

We have a national election coming up. Speaking for the Republican leader, we don't want to be here until November 3, which is a Monday. We need to allow people to get back and work—those who want to help MCCAIN and OBAMA, those who want to work on their own campaigns, and those who want to help others who are campaigning. I hope we can legislate on this tomorrow. Before we do that, we have to proceed to it tonight.

Mr. MCCONNELL. At the risk of being redundant, I will consult with the leadership of my conference and other members, and surely we will be able to get on the bill, at the latest, sometime tomorrow and proceed with the amendment process.

Mr. WARNER. Mr. President, I thank the leaders.

I yield the floor.

RESERVATION OF LEADER TIME

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

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 3001, which the clerk will report.

The legislative clerk read as follows:

Motion to proceed to S. 3001, a bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

The ACTING PRESIDENT pro tempore. The Senator from Hawaii is recognized.

Mr. AKAKA. Mr. President, I rise today to speak on the motion to proceed to the National Defense Authorization Act. I ask unanimous consent that I be given 20 minutes to do so.

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

Mr. AKAKA. Mr. President, I rise today to urge my colleagues to set aside bipartisan differences and vote in favor of the motion to proceed to the National Defense Authorization Act. This bill is critically important to ensuring that our troops have the equipment and support they need in order to fulfill their mission. Voting against the motion to proceed would have significant consequences for the men and women who have made so many sacrifices for this Nation, as well as their families. It would mean delays in pay increases, delays in benefits, and delays in authorities that are necessary to train and equip our soldiers.

This bill authorizes the military construction projects that directly affect the quality of life of our armed services members by giving them new, safer,

more effective facilities in which to work.

Under the leadership of Chairman LEVIN, the Armed Services Committee has produced a carefully crafted bill that addresses the many complex issues facing today's military. This includes language in direct support of our armed services members and their families, such as a 3.9-percent pay raise.

Over the last 6 years, continuous combat operations have put a severe strain on our Nation's military capabilities. Consequently, one of the primary goals of this year's bill was to focus on restoring the readiness of our troops.

As chairman of the Subcommittee on Readiness, I worked very closely with Ranking Member THUNE on the readiness acquisition policy and military construction portions of this bill that are under the jurisdiction of my subcommittee. I would like to take this opportunity to thank Senator THUNE for his hard work and cooperation during the markup of this bill. It was my privilege to work with him to advance the readiness of our Armed Forces.

I also thank our personal staff members and the professional staff of the committees for their efforts, in particular Peter Levine, Mike McCord, Bill Sutey, Lucian Niemeyer, Greg Kiley, and Chris Paul.

The Readiness Subcommittee has a broad mandate of policy oversight as well as jurisdiction over a substantial part of the DOD budget. In addition, it is responsible for the readiness and operation and maintenance provisions that support the essential requirements of the military services for the next fiscal year for the cost of normal operations. However, our goal remains simple: to maintain and, wherever possible, improve the readiness of our military.

Altogether, this bill contains \$162 billion for the programs within the jurisdiction of the Readiness Subcommittee, which represents over 30 percent of the DOD budget. That amount is within one-quarter of 1 percent of the amount requested.

I believe all of us are concerned that our military forces have what they need to be trained and ready, but we are particularly concerned about the readiness of our ground forces. This bill fully funds the Army and Marine Corps readiness accounts, including the training and equipment maintenance request.

With respect to revitalizing our defense facilities, this bill invests an additional \$413 million above the budget request in our infrastructure to repair or replace our aging defense facilities and improve the quality of life and the productivity of our military.

These military construction projects require both an authorization and an appropriation. I urge the Senate to pass both these important pieces of legislation—this authorization bill and the Military Construction and Vet-

erans Affairs appropriations bill—as soon as possible.

This year's Defense authorization bill also addresses the need for increased oversight of the acquisition programs and activities of the Department of Defense to ensure that taxpayers' dollars are well spent and not wasted. For example, this bill requires DOD to establish ethics standards to prevent personal conflicts of interest by contractor employees who perform acquisition functions on behalf of DOD.

This bill ensures that private security contractors do not perform inherently governmental functions in an area of combat operations. It codifies existing DOD standards under which security operations are inherently governmental if they will be performed in highly hazardous public areas where the risks are uncertain.

This bill prohibits contractor employees from conducting interrogations of detainees during or in the aftermath of hostilities. The provision has an effective date 1 year after the date of enactment to give DOD time to comply.

This bill requires the military departments to ensure that urgent requirements documents developed by operational field commanders are presented to senior officials for review within 60 days of the time they are submitted. This is a response to reports that Marine Corps leadership failed to respond to requests for Mine Resistant Ambush Protected vehicles, known as MRAPs, and other critical requirements for several years.

This bill codifies the requirement for boards to review and approve—or disapprove—any new requirements that could add to the costs of a major weapon system.

This bill requires DOD to ensure that a contractor does not receive a competitive advantage by using foreign subsidiaries to avoid the payment of U.S. payroll taxes for its workers.

