

additional funding for LIHEAP this winter. The supplemental appropriations request the administration sent to Congress last week did not include funding.

Recently, Secretary Bodman, answering questions on whether the administration would support oil companies voluntarily donating profits to LIHEAP, said, "No, sir. I wouldn't support it. It is similar to a tax."

In 1980, Congress enacted the Crude Oil Windfall Profits Tax Act. This legislation established LIHEAP. Twenty-five years later, with energy prices overwhelming workers' salaries and seniors' Social Security checks, it is time for Congress again to take action and tax windfall profits to aid in energy assistance.

I also want to mention it is my intention that when we consider the tax reconciliation bill this month, I will offer an amendment to provide a tax credit to working American families to help them pay for their energy bills this winter. Our Nation's priorities must be to help these families, and I hope working together with my colleagues we can provide that help and assistance.

Mr. President, I inquire how much time is remaining in morning business on the Democratic side?

The PRESIDING OFFICER. Two minutes.

Mr. REED. I yield the remainder of the time to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, is that the extent of the time?

The PRESIDING OFFICER. That is correct.

Mr. REED. In morning business.

Mr. WARNER. Mr. President, if I may clarify what the situation is, 2 minutes in morning business is left, and that is being allocated to the Senator from Massachusetts, fine, no problem there. But as I understand, the Senator from Massachusetts also wishes to address the Levin amendment; am I correct?

Mr. KENNEDY. That is correct.

Mr. WARNER. At which time is the expiration of the 2 minutes. Then the time is charged to the Levin amendment; is that correct?

The PRESIDING OFFICER. At the conclusion of morning business, the Senate will proceed to consideration of S. 1042, and the Senator then may seek recognition.

Mr. WARNER. I hate to interrupt the Senator from Massachusetts, but if you have to do it, you have to do it.

Mr. KENNEDY. Mr. President, I intend to speak probably 7 minutes. I will use the 2 minutes now and request time on the Levin amendment.

AMENDMENT NO. 2430

Mr. KENNEDY. Mr. President, a year and a half ago, Americans were stunned by the revolting images of men and women wearing the uniform of our Nation torturing and abusing prisoners at Abu Ghraib.

At the time, we had hoped those photos pictured an isolated instance,

but we have learned since that our own leaders at the highest levels of our Government, in the White House, in the Pentagon, and in the Central Intelligence Agency, have allowed a wide pattern of abuse to occur. Abu Ghraib, it seems, was only the tip of the iceberg.

American officials abused prisoners in Iraq, Afghanistan, and Guantanamo, and now we learn the CIA maintains secret prisoners in Eastern Europe where Vice President CHENEY arrogantly and unapologetically hopes to permit torture as a permanent part of American policy.

These actions deeply offend American honor and ideals. They invite retribution on our own troops by those who treat them as we treat their prisoners, and they harm America's image around the world and make the war on terror that much harder to win.

These abuses should not be swept under the rug and forgotten. The American people deserve to know what their government is doing. Those who have violated our norms and values under the color of the American flag should be held accountable.

That is why I strongly support the Levin amendment to create a commission with responsibility for learning the truth. Its findings not only would bring much needed accountability of those responsible for these abuses but also would guide our handling of the detention and interrogation of detainees in the future.

From what we have learned to date, it is clear that our political leaders made deliberate decisions to throw out the well-established legal framework that has long made America the gold standard for human rights throughout the world. The Administration left our soldiers, case officers, and intelligence agents in a fog of ambiguity. They were told to "take the gloves off" without knowing what the limits were. Top officials in the Administration endorsed and defended practices that we've condemned in other countries. And the consequences were foreseeable.

In rewriting our human rights laws, the Administration consistently overruled the objections of experienced military personnel and those who represent American interests abroad. As Secretary of State Colin Powell warned the White House, "it will reverse over a century of US policy and practice in supporting the Geneva Conventions and undermine the protections of the law of war for our troops." Senior Defense officials were warned that changing the rules would lead to so-called "force drift," and without clearer guidance, the level of force applied to an uncooperative detainee might well result in torture.

But these wise words fell on deaf ears. Officials at the highest levels of the administration somehow viewed the rule as inconvenient and quaint. As Lawrence Wilkerson, former Chief of Staff to Secretary Powell, said:

I don't think in our history we've ever had a presidential involvement, a secretarial in-

volvement, a vice-presidential involvement, an Attorney General involvement in telling our troops essentially *carte blanche* is the way you should feel.

The PRESIDING OFFICER. The Senator has used 2 minutes.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2006

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 1042, which the clerk will report.

The legislative clerk read as follows:

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

Pending:

Nelson (FL) amendment No. 2424, to repeal the requirement for the reduction of certain Survivor Benefit Plan annuities by the amount of dependency and indemnity compensation and to modify the effective date for paid-up coverage under the Survivor Benefit Plan.

Reed (for Levin/Reed) amendment No. 2427, to make available, with an offset, an additional \$50,000,000 for Operation and Maintenance for Cooperative Threat Reduction.

Levin amendment No. 2430, to establish a national commission on policies and practices on the treatment of detainees since September 11, 2001.

Inhofe amendment No. 2432, relating to the partnership security capacity of foreign military and security forces and security and stabilization assistance.

Chambliss amendment No. 2433, to reduce the eligibility age for receipt of non-regular military service retired pay for members of the Ready Reserve in active federal status or on active duty for significant periods.

Snowe amendment No. 2436, to require the Secretary of Defense, subject to a national security exception, to offer to transfer to local redevelopment authorities for no consideration real property and personal property located at military installations that are closed or realigned as part of the 2005 round of defense base closure and realignment.

Harkin/Dorgan amendment No. 2438, relating to the American Forces Network.

Mr. WARNER. Mr. President, I thank the Presiding Officer for advising that the bill is now up and the distinguished Senator from Massachusetts will continue his framework remarks on behalf of Senator LEVIN, whatever time the Senator desires.

Mr. KENNEDY. I thank the chairman of the Armed Services Committee for his typical courtesies and consideration.

AMENDMENT NO. 2430

Mr. President, we have created legal and literal black holes where individuals have been placed without hope of receiving due process or fair and humane treatment, and that is nothing short of a travesty.

The warnings are all there.

The military's judge advocate generals—people who have dedicated their lives to the defense of the country—warned that undoing the rules against abuse would undermine protections for our troops.

The FBI warned the abuses at Guantanamo may violate longstanding American practices and policies.

