introduced about a year ago. Others have offered productive and constructive ideas and concepts, and I welcome all those who share my goal of moving this process forward and addressing this subject this year.

The main hurdle to a conference with the House and ultimately a bill approved by both Chambers is not a lack of common ground between the two bills. Instead, I submit it is a deep-rooted public skepticism that the Federal Government will enforce the immigration laws and fund enforcement programs that are necessary to maintain any level of integrity in our immigration system.

Unfortunately, Madam President, their skepticism is warranted. In 1986, Congress promised the American people that there would be a one-time amnesty and that increased enforcement would then prevent a buildup of illegal immigration in the country.

As we know, the amnesty came, but the enforcement did not. Unless and until Americans are confident that the Federal Government will control the border and enforce the law, they are unlikely to support an immigration bill that includes any temporary worker program.

One way to build that confidence is for Congress and this administration to fully fund border security and immigration enforcement programs starting with those that the Congress has already authorized and that the President has indicated are necessary to control our broken immigration system.

What are Americans to think when Congress authorizes additional Border Patrol agents and detention beds and claims then to have dealt with our broken borders, but when Congress turns around, it fails to fund the positions and the infrastructure that we just got through authorizing. Unfortunately, that has been the pattern too often over the last years.

Last week, Senators KYL, ISAKSON, CHAMBLISS, and I sent a letter to Presi-

dent Bush asking him to send Congress an emergency supplemental request to fully fund those programs; again, not new programs, by and large, but programs that have already been authorized by an act of Congress, signed into law by the President but never funded, in addition to a couple of additional programs the President himself has said we need in order to deal with this problem. A request by the President would send a clear message that the time for the status quo is over, it is no longer acceptable, and that the Federal Government will fund and, yes, will enforce the immigration laws of the United States.

But I am also prepared to proceed with an amendment to this Defense appropriations bill, the amendment that is before the Senate. It is my hope and desire that by funding enforcement programs that we will increase the credibility of the Federal Government when it comes to actually creating a system that will work and will facilitate a successful conference on comprehensive immigration reform between the House and the Senate.

This amendment in no way eliminates the need for comprehensive immigration reform. It is not a substitute for it, and I believe that comprehensive immigration reform should and can be done in a single piece of legislation. In fact, this amendment, rather than being a substitute for that comprehensive immigration reform, is just the opposite. This amendment will allow us to find common ground on visa reform and ways to address the 12 million individuals who are currently living in the shadows and outside our laws.

Absent action on this sort of credibility-restoring measure, I am afraid that we will find ourselves at a continued stalemate and do nothing.

My amendment would fund an additional 500 Border Patrol agents, along with the necessary support staff, training, and education to help make our borders safe. The President called for an additional 2,500 agents, and this appropriations amendment would allow him and us to meet that goal.

This amendment would also fund 1,300 additional detention beds which would allow the Department of Homeland Security to end its policy of catch and release more quickly.

The Intelligence Reform Act of 2004 authorized 8,000 additional beds, but Congress and the President have only funded 6,700 additional beds.

This amendment would provide \$60 million to fund the US-VISIT entry-exit system. But the GAO report released today that revealed that undercover agents routinely were able to enter the country with false documents demonstrates, in as current fashion as today's news, the need to move forward with a biometric entry-exit system, and this amendment would provide the funds to do exactly that, something we have already passed and has been authorized but which we have not funded.

The President has also called for an expansion of the electronic verification

system that would allow employers to quickly and more reliably determine whether new hires are authorized to work legally in the United States.

Unfortunately, the basic pilot program, which is a voluntary program, but it is only utilized by a handful of employers, has not been successful because it is not mandatory and it is not nationwide, and the Government today, even under this voluntary program, struggles to service the 10,000 employers who do voluntarily participate.

If we were serious about expanding the verification system to all employers around the country—which means approximately 6 million companies—on the timeframes proposed by the House and Senate, Congress needs to fully fund that program. This amendment would do that.