This bill requires DOD to establish a database of information regarding the integrity and contract performance of contractors, to ensure that this information is available to acquisition officials making key contracting decisions.

This bill requires DOD to take steps to ensure that contractor employees who are the victims of sexual assault and other crimes in Iraq and Afghanistan receive the help they need and the investigative assistance they deserve.

This bill requires the military departments to establish business transformation offices to serve as a central focus for the reform of their business and financial systems and processes.

This bill ensures that the chief lawyer for the DOD inspector general, or IG, serves at the discretion of the IG and reports only to the IG.

It is my hope that the Senate will strongly support these provisions.

In addition to working to improve the readiness of our troops as chairman of the Readiness Subcommittee, I was pleased in my role as chairman of the

Veterans' Affairs Committee to work to include language in this bill that will improve care for this Nation's wounded warriors. One such provision responds to the need for comprehensive care for wounded warriors and their families by requiring the Secretary of Defense to provide referrals for legal assistance when appropriate in order to help with legal issues related to long-term care needs.

The necessity to encourage and promote the treatment of service-related injuries was also addressed in this bill through the authorization of a pilot program to assess treatment approaches for all forms of traumatic brain injury and the establishment of a center of excellence for the treatment and rehabilitation of traumatic extremity injuries and amputations.

In order to ensure that the Department of Defense and Department of Veterans Affairs continue to carefully coordinate these efforts to improve the process for the care, management, and transition of wounded and ill servicemembers, this year's bill also provides for a 3-year extension of the Senior Oversight Committee.

Let me end by restating how vitally important it is for us to move forward with the debate of this bill. A little over 3 weeks ago, I attended the deployment ceremony for the members of the Hawaii Army National Guard's 29th Infantry Brigade Combat Team who are headed to Kuwait in support of Operation Iraqi Freedom for their second deployment. It was my great honor and privilege to say goodbye to these soldiers who are leaving their homes, their jobs, and their families in order to fulfill a commitment to defend and protect our Nation. I remind my friends and colleagues that we have also made a commitment to work together to pass a bill that provides our troops with everything they need to come home safely. The first step in this process is to adopt this motion to proceed so that we can begin debate on this very important bill.

I yield back the remainder of my time, and 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. AKAKA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. AKAKA. Mr. President, I ask unanimous consent that the time be equally divided between the two parties.

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

Mr. AKAKA. 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. NELSON of Florida. I ask unanimous consent that the order for the quorum call be rescinded.

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

ENERGY

Mr. NELSON of Florida. Mr. President, last week we heard chants, slogans—as if those slogans were going to solve the energy crisis—of drill, baby, drill. I think it is more appropriate to use the words of Tom Friedman: Innovate, baby, innovate. If we are going to solve this energy crisis, we have to have a comprehensive solution, and we need to unleash what America can do best, which is our intellectual capacity, our creativeness, our ingenuity. We need to unleash that capacity of America to get out and whip the energy crisis where we are addicted to oil. In fact, in this Senator's judgment, the single greatest threat to our security may well be our dependence on oil, not foreign oil but oil.

We all have been hearing from our constituents about what is the possible path for us to break this addiction, and we need to break the addiction and become energy independent in 10 years.

I caution against misguided rhetoric and hollow chants, as we have heard—of drill, baby, drill—as a seemingly swift and simple solution to high gas prices. It doesn't have any basis in reality. Remember the words of President Kennedy:

Real solutions are not easily or cheaply obtained, nor are they quickly and simply explained.

So as we approach it in a comprehensive way, it is not easily and simply explained. Common sense ought to tell us, since the United States has only 3 percent of the world's oil reserves, and yet uses 25 percent of the world's oil production, we can't drill our way out of the problem. Indeed, there are 65 million acres leased by the oil companies from the Federal Government, not one of which has been drilled. In the Gulf of Mexico itself—where the so-called gang of 10 that is now called the gang of 16 seems to want to pick on my State of Florida and wants to drill all the way up to within 50 miles of the coast—there are 32 million acres under lease by the oil companies, and not one of those acres has been drilled. Yet they are leased from the Federal Government. As a matter of fact, that includes 8.3 million acres on which this Senator worked a compromise to try to solve this problem and got it into law 2 years ago, 8.3 million new acres kept away from the military mission line where we do our testing and training off of Florida, kept away from the shores of Florida. Not 1 acre of that 8.3 million has been drilled since it was offered for lease.

More leasing would not stabilize Iraq or guarantee Saudi Arabia's long-term friendship, nor would it end the unregulated speculation that drove oil prices to over \$147 a barrel and pushed pump prices to more than \$4 a gallon.

More leasing of Federal lands will only delay America's freedom from oil. If we do drill, baby, drill, we will dirty and destroy Florida's economy. Even worse, if this so-called gang of 16 puts it all the way up to 50 miles off of Florida, it will cut the heart and lungs out of the last area of unfettered military training for the U.S. military, the largest testing and training for the U.S. military in the world, which is the range in the Gulf of Mexico, all off of the coast of Florida.