The International Red Cross warned that our actions violate and undermine international agreements that serve to protect our own troops when they are captured.

But the Bush White House still is doing everything it can to avoid accountability. Only yesterday, President Bush said that the United States does not torture. Yet his own Vice President is lobbying Congress to allow the CIA to use these abusive techniques.

There is little doubt that many of those detained are cold-blooded killers intent on harming Americans. They should be charged for their crimes and locked away. But we do not win the war on terror by stooping to their level. We do not win by desecrating the very ideals that our soldiers are fighting for. We win by setting an example, by doing unto others as we would have them do unto us.

We know now that the prisoner abuse scandal is not merely the responsibility of a few bad apples as the administration initially claimed. We cannot simply blame a few low-ranking soldiers without looking at the role of William Haynes, David Addington, Jay Bybee, John Yoo, Timothy Flanigan, Alberto Gonzalez, and the Vice President in crafting these policies that led to these abuses.

Mr. President, there have been 11 investigations into the treatment of detainees, 11, but not one has fully examined the extent to which officials at the top levels of the administration are responsible for these abuses, and not one has looked beyond the Pentagon to the CIA, the Justice Department, and the White House itself—not the Schlesinger report, not the 10 military investigations that have taken place. We can no longer let the White House off the hook.

By refusing to act like the truth is important, the administration is only making the crisis worse, further embarrassing the Nation in the eyes of the world, and casting greater doubt on its commitment to the rule of law. We will not be able to move past the scandal as a nation until there is a full independent investigation of all that has gone wrong in our detention and interrogation policy and all the persons found responsible for these policies are held accountable. I urge my colleagues to support this amendment.

I thank again the chairman of the committee for his indulgence.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. Mr. President, I would like to reply to my distinguished col-

league from Massachusetts. It is a very strong belief within the Senate that simply this is not the time nor is there the need to establish another 9/11 type commission. First, it would duplicate the thorough investigation into the matter that has already taken place by a number of committees of the Senate. And as stated by my distinguished ranking member yesterday, he acknowledged that our committee has had a very major role in the matters and has conducted a number of hearings.

The Department of Defense on its own initiative has conducted 12 probes of detainee operations in the last 18 months. I wish to draw the attention of the Senate to one of those probes because it was conducted by individuals who in my judgment—and I say this with no restriction whatsoever—have just about as high a credibility that I know of any public or former public servant; that is, James Schlesinger, former Secretary of Defense; Harold Brown, former Secretary of Defense; General Hoerner, four star general of the U.S. Air Force who conducted the air operations during the first gulf war, a man whom I have known very well; and our distinguished and much beloved late Member of the Congress of the United States, Tillie Fowler. I would like to, for the benefit of my colleagues, quote directly from their report. On page 5, they find as follows:

There is no evidence of a policy of abuse promulgated by senior officials or military authorities.

On page 66:

Despite the number of visits and intensity of interest in actionable intelligence, however, the panel found no undue pressure exerted by senior officials.

Mr. President, the McCain amendment, which has been adopted now twice by this body, is the subject of a conference now with the appropriations conferees. It is also on our bill, the first amendment accepted. This was a bipartisan call to the best instincts of our American character. I call on the Senate to use that powerful statement of American values, not another commission, as our instrument of change.

Mr. President, I would like to ask at this time the time remaining on the Levin amendment—

Mr. KENNEDY. Will the Senator respond to a question?

Mr. WARNER. Yes, I would be happy to do so.

Mr. KENNEDY. First of all, I thank the chairman of the Armed Services Committee for pursuing this issue, and I am grateful for his initiatives and those of Senator LEVIN.

We had the opportunity in the Judiciary Committee to also pursue this issue during the nomination hearings of the Attorney General, Mr. Gonzalez, who had been the White House Counsel when the initial torture memorandum was prepared. There was no question that someone in the Central Intelligence Agency spoke to Mr. Gonzalez and he asked the Office of Legal Coun-

sel in the Justice Department for advice about how to define the parameters of torture—of torture. And they received back a very detailed note from the Office of Legal Counsel. In that particular memorandum, known as the Bybee memorandum, was the legal guidance for the DOD. It effectively indicated that using any kinds of techniques on any individuals were permitted, as long as the intention was to get information and not to torture.

Mr. Gonzalez was asked extensively about that memo. We asked about the author of that memo. And we then received—during the hearing—a revision of that torture memo by the Defense Department. For 2 years, the Bybee memo had been out there. That memorandum effectively absolved any members of the armed services that were involved in torture because they were doing the work of the Commander in Chief. Under that particular memorandum, if you were working under the Commander in Chief, you were effectively protected against any kind of prosecution in the future.

That memorandum was withdrawn by the Justice Department and the Department of Defense. But it was in effect for 2 years. We don't know what the background was. We never found out in the Judiciary Committee who in the Central Intelligence Agency asked for that memorandum. We never found out what the contacts were between the agency and the Office of Legal Counsel. We never found that out. We never have found out whether it was repudiated by the Central Intelligence Agency.

Those questions are still unanswered, I say to the Senator from Virginia. This enormous collection of studies that was done primarily for the Armed Services Committee is virtually free of any discussion, knowledge, or accountability of the Bybee memorandum, which is the basis for the policy of torture within the Defense Department. That is just one illustration of what took place. The American people are permitted, I think, to understand who was making judgments and decisions so that this memorandum was put in place, which basically permitted torture to take place. We are talking about waterboarding, and we are talking about being the target of military dogs. That was all out there.

If the Senator can give me the authority for that kind of activity, for that kind of guidance, we would be much more interested in listening to the argument that we have had all of these studies, we know everything that needs to be known, when I don't believe that is the case.

Mr. WARNER. Mr. President, I will answer and charge my time to my side. The time of the Senator from Massachusetts will be charged to the Levin amendment on his side. That is my understanding; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. WARNER. Mr. President, I should like to reply. If I can get clarification, I am not sure I understood one word that I think is important. Did the Senator mean "absolved" or "absorbed"?

Mr. KENNEDY. Absolved. This is the Bybee memorandum that was the basis for much of the torture activity that took place. A substantial part of it was included in the military working document which was released to the members of the military in all parts of the world.

I haven't had a chance to mention this particular item, and there are many different items in the whole torture issue, but if the Senator wanted to respond later on, I would certainly welcome it. One of the most troublesome aspects of the whole issue on torture is that we still have no way of knowing who put this in, who guided this, who got in touch with the Office of Legal Counsel, what were those phone calls, who was asking for this, and why it was put into effect for 2 years.