Anyone who has visited the border region knows that the infrastructure of our Coast Guard and our Border Patrol is woefully out of date. At one point, all of the P-3 surveillance aircraft along the border were grounded due to structural failures. This amendment therefore funds \$973 million for Coast Guard improvements in vessels, aircraft, and equipment, and to replace air assets and engage in air fleet modernization—something that is long overdue. This funding was previously passed by the Senate in H.R. 4939, only to be stripped during the conference report.

Of course, this amendment alone will not fix our broken immigration system. We need comprehensive reform. But until Congress regains the credibility it so sorely needs to be able to move forward on comprehensive immigration reform, we will remain stuck as we are now with the Senate, which has passed a bill and the House which has passed a bill failing to convene a conference and work out our differences and actually provide a solution to this problem.

We do need comprehensive immigration reform. We need to create a temporary worker program for those who come to our country and want to work legally and then return to their country of origin. We need to address the 12 million individuals who are currently living in the shadows who are already present, living among us.

I remain committed to comprehensive immigration reform and I will continue to advocate for a bill that provides economic and national security. But I believe that funding for our border security is a necessary and essential step in that direction and I urge my colleagues to support this amendment.

Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

At this time there is not a sufficient second.

The Senator from Arizona.

Mr. KYL. Madam President, I wish to compliment our colleague. I know the

Senator from Georgia wishes to speak so I will simply say this: Senator CORNYN and I proposed something rather radical here and that is that we actually put our money where our mouth is. That is to say, all the things we authorized, all the things the President requested to make sure we can secure the border, we actually fund so we can get the job done. That is what this amendment does. It basically takes the difference between what we said we want to do and what we fund and closes the gap so we fund it all. It is an important amendment to ensure that we can secure the border first as part of a comprehensive immigration reform.

I appreciate the work my colleague Senator CORNYN has done. I am proud to cosponsor it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. I ask unanimous consent I be included as a cosponsor of this amendment.

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

Mr. ISAKSON. Madam President, the heart and soul of comprehensive immigration reform is first and foremost the foundation of a secure border. When we debated in the Senate the comprehensive immigration bill that was finally passed, Senator SESSIONS, Senator CORNYN, Senator KYL, myself, Senator SANTORUM, and others were sponsors of the amendment that called on the border security being the trigger for any program granting legal status to someone who is here illegally. That still is the case and is still the foundation on which we must build comprehensive immigration reform.

The American people know that in 1986, the last time Congress reformed immigration laws, we granted amnesty and promised border security. We gave amnesty, but we did not secure the borders. That is why we had a 3-million illegal alien problem in 1986 and we have a 12-million illegal alien problem today.

It is absolutely essential, too, as the Senator from Arizona said, to put our money where our mouth is. The amount of money proposed by the Senator is truly an emergency. There is no greater domestic issue in this country than the problems on our southern border with Mexico. There is no greater challenge to American business, industry, and agriculture than to have a functioning and a working and a meaningful guest worker program. None of those can be accomplished without first securing the border so people come to the United States the right way and the legal way.

Our country has always had a pathway to citizenship and it is known as legal immigration. Only with the enforcement of our laws and respect for those laws can we bring about a return to legal immigration into the United States of America.

I have commented often in speeches I have made around my State that this

is a great nation in which we live. You don't find anybody trying to break out of the United States of America. They are all trying to break in because we are a nation of hope and promise. But with an absence of respect for our own security on our own border, we ask for and will end up getting significant trouble.

Senator CORNYN has brought to the floor a perfect idea: an emergency supplemental as a part of the Department of Defense authorization to ensure that border security becomes meaningful and becomes real. It is absolutely true, it is a national security issue. And, it is absolutely true that it is a matter of the defense of our Nation. It is fundamentally true that it is the foundation for whatever comprehensive reform this Senate and the House will ever agree to.

I urge my colleagues to vote in support of the Cornyn amendment.