Mr. WARNER. Mr. President, do I understand this document is in the archives of the Judiciary Committee; is that correct?

Mr. KENNEDY. Yes, it is called the Bybee memorandum.

Mr. WARNER. Is it a matter that is subject to classification?

Mr. KENNEDY. No, it is in the record of the consideration of Mr. Gonzales for Attorney General.

Mr. WARNER. So, Mr. President, the document speaks for itself?

Mr. KENNEDY. Yes.

Mr. WARNER. I simply say, I don't have firsthand knowledge of all of the important oversight that was conducted by the Judiciary Committee. The Senator does raise fundamental questions about this policy, but I will only say, as recently as in the past few days, our President has reassured our Nation that we do not tolerate or permit torture. I would have to believe that is a consistency of the policy of the administration. Not having examined this document, I would hope there would be a continuity of that throughout the administration.

Mr. KENNEDY. Mr. President, I know time is running short, but the point is, during this period of time, those same assurances were given. And what was being done at that particular time was also described as not meeting the criteria of torture. That was the troublesome aspect. Although when asked during the course of the hearing about the waterboarding and assault by dogs and other activities, I think the response of the military officials who were asked about it was that could fall within the definition of torture.

Given the history of how the word "torture" has been used and looking at the Bybee memorandum which was the guidance for DOD, I think there are some very legitimate questions which we are very hopeful that an independent commission can resolve.

Mr. WARNER. Mr. President, I hope my colleague will concur that the

McCain amendment, which has been adopted by this Chamber on two occasions, would be dispositive of any conflict as to the definitions as to the future; would I not be correct on that assumption?

Mr. KENNEDY. Certainly it would, as far as I am concerned. I think with this commission we are trying to avoid these circumstances in the future, given the facts we have seen in the past.

I thank the Chair.

Mr. WARNER. Mr. President, I say to my colleague and distinguished member of the Armed Services Committee, to avoid it in the future, that is precisely the objective of the McCain amendment, to prevent any recurrence. I am not suggesting I corroborate that there have been deviations; I simply say that is a landmark piece of legislation with regard to the future. And it would be, as I said in my remarks a few minutes ago, the guidepost for the future to resolve this issue.

Our military has had a great history of correcting through its lessons learned the procedures for the future. The Department of Defense has already implemented substantial reforms in response to its interactions with Congress on these investigations. The areas of concern involving the intelligence community, ghost detainees, and renditions are more appropriately addressed, of course, in the Select Committee on Intelligence.

Mr. President, I simply ask that all Senators be informed as to the time remaining on the Levin amendment on both sides.

The PRESIDING OFFICER. There is 10 minutes in opposition and 3 minutes under Senator LEVIN's control.

Mr. WARNER. Mr. President, I indicate to my colleagues that I would be prepared to, at a future time, to yield back our time so we can move to a vote on the Levin amendment as early as possible. So there is 3 minutes remaining, as I understand, under the control of the Senator from Michigan?

The PRESIDING OFFICER. The Senator is correct.

Mr. WARNER. Mr. President, I ask unanimous consent on behalf of Senator INHOFE to modify his proposed second-degree amendment. It is at the desk and being filed in relation to Senator HARKIN's amendment. This is a technical change.

The PRESIDING OFFICER. Consent is not required. The Senator's amendment is not pending.

Mr. WARNER. I realize that, but can we at this time substitute a revised document for the one that is being held at the desk? The Parliamentarian brought it to the attention of Senator INHOFE, and it is my understanding he followed the guidance of the Parliamentarian on this technical modification.

The PRESIDING OFFICER. The changes will be made.

Mr. WARNER. I thank the Presiding Officer and the Parliamentarian and other staff who facilitated this.

Mr. President, we are anxious to continue to work on this bill. I wonder if the distinguished Senator from Rhode Island can indicate what hopefully will occur this afternoon from his side of the aisle? One of his distinguished staff members handed us a sheet.

Mr. REED. Mr. President, the intention this afternoon, awaiting Senator LEVIN's return, is we will discuss further the Dorgan amendment on a Truman Commission approach and then a Byrd amendment with respect to a second Deputy Secretary of Defense for Management, I believe, and then Senator NELSON and others in regard to the SPD offset amendment. So we are prepared to return at 2:15 p.m. and continue to work on the bill.

Mr. WARNER. Mr. President, also, the distinguished Senator from Rhode Island has an amendment with regard to missile defense. Might I inquire as to the remainder of time on each side on that issue?

The PRESIDING OFFICER. The Senator from Rhode Island has 19 minutes. The Senator from Virginia has 13 minutes.

Mr. WARNER. I thank the Presiding Officer. It is our intention that the distinguished Senator from Alaska, Mr. STEVENS, will utilize largely the remainder of the time on this side, and then I hope we can bring that important amendment to a vote.

Mr. REED. Mr. President, I look forward to Senator STEVENS' comments and reserve time for myself and others to make additional comments and then move to a vote.

Mr. WARNER. Mr. President, I hope to be joined by my colleague from Michigan this afternoon. We will do our very best to keep the Senate moving without quorum calls to conclude the amendments, each side having 12, and also the managers approving a number of reconciled amendments on both sides. I anticipate a vigorous procedure this afternoon on behalf of this bill, moving toward third reading at the earliest possible date, which is the decision that the majority and Democratic leaders will eventually make.

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

The PRESIDING OFFICER (Mr. BURR). Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent to use 6 minutes of the time that is allocated to Senator HARKIN on the amendment that is pending, if in fact the Harkin amendment is now pending. I believe it is.

The PRESIDING OFFICER. The Senator is correct. It is the pending amendment. The Senator is recognized.

AMENDMENT NO. 2438

Mr. DORGAN. Mr. President, the Harkin amendment is a very simple

amendment. Let me describe it. We have something called Armed Forces Radio and Television Service, AFRTS, a worldwide radio and television broadcast. It serves a million American service men and women and their families stationed at bases and American diplomatic posts in 179 countries around the world.

Armed Forces Radio and Television is paid for with taxpayers' dollars. It is a wonderful service to our troops and the families who are stationed overseas and at diplomatic posts. One of the questions that we raised recently was the question of programming on Armed Forces Radio and Television, not that anyone would want to censor any programming, far from it, but the question of whether there is balance and diversity on the programming that is on these stations.

I visited with a woman named Allison Barber, who is apparently in charge of some of this. She actually came to my office and we visited. And we spoke on the phone earlier this year. I have since tried to reach her again, unsuccessfully, with I think three or four telephone calls. First, she was traveling in Europe. She is back but not returning her telephone calls at this point.

I talked to Allison Barber because I felt they were doing the troops a service by providing a certain kind of programming. They have conservative talk shows on Armed Forces Radio and Television, Armed Forces Radio specifically, which is fine. Some of them are enormously successful, entertaining, have a wide listener audience, and that makes a great deal of sense that they would offer that to the troops abroad. The question I asked Allison Barber is, If you are going to offer conservative talk shows, do you not think that you would want to offer a counterbalance so that the troops abroad would have both sides of issues?

The reason I asked that is when I began to look at what the 33 local stations in Armed Forces Radio broadcast, it was this: Of the programming that is essentially political programming or defined as conservative programming, there was 100 percent on the conservative side and nothing on the progressive side.

I said: Well, I would never suggest that conservative programming be taken off. I think it is probably there because it is entertaining, interesting, well done, and the troops want to hear it. Do you not think, since our country is split very close to 50-50 in terms of political preference, the other side might well be represented? In fact, are not your rules such that they say—I am talking about the directives now that the Department of Defense refers to—the political programming shall be characterized by its fairness and balance? How would one characterize this as fairness and balance? One cannot.

The amendment offered by Senator HARKIN does not suggest anybody ever be taken off the air. Continue to air all

of these things but provide both sides of political dialogue, which is not the case today. That is what my colleague says should be done. I agree with him.

Our colleague from Oklahoma comes to the Senate floor and talks about a second-degree amendment. He says, I kind of like what is going on now. Boy, I would guess he would. He belongs to a political party that is heavily supported by the programming on Armed Forces Radio. I can well understand why he would enjoy that sort of decision.

I believe Allison Barber, the Department of Defense, and all of those involved in selecting programming should do both things. They ought to provide this kind of programming, conservative talk shows and the rest, to the troops in the field and their families, and they ought to provide what their directive requires, fairness and balance, so that the other side has the same opportunity to be heard by those troops and their families. That is not now the case. That case does not now exist. My colleague from Iowa has offered an amendment that would begin to remedy this.

I know this debate will be characterized by the talk shows on the far right as trying to take them off the air. Nothing could be further from the truth. I do not recommend that for a moment. I simply believe that Allison Barber and the others involved in these decisions have a responsibility. The responsibility is to provide balance in the political programming on the Armed Forces Radio system that is paid for by the American taxpayer, so that all of those who have access to that radio signal have access to balanced programming, both sides being heard.

The other thing is—I assume it is a joke. I assume it is a joke, but I cannot be sure because I have heard it more than once. My colleague from Oklahoma says: Well, Rush Limbaugh is balanced by National Public Radio. How one could actually make that assertion without openly laughing is hard for me to understand. That surely must be a joke. National Public Radio does not counterbalance rightwing talk. National Public Radio, if there is something in this country that is fair and balanced—National Public Radio is not about political programming on the right or the left.

We hear a lot of excuses. The question is, Will the Armed Forces Radio system do what is required of them in their directive? The answer apparently is no. So what my colleague from Iowa would do would be to codify in law what the directive now requires them to do, but what they now fail to do.

So that is the amendment. It is simple and fair. I do not see how anyone could possibly oppose that amendment. I would hope that we will have a successful vote on it.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Virginia.

Mr. WARNER. Will the Senator yield for a question? Could he put the chart back up?

Mr. DORGAN. Yes.

The PRESIDING OFFICER. The Senator from Virginia will suspend. The Senator from North Dakota is out of time. Would the Senator from Virginia like to be recognized on his time?

Mr. WARNER. I will be recognized and would hope that the reply of the Senator could be brief.

How much time do I have remaining?

The PRESIDING OFFICER. The Senator from Virginia has 23 minutes.

Mr. WARNER. The zero on the chart, I want to make very clear my position. I do not want any censorship imposed by the Department of Defense in utilizing taxpayer dollars to promulgate this programming, which is so important. The Inhofe second-degree amendment sets forth the wide range of recipients. It is uniformed people. It is their families. It is embassy people. It is their families. It is consulates. Quite a spectrum is served by this important outlet.

If the Senator can point to where there is any censorship, I would like to address it. I have engaged my distinguished colleague in this colloquy as well. Does anyone make an assertion that there is censorship taking place?

Mr. DORGAN. Well, if the Senator would allow me to respond, let me propose an idea which I have proposed to Armed Forces Radio. I said, What about putting someone on from this side with a progressive talk show that would counterbalance this? The answer apparently is, no. So would that not suggest that they are censoring this side of the aisle, censoring this side of the political debate? Is that not censorship?

Mr. WARNER. Mr. President, I think the Senator is endeavoring to answer while it may not be direct and overt, indirectly there could be factual situations that would constitute some sort of censorship. For example, I happen to listen to a wide spectrum—I am sure each of us in this body does. I enjoy programs from Rush Limbaugh to NPR, but NPR has always been associated with, should we say, a bit of the left side.

I understand NPR is broadcast on AFR, and yet the zero percent would indicate that program is not considered to be somewhat counterbalancing of the others.

Mr. DORGAN. Mr. President, if I might respond.

Mr. WARNER. Yes.

Mr. DORGAN. That is an unbelievable assertion. I have great respect for the Senator from Virginia, but it is unbelievable. I, too, drive down the road, and on my radio, for example, would listen to Rush Limbaugh, very entertaining, very smart. It is a program a lot of people listen to. What he does is, he relentlessly kicks the living daylights out of the opposite party. Is that found on NPR?

The implication and the suggestion on the Senate floor and elsewhere that

NPR is some sort of leftwing political show is absolute rubbish. I am sorry. It is absolute nonsense. I am so tired of hearing it.

Mr. WARNER. Mr. President, I did not mean to engender the ire of my good friend. I am simply stating factually, to me, NPR is a very balanced—I have often been on it myself and they have this sort of a format, the modulation of the voices is always quite subdued on NPR. Now, Rush Limbaugh, indeed—occasionally, I listen to him and it is certainly not a modulated voice. He is very forceful in getting his points across, but it is not for the Senate to arbitrate the voice intonation between the different programs. I am simply talking about content, putting aside the means by which it is delivered.