I yield the floor.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CORNYN. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

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

AMENDMENT NO. 4768, AS MODIFIED

Mr. CORNYN. Madam President, I send a modification of amendment 4768 to the desk.

The PRESIDING OFFICER. The amendment is so modified.

The amendment (No. 4768), as modified, is as follows:

At the appropriate place, insert the following:

TITLE _____
BORDER SECURITY AND IMMIGRATION REFORM
CHAPTER 1—DEPARTMENT OF HOMELAND SECURITY
UNITED STATES VISITOR AND IMMIGRATION STATUS INDICATOR TECHNOLOGY

For an additional amount for "United States Visitor and Immigration Status Indicator Technology" to accelerate biometric database integration and conversion to 10-print enrollment, \$60,000,000, to remain available until expended: *Provided*, That the amount provided under this heading may not be obligated until the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives receive and approve a plan for expenditure prepared by the Secretary of Homeland Security: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109-234.

CUSTOMS AND BORDER PROTECTION
SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", \$173,000,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading may not be obligated until the Committee on Appropriations of the Senate and the Com-

mittee on Appropriations of the House of Representatives receive and approve a plan for expenditure prepared by the Secretary of Homeland Security: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109-234.

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

For an additional amount for "Air and Marine Interdiction, Operations, Maintenance, and Procurement" to replace air assets and upgrade air operations facilities, \$560,000,000, to remain available until expended: *Provided*, That the amount provided under this heading may not be obligated until the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives receive and approve a plan for expenditure prepared by the Secretary of Homeland Security: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109-234.

CONSTRUCTION

For an additional amount for "Construction", \$2,155,100,000, to remain available until expended; of which not less than \$1,628,000,000 shall be for the construction of 370 miles of double-layered fencing along the international border between the United States and Mexico; of which not less than \$507,100,000 shall be for the construction of 461 miles of vehicle barriers along the international border between the United States and Mexico; and of which not less than \$20,000,000 shall be for construction associated with the hiring of 500 border patrol agents: *Provided*, That the amount provided under this heading may not be obligated until the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives receive and approve a plan for expenditure prepared by the Secretary of Homeland Security: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109-234.

IMMIGRATION AND CUSTOMS ENFORCEMENT
SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", \$196,500,000, to remain available until September 30, 2007; of which not less than \$38,000,000 shall be for the hiring of 200 investigators and associated support for alien smuggling investigations; of which \$113,000,000 shall be for the hiring of 600 investigators and associated support for work-site enforcement; of which \$45,500,000 shall be for 1,300 detention beds, personnel, and associated support: *Provided*, That the amount provided under this heading may not be obligated until the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives receive and approve a plan for expenditure prepared by the Secretary of Homeland Security: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109-234.

UNITED STATES COAST GUARD
ACQUISITION, CONSTRUCTION, AND
IMPROVEMENTS

For an additional amount for "Acquisition, Construction, and Improvements" for acquisition, construction, renovation, and improvement of vessels, aircraft, and equipment, \$416,000,000, to remain available until expended: *Provided*, That the amount provided under this heading may not be obligated until the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives receive and approve a plan for expenditure prepared by the Secretary of Homeland Security: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109-234.

UNITED STATES CITIZENSHIP AND IMMIGRATION
SERVICES

For an additional amount for "United States Citizenship and Immigration Services" for the development and the implementation of the Electronic Employment Verification System, \$400,000,000 to remain available until expended: *Provided*, That the amount provided under this heading may not be obligated until the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives receive and approve a plan for expenditure prepared by the Secretary of Homeland Security: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109-234.

GENERAL PROVISIONS—THIS TITLE

Notwithstanding any other provision in law, the transfers and programming conditions of the Department of Homeland Security Appropriations Act, 2007 shall apply to this title.

CHAPTER 2—DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

ADMINISTRATIVE REVIEW AND APPEALS

For an additional amount for "Administrative Review and Appeals", \$2,600,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109-234.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL
ACTIVITIES

For an additional amount for "Salaries and Expenses, General Legal Activities", \$2,600,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109-234.