It seems to me it is a question of content, and it seems to me NPR is a very—I would use the words “reasonably balanced” but a little bit on the left side of the equation more than on the right side of the equation. I find it somewhat misleading that the Senator puts a zero up there, which applies to the NPR.

Mr. DORGAN. Mr. President, I do not know if the Senator is willing to lend me more time, I would just say this to the Senator: There is one person in public service who tried to demonstrate what the Senator just said, and that is that National Public Radio is inherently biased. He just resigned last week. His name is Kenneth Tomlinson. Why did he resign? Because the Inspector General took a look at what he did. He hired some nut case from Indiana to do an evaluation of programming on NPR. The guy was so unprofessional—by the way, he was sending his reports from the fax of a Hallmark shop in Indiana, paid Federal money for it, Federal funds for it, inappropriately, a guy who had no experience and a guy who was a rightwinger who came up with the concoction that somehow NPR was not balanced. It is unbelievable that we keep hearing this nonsense.

Look, Rush Limbaugh has a fine radio program. A lot of people listen to it. I admire his capabilities. I just believe that our troops ought to be able to hear both sides of this debate on radio, and that is not now the case. That is the only point I make. The Senator should not suggest that National Public Radio somehow leans to the left or jumps to the left, or because it has a modulated voice is leftwing. It is not. It is the only fair and balanced radio program out there, in my judgment.

Mr. WARNER. Mr. President, it seems to me that I have engendered a spirited debate that I had no intention of doing. So I would drop the issue. I do not intend to be an expert on the political content. Clearly, Rush Limbaugh does have a strong preference for the more conservative issues, but I cannot believe that there are not some programs that have a strong bent for issues which are other than conserv-

ative, call them what one wishes. It seems to me that zero percent is something that is indefensible, and we will leave it at that.

I see the distinguished Senator from Iowa on the floor.

It is his amendment. I yield the floor at this time.

Mr. HARKIN. Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator from Iowa has 7 minutes 46 seconds remaining.

Mr. HARKIN. I will yield 1 minute 46 seconds more to the Senator from North Dakota.

Mr. DORGAN. Mr. President, let me say to my colleague from Virginia, I do not mean to be irritated about this at all. My only point is this. I believe there are wonderful, talented people on the political right who are on the radio. They are very successful. Good for them. I believe there are talented people on the other side of the political spectrum who are on the radio dial. Good for them. Both ought to have an equal opportunity to be heard with respect to Armed Forces Radio programming. That is the point of it.

They are not now. Those on the progressive side are prevented from getting on that dial. We believe that is wrong with respect to a taxpayer-funded radio network. We believe it is inappropriate for the troops not to have access to both sides. The amendment of Senator HARKIN, the one I cosponsored, is very simple. It says keep all these folks on, the conservative side, good for them; but put on the other side as well, be fair to them, so the troops have a chance to hear both sides. My friend from Virginia is a good friend, and I didn't mean at all to be irritated, but the NPR allegation does sort of spark my interest from time to time. We will talk about that at some point later.

My hope is we can fill in this gap and have our soldiers have a generous discussion on both sides of the political system with radio programming from the right and the left. That does not now happen, and I believe it should on a radio program that is funded by the American taxpayer.

Mr. HARKIN. Mr. President, how much time is remaining on my side?

The PRESIDING OFFICER. The Senator from Iowa has 6 minutes 18 seconds remaining.

Mr. HARKIN. I yield myself a couple of minutes because I want to save some time.

A little history is in order here. In 1993, then-Representative Robert Dornan of California, along with 69 other Republican House Members, sent a letter to Secretary of Defense Les Aspin demanding that Limbaugh's radio show and his television show be broadcast to the military.

The Pentagon at that time pointed to an internal survey they had done of 50,000 military listeners. They found that only 4 percent requested more talk shows. The overwhelming number

of respondents requested continuous music, as you might expect from our people in uniform. However, the issue kept getting pressed.

On November 29, 1993, the American Armed Forces Radio issued this statement. This is their statement.

The Rush Limbaugh show makes no pretense that his show is balanced. If AFRTS scheduled a program of personal commentary without balancing it with another viewpoint, we would be open to broad criticism that we are supporting a particular point of view.

They went ahead and put Rush Limbaugh on the air. But the point is, that is all right, but they have done nothing to balance it in the intervening time.

There is an amendment that I believe is going to be offered by Senator INHOFE—at least he was talking about it earlier. We will talk about more later if, indeed, he does offer it. But getting back to this point on the National Public Radio, I don't think you will ever hear NPR in its commentary say that the Abu Ghraib prison abuse was a fraternity prank or the humiliation of the inmates there “. . . was a brilliant maneuver, no different than what happens at the Skull and Bones initiation at Yale.” I don't think you will ever hear NPR in its commentary describe images of torture as “pictures of homo-eroticism that looks like standard, good old American pornography.” This is all that Rush Limbaugh said. You won't hear that on NPR.

Last, a group called Fairness and Accuracy In Reporting analyzed the political affiliation of guests appearing last summer on NPR's most popular news shows. Republicans outnumbered Democrats on NPR by 61 percent to 38 percent. So I rest my case that NPR is nothing like the Rush Limbaugh show. I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, the parliamentary situation is—how much time remains in opposition?

The PRESIDING OFFICER. There is 17 minutes that remain in opposition.

Mr. WARNER. And the Senator from Iowa?

The PRESIDING OFFICER. The Senator from Iowa has 3 minutes 30 seconds.

Mr. WARNER. Senator INHOFE was on the floor earlier today. It was his intention to offer a second-degree amendment. I wonder if I can make a unanimous consent request that I now raise that second-degree amendment, put it on your underlying amendment, and then 30 minutes is now allocated, 15 to the distinguished Senator and 15 more to this side. That would enable you to have more time within which to debate. So you would not lose the minutes that you have.

I now make a unanimous consent request. I offer the Inhofe amendment in the second degree at this time with the understanding the time remaining on both sides would be added to the 30 minutes additional time.

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

The Senator from Iowa.

Mr. HARKIN. Reserving the right to object, if I could say to my friend from Virginia, for a point of clarification, there was some discussion about this amendment and the fact that, since there are two approaches here, one is a sense of the Senate and one is my approach, perhaps it would be better if we could have side-by-side votes; that Mr. INHOFE would go first and I would go second. Does the chairman envision that?

Mr. WARNER. Mr. President, I want to follow the regular parliamentary procedure. The unanimous consent—we have a perfect right to put the second-degree on, but I am trying to keep the continuity of the debate going rather than you extinguishing your 3 minutes. I prefer we continue with the amendment at this time, being the pending amendment, with the understanding that the 3 minutes remaining on Senator HARKIN's time be added to his 15, giving him 18; our 17 be added to the 15 that we have.

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

Mr. WARNER. I thank the Chair.

AMENDMENT NO. 2439 TO AMENDMENT NO. 2438

The PRESIDING OFFICER. The clerk will report the second-degree amendment.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. INHOFE, proposes an amendment numbered 2439.

The amendment is as follows:

In lieu of the matter proposed to be inserted, insert the following:

**SEC. \_\_\_\_ AMERICAN FORCES NETWORK.**

(a) FINDINGS.—The Senate makes the following findings:

(1) The mission of the American Forces Radio and Television Service (AFRTS) and its American Forces Network (AFN), a worldwide radio and television broadcast network, is to deliver command information by providing United States military commanders overseas and at sea with a broadcast media that effectively communicates information to personnel under their commands, including information from the Department of Defense, information from the Armed Forces, and information unique to the theater and localities in which such personnel are stationed or deployed.

(2) The American Forces Radio and Television Service and the American Forces Network provide a “touch of home” to members of the Armed Forces, civilian employees of the Department of Defense, and their families stationed at bases and at embassies and consulates in more than 179 countries, as well as Navy, Coast Guard, and Military Sealift Command ships at sea, by providing the same type and quality of radio and television programming (including news, information, sports, and entertainment) that would be available in the continental United States. Additionally, the American Forces Network plays an important role in enabling military commanders to disseminate official information to members of the Armed Forces and their families, thus making popularity and acceptance key factors in ensuring effective communication.

(3) It is American Forces Radio and Television Service and American Forces Network

policy that, except for the Pentagon Channel service, programming is acquired from distributors of the most popular television program airing in the continental United States. Much of the programming is provided at no cost to the United States Government. The remainder of the programming is provided at less-than-market rates to cover distributors' costs and obligations. Depending on the audience segment or demographic targeted, programs that perform well are acquired and scheduled to maximize audiences for internal and command information exposure.

(4) American Forces Radio and Television Service and American Forces Network select programming that represents a cross-section of popular American radio and television, tailored toward the worldwide audience of the American Forces Radio and Television Service and the American Forces Network. Schedules emulate programming practices in the United States, and programs are aired in accordance with network broadcast standards. Specifically, policy on programming seeks—

(A) to provide balance and diversity;  
(B) to deliver a cross-section of popular programming;  
(C) to target appropriate demographics; and  
(D) to maintain network broadcast standards.

(5) The “Voice Channel”, or radio programming, of the American Forces Radio and Television Service and American Forces Network is chosen to address requirements specified by the military broadcasting services and the detachment commanders of their affiliate radio stations. American Forces Network Radio makes a best faith effort to obtain the top-rated program of its sort at the time of selection, at no cost to the United States Government. American Forces Network Radio usually retains a scheduled program until it is no longer produced, too few American Forces Network affiliates choose to schedule the program locally, or a similar program so thoroughly dominates its audience in the United States that the American Forces Radio and Television Service switches to this program to offer the higher rated show to the overseas audience.

(6) American Forces Network Radio personnel review the major trade publications to monitor announcements of new programs, follow the ratings of established programs, and keep aware of programming trends. When a program addressing a need identified by a Military Broadcasting Service or an American Forces Network affiliate becomes available to the American Forces Network, or a program seems especially worthy of consideration, American Forces Network Radio informs the affiliates and supplies samples to gauge affiliate interest. If affiliates commit to broadcasting the new show, American Forces Network Radio seeks to schedule it.

(7) The managers of the American Forces Radio and Television Service continually update their programming options and, in November 2005, decided to include additional programs that meet the criteria that American Forces Radio and Television Service managers apply to such decisions, and that, consistent with American Forces Radio and Television Service and American Forces Network procedures, local programmers at 33 locations around the globe decide which programs actually are broadcast. American Forces Radio and Television Service have consistently sought to provide a broad, high quality range of choices for local station managers.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the men and women of the American Forces Radio and Television Service and the

Armed Forces Network should be commended for providing a vital service to the military community worldwide; and

(2) the programming mission, themes, and practices of the Department of Defense with respect to its television and radio programming have fairly and responsively fulfilled their mission of providing a “touch of home” to members of the Armed Forces and their families around the world and have contributed immeasurably to high morale and quality of life in the Armed Forces.

(c) AUTHORITY TO APPOINT OMBUDSMAN AS INTERMEDIARY.—The Secretary of Defense may appoint an individual to serve as ombudsman of the American Forces Network. Any ombudsman so appointed shall act as an intermediary between the staff of the American Forces Network and the Department of Defense, military commanders, and listeners to the programming of the American Forces Network.

Mr. WARNER. Mr. President, if I might ask my distinguished colleague, we debated the Inhofe amendment at some length this morning. Could the Senator, for purposes of helping Senators who are following this debate, describe exactly what the difference is? There is one rather significant and technical difference, and that is the sense-of-the-Senate amendment by the Senator from Oklahoma would allow the ombudsman to be at the discretion of the Secretary of Defense, as opposed to your amendment, which would make it mandatory. Am I correct in that?

Mr. HARKIN. That is correct.

Mr. WARNER. Putting aside the procedure on which the ombudsman is put in place, is there any distinction between what the duties of the ombudsman would be under the Inhofe second-degree and the underlying first-degree?

Mr. HARKIN. I think I have a copy of the Inhofe amendment in front of me.

Mr. WARNER. Let's make certain the Senator does have a copy.

Mr. HARKIN. If I have the correct one?

Mr. WARNER. It was simply a technical correction to an earlier amendment, I say to the Senator.

Mr. HARKIN. I would say to my friend—if the chairman will yield so I can respond?

Mr. WARNER. Yes.

Mr. HARKIN. As I read the Inhofe amendment, all it says is that:

The Secretary of Defense may appoint an individual to serve as ombudsman . . . to act as an intermediary between the staff of the American Forces Network and the Department of Defense, military commanders, and listeners to the programming of the American Forces Network.

That is all it says. It doesn't say what his duties are.