SALARIES AND EXPENSES, UNITED STATES
ATTORNEYS

For an additional amount for "Salaries and Expenses, United States Attorneys", \$2,600,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 83 (109th Congress),

the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109-234.

Mr. CORNYN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

RECESS

Mr. STEVENS. Madam President, I ask unanimous consent that the Senate stand in recess until the hour of 1:30 p.m. today.

There being no objection, the Senate, at 1 p.m., recessed until 1:29 p.m. and reassembled when called to order by the Presiding Officer (Mr. THUNE).

DEPARTMENT OF DEFENSE AP-
PROPRIATIONS ACT, 2007—Continued

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

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

Mr. CHAMBLISS. Mr. President, I rise today to speak on the 2007 Defense appropriations bill. Senator STEVENS and Senator INOUE, as well as the entire committee, worked diligently to produce a bill that supports our troops and provides what our military needs to fight and win the global war on terrorism. I am pleased to say that this bill does just that. The bill provides \$453.48 billion in new budget authority for the Department of Defense, including the \$50.0 billion in additional global war on terror appropriations, and \$14.7 billion above the fiscal year 2006 enacted level, excluding supplemental funding. This bill provides our service men and women with the resources necessary to continue and win the global war on terrorism, keep our country safe, and improve the quality of life for soldiers, sailors, airmen, marines, and their families.

After visiting with soldiers stationed from the 48th Brigade in Tallil, Iraq, I am convinced that the members of the Armed Forces are wholeheartedly committed to accomplishing the mission. It is my belief that Members of Congress have a duty to support fine soldiers such as these and ensure they have the best training, equipment, and resources to defeat our Nation's enemies. We must never forget that it is essential we finish the job we set out to do because our own security rests in winning the global war on terrorism.

Over the past few months, we have seen many amendments that claim that withdrawing from Iraq is the right approach. The Senate wisely defeated those amendments. We have a responsibility to ensure that the governments of Iraq and Afghanistan are stable, have the ability to govern themselves as sovereign nations, and have the infrastructure necessary to maintain the rule of law. I am proud that the bill before us today allows us to continue to fight and win the global war on terrorism and also continues to enhance our research and development projects so that we will continue to be able to defeat those who raise arms against us.

One of the key provisions in this bill is the funding for new aircraft. By appropriating \$4.3 billion and approving a multiyear contract for the F-22A, the United States will maintain its position as having the superior air fighter well into the next few decades. Because my colleagues and I fought hard for multiyear procurement during the Defense authorization bill debate, we will be able to save the American taxpayer an estimated \$225 million over separate 1-year contracts for the next 60 F-22s. While some dismissed these savings as "insignificant," funds saved through this multiyear contract can be applied to other, crucial priorities during this time of war.

I am also very proud of the aspects of the bill which guarantee the United States will maintain its strategic lift capability. With an aging fleet, it is imperative we invest now in strategic lift aircraft to secure our future. The bill appropriates \$867 million to procure C-130Js. Coupled with an additional \$12 million for the C-5 AMP Program and \$2.3 billion for C-17 procurement, including language directing the Department of Defense to budget for additional C-17s fiscal year 2008, we can be assured that the United States will maintain a strategic force projection capability able to respond to crises any place on short notice.

We must remember, however, that the best investment we can make is not equipment, but in the warfighters themselves. I am pleased that this legislation appropriates \$45 million in supplemental education funding for local school districts that are heavily impacted by the presence of military personnel and families, including \$30 million for impact aid, \$5 million for educational services to support special-needs children, and an additional \$10 million for districts experiencing rapid increases in the number of students due to rebasing and the BRAC process. I have several bases in my State that will benefit from this funding and I can assure you that this funding is critical to ensuring that children of our military families receive the quality education they deserve. As a result of the 2005 base realignment and closure process, Fort Benning and school systems in the surrounding area will experience an influx of approximately 10,000 students into their school systems over