My amendment specifically says that the ombudsman will do these things:

Appointed by the Secretary of Defense for a term of 5 years; not engage in any prebroadcast censorship; conduct regular reviews of the integrity, balance and fairness; respond to program issues raised by the audience regarding the network's programming; refer complaints to AFR management; make suggestions regarding ways to correct imbalances; and prepare an annual report both to the SECDEF and Congress.

So my amendment spells out what the ombudsman should do. The Inhofe amendment does not.

Mr. WARNER. Does your amendment permit the Secretary to select the ombudsman within the current personnel structure of the Department of Defense or must he go outside the Department to get that individual?

Mr. HARKIN. The way the amendment is written, the Secretary has full discretion. He can go outside or stay inside.

Mr. WARNER. I thank the Senator. One last question. I am still troubled by the chart you put up showing zero. My understanding is that the Department of Defense has added the following three programs to the body of programs that each of the 33 individual stations can select from. I am not that familiar with the details of each. Perhaps the Senator from Iowa can help me. The "Ed Shultz Show," that is new this month; the "Al Franken Show," which is new this month; and the "Sean Hannity Show," which is new this month, where would they fall in the context of the zero which is on this chart which you have shown to the Senate?

Mr. HARKIN. If the Senator would yield, I will respond. I am familiar with the first two. Who is the third one?

Mr. WARNER. Sean Hannity.

Mr. HARKIN. I am told he's the second most popular conservative talk show. I don't know where that falls in. The first two are Shultz and Franken. They are more on the progressive side, no doubt about that. The third one you mention is on the conservative side, I guess. I don't know that so I cannot speak authoritatively on that. I don't know how that balance works out after that. I don't know.

I know my information—and it is really secondhand; I can't say this firsthand—is that the "Ed Shultz Show" was contacted to be on. Then he was recontacted saying that he was not to be on. And it is sort of in kind of a state of limbo now. I don't understand what that is all about.

Mr. WARNER. In the interests of moving forward on the floor, Senator INHOFE will be available following the recess we are going to take for purposes of the respective caucuses. I wonder if we, given that there is significant time remaining now on the Inhofe amendment, might go to another matter in such a way that we could engage Senator INHOFE more directly, on behalf of his amendment, with the distinguished Senator from Iowa?

Mr. HARKIN. I thank the chairman. The chairman is a leader and is very fair himself. I have no objection to moving to something else.

Mr. WARNER. I thank the Senator. I see the distinguished Senator from Alaska at this time.

I yield the floor.

AMENDMENT NO. 2427

Mr. STEVENS. Mr. President, I strongly oppose the Levin amendment, which would eliminate all funding for long-lead items for the ground-based interceptors Nos. 31 through 40, and funding for the silos for those missiles.

Realigning funding from this program would have significant impact, significant consequences for our national missile defense system.

In addition to breaking the production line for these interceptors, it would add an additional \$270 million to the cost of the program. Further, it would delay emplacement of the additional interceptors by at least 1 year. I do not believe we can afford that delay in our national missile defense system.

Reducing interceptor quantities places second and third tier industrial-based suppliers at a substantial risk of exiting the manufacturing of components for the interceptors. They are currently manufacturing these. If there is a delay, those small businesses would have to leave that system. It will increase the probability of component quality problems because new suppliers would have to be found. We should not interrupt this system. This amendment would break this production line and affect the subcontractors all along the line. My great concern is that quality and process improvement efforts that were initiated by the Missile Defense Agency would be significantly impacted if this amendment were agreed to.

Replacing and recertifying component suppliers would further increase interceptor costs by millions of dollars and take a minimum of 1 year to accomplish. That would delay the fielding of the additional capabilities for these warfighters.

This amendment realigns funding from missile defense to the Cooperative Threat Reduction Program, which is called CTR. That has been fully funded at the administration's request and at the administration's amount. There remains a large unobligated balance within the CTR account and a very large undisbursed balance. It is almost \$1 billion. I cannot justify adding additional funding to the program at the expense of the Missile Defense Program which has essential requirements when there is already a surplus in that account. The threat is real and imminent, as General Cartwright has testified. General Cartwright is the commander of the U.S. Strategic Command. The CIA and the DIA assess that North Korea is ready to flight test an ICBM that could reach the United States. That is of critical importance to those who live in Alaska. We are closer than any other State to that threat. Iran may have such capability by the middle of the next decade, according to DIA.

Despite recent test failures, the technology is mature enough to proceed with fielding even while we continue to test and improve reliability. That is the genius of this system. We have fielded it and, if necessary, we can use it. We are perfecting it as we go. The failures were the result of quality control issues and they do not undermine our confidence that the hit-to-kill technology works. It should be in place.

An independent review team has recently concluded that the ground-based midcourse system's design is sound and is capable of providing a defense against long-range ballistic missiles such as the one I described we think is being tested in North Korea.

In a hearing before our Senate Committee on Appropriations, General Cartwright described the missile defense system as a "thin line system." Additional interceptors will help the warfighters better defend against ballistic missile attack. According to the warfighters, a primary system limitation is there are too few interceptors. This amendment will delay the ones that should be in place during this fiscal year.

I urge the Senate to defeat this amendment. We should not reduce funding for the Missile Defense Program at this critical juncture. We need to test the program, improve it, and continue testing. We should not stop production by realigning funding from the missile defense system, particularly putting it into account when there is almost \$1 billion surplus already.

The Missile Defense Program, in my judgment, is vital to the security of this country. We should not cause further delay. I strongly urge the Senate to vote against this amendment and reject this reduction in transfer to an account that does not need the money.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I rise today in strong support of the 2006 National Defense Authorization Act. Let me begin my comments by paying tribute to the distinguished chairman of the Committee on Armed Services and the able ranking minority Member. They have worked very hard with all who are privileged to serve under their leadership to craft this important bill.

In the interests of time, I will focus my remarks today on three particular provisions. First, those providing \$9.1 billion for an essential shipbuilding priorities; second, the provisions offered by Senator MCCAIN, which I am proud to cosponsor, to provide standards for the treatment of detainees; and third, the amendment I am pleased to join my colleague, the senior Senator from Maine, in offering having to deal with conveyances of closed bases.

This bill authorized \$9.1 billion for shipbuilding. It also includes a provision to prohibit the use of funds by the Navy to conduct a one-shipyard acquisition strategy to procure the next generation DD(X) destroyers. Not only does this bill fully fund the President's budget request for the DD(X) program, but it also provides, at my request, an additional \$50 million for advance procurement of the second ship in the DD(X) class at Bath Iron Works in my home State of Maine. I am understandably very proud of the skilled workers at Bath Iron Works and their contribution to our Nation's defense.

This authorization for DD(X) funding aligns the Senate-passed appropriations bill, and our bill parallels the appropriations bill with this funding.

The high priority placed on shipbuilding in the Senate's version of the Defense authorization legislation stands in stark contrast to the House Defense authorization bill which actually rescinds \$84 billion in funds designated for Bath Iron Works, the detailed design work on the DD(X) I secured as part of the Defense legislation signed into law last year. The House version also slashes funding for the DD(X) program contrary to what was proposed in the President's budget.

These misplaced priorities remain even when the former Chief of Naval Operations, Admiral Clark, has testified repeatedly that the Navy's requirements for the next generation destroyer are clear. I look forward to working with the other Members of the Senate Committee on Armed Services to resolve this important issue in our conference.

I now turn to the issue of the treatment of detainees. The vast majority of our troops carry out their dangerous and difficult missions with fairness, compassion, and courage. To them, the actions of those who have been accused of torture against detainees are demoralizing and make the difficult task they have been assigned immeasurably more difficult. Critics of abuse at detention facilities operated by the U.S. military have attributed this abuse not only to the criminal actions of individual military personnel—and, again, that is not the vast majority of our troops—but also to the lack of clear guidance across the U.S. Government for the treatment of detainees. Senator MCCAIN's amendment provides that clear guidance. I am proud to be a cosponsor.

Finally, let me comment very briefly on the amendment offered by my colleague from Maine. It only adds insult to injury to require a community to have to pay for the property involved in a base closure. Surely we can work with our communities in a more cooperative way to enable them to pursue the economic development that is necessary to make a closed military installation a productive part of the community once again. It is the least we owe these communities struggling with base closures throughout the United States. I hope we can work out something on that amendment.

The bill before the Senate is a good one. I salute the chairman and the ranking member for their hard work.

Mr. WARNER. Mr. President, I thank our distinguished colleague and member of the committee, the Senator from Maine. The Senator has fought hard on behalf of her interests in that State. Indeed, the BRAC process, in some respects due to your efforts, was modified in the end to the interests of the State.

While I am not going to be able to support the Snowe-Collins amendment, nevertheless, in other areas the Sen-

ator made some progress. I thank the Senator for her work on the committee given her work on the Government Operations Committee. Nevertheless, the Senator finds time to attend our meetings and be an active participant. I thank my colleague.

I ask unanimous consent at the hour of 2:45 the Senate proceed to a vote in relation to the Inhofe amendment No. 2439, followed by a vote in relation to the Harkin amendment numbered 2438. I further ask that the Inhofe amendment be modified so it is a first-degree amendment, and that no second-degree amendments to the amendments be in order prior to the votes; provided further that the time from 2:15 to 2:45 be equally divided between Senators INHOFE and HARKIN. I further ask on an unrelated matter that Senator STEVENS be recognized for up to 10 minutes of morning business following the two votes.

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

#### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:41 p.m., recessed until 2:17 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2006—Continued

AMENDMENTS NOS. 2438 AND 2439

The PRESIDING OFFICER. There is now 30 minutes of debate equally divided between Senator INHOFE and Senator HARKIN.

The Senator from Virginia.

Mr. WARNER. Mr. President, under the previous order, the time between 2:15 and 2:45 is equally divided between the Senator from Oklahoma and the Senator from Iowa for the purposes of discussing the underlying amendment by the Senator from Iowa and a second degree that I put on on behalf of Senator INHOFE. My understanding is that Senator INHOFE will be here momentarily. But under the order, the Senate is now in session and open to hear comments on this legislation.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, what we have coming up here are two votes, one at 2:45 on the Inhofe sense-of-the-Senate amendment, to be followed by a vote on my amendment.

Now, you might say: What harm is it in voting for the Inhofe sense-of-the-Senate amendment? Well, I thought I might even vote for it myself, until I read it. Because if you look at the sense-of-the-Senate amendment by the Senator from Oklahoma, in its findings—in its findings—it says:

The American Forces Radio and Television Service and the American Forces Network

provide a "touch of home" to members of the Armed Forces [et cetera] by providing the same type and quality of radio and television programming . . . that would be available in the continental United States.

Well, when AFRTS provides for 100 percent, under 33 local stations around the world, of Rush Limbaugh and Dr. Laura and James Dobson and zero percent on the progressive side, that is hardly "the same type and quality" "available in the continental United States." So right away, that is a wrong finding.

Another finding is that the:

American Forces Radio and Television Service . . . select programming that represents a cross-section of popular American radio and television.

Well, again, if 100 percent is on one side and zero is on the other, that also cannot be so.

And then in their sense-of-the-Senate amendment it says, it is the sense of the Senate—according to the Senator from Oklahoma—that:

[T]he programming mission, themes, and practices of the Department of Defense with respect to its television and radio programming have fairly and responsively fulfilled their mission of providing a "touch of home" to members of the Armed Forces. . . .

Well, they have fairly and responsively fulfilled their mission when it is 100 percent to nothing? I do not think so.

Lastly, the Inhofe amendment says the Secretary of Defense may appoint an ombudsman—"may"—but it does not say what the ombudsman is supposed to do.

Now, to be clear, again, what our amendment does is it simply takes the DOD directive—which says they shall provide a free flow of political programming, that there should be the same equal opportunity for balance, and that they should provide them with fairness—and codifies it. We take that directive and codify it. That is all. We do not change it, we codify it. Then we set up an ombudsman and spell out what that ombudsman should do. And we spell that out in my amendment. So there is quite a bit of difference.

Again, I remind my fellow Senators that a year and a half ago, I offered a sense-of-the-Senate resolution because I thought if we gently prodded them and showed them what they were doing, they would follow their directive. That was 16 months ago. Now, 16 months later, it is 100 percent to nothing. There is zero programming on the progressive side.

Again, I want to make it clear we are not trying to restrict or in any way say what they have to carry, but as long as they are carrying this talk radio, it ought to at least be balanced. Some people say: Well, Rush Limbaugh has a big audience. He does. I don't deny that. But they are carrying Dr. Laura, they are carrying a Mark Merrill, whom I have never heard of. Why don't they carry Howard Stern? Howard Stern has 8 million listeners. Well, in that case, they said they do not like the content.