No matter what anybody says, when the United States only has 3 percent of the world's oil reserves but uses one-fourth of the world's oil supply, drill, baby, drill is not going to work.

Now, that is what this Senator has been saying for years. By the way, now even a Texas oilman is saying the same thing. T. Boone Pickens has all of these commercial ads on TV, and he says we cannot drill our way out of this problem.

As a matter of fact, the White House report from 5 months ago that I have shared with the Senate several times says the same thing: That drilling in the Outer Continental Shelf of the United States will not change the price of gasoline one whit until the year 2030.

So what do we do? Well, for the short term, we need to keep bringing gas prices down by not wasting so much oil and by banning the greedy speculation on the part of the oil traders and the profiteers. We have a Senate investigation that has reported that there is lax Federal oversight of these traders, and that is as a result of a loophole that was slipped in in the dead of night in December just before Christmas in the year 2000 at the behest of the infamous Enron Corporation. BP, Amoco, Goldman Sachs, and Morgan Stanley also were instrumental in getting this so-called Enron loophole through Congress. Afterward, the price of both oil and natural gas skyrocketed, despite reports that oil supplies were mostly adequate.

Links between soaring oil prices and vast sums of money flowing into these unregulated commodities have been uncovered by the Senate Commerce Committee and the Homeland Security Committee. As a matter of fact, just last week, a report by the Washington Post pointed out, unbelievably, that of all the futures contracts for the oil commodities, 81 percent of all that trading was done by people who do not intend to use that oil. If true, done by the speculators: 81 percent.

We have had testimony in Congress by an ExxonMobil executive. We have had testimony from a Shell Oil Company executive who said that under normal supply and demand oil ought to be at \$55 a barrel.

But by any measure, this Enron loophole, which exempts the traders of energy contracts from Federal oversight, was an ill-conceived public policy. That is why a number of us have filed legislation to fully close that loophole and to stop the unchecked runups in

speculation of crude oil and gasoline prices.

Now, what do I mean by “unregulated futures commodities markets”? I mean that a governmental entity, if it were regulated, would require them to put a substantial downpayment on the contract for future oil—to put their money where their mouth is—or a regulated market would be that they would require the bidder for that future oil contract to be somebody who was going to use the oil instead of just speculating on the price and running up the price. So if we do not do something about speculation, they can drive that up again, and we have to fully close that loophole.

About 50 percent of the oil we use goes into our cars and trucks. So it should not take a rocket scientist to realize this ought to be where we ought to focus. It took us in the Congress more than 30 years to raise mileage standards to a paltry 35 miles per gallon, to be phased in over the next 15 years—35 miles a gallon. It was 25 miles a gallon back in the 1980s. But, oh, by the way, that exempted light trucks and SUVs. It is interesting that American car manufacturers sell cars in Europe and the cars over there already get 43 miles a gallon. Japan is approaching 50 miles per gallon. In other words, we are wasting billions of gallons of oil here at home. To stop it, we must enact serious conservation measures, such as 40 miles per gallon for our vehicles. We must provide bigger tax incentives for people to buy hybrid cars and plug-in hybrids.

Now, what I have shared with you are not simple chants, simple slogans. They are real solutions for the short term. But for the long term, we need to unleash that American ingenuity and to rapidly build cars that run on batteries or hydrogen, not petroleum. We need to develop alternative fuels such as ethanol from things we do not eat.

Our Government, led by the next President, must enact a national energy program to transition us from petroleum to alternative and synthetic fuels. It needs to be leadership by the next President in the memory of President Kennedy, when we had only flown Alan Shepard in suborbit, and President Kennedy had the vision and said: This Nation is going to go to the Moon and back in 9 years. That is the kind of leadership we need, and we now have to act with the same urgency.

So we are going to have to pay attention to how we power our homes and industry. We are going to need to develop solar, wind, and thermal energy and safer nuclear power. We have a lot of innovative work.

I see some colleagues are in the Chamber who wish to speak, and I will conclude.

Let me say that I want everybody to know, including the Senator who is just walking onto the floor, this Senator is not going to allow Florida to be a sacrificial lamb for whatever is struck as an energy compromise, nor is

this Senator, who has been protecting the interests of the U.S. Department of Defense for 25 years, ever since I was a young Congressman representing the east coast of Florida, going to allow drilling to cut the heart and the lungs out of the military mission area, which is our largest testing and training area, nor to threaten the interests of the State of Florida, by people succumbing to the simple slogan of “drill, baby, drill” when it ought to be “innovate, baby, innovate.”

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

INTERNATIONAL FETAL ALCOHOL SPECTRUM DISORDERS AWARENESS DAY

Ms. MURKOWSKI. Mr. President, I rise very briefly to recognize tomorrow, Tuesday, September 9, as International Fetal Alcohol Spectrum Disorders Awareness Day. This is a day to bring a voice to the numerous children—many children—born with a continuum of serious, lifelong disorders caused by prenatal exposure to alcohol, which includes fetal alcohol syndrome, alcohol-related neurodevelopmental disorders, and alcohol-related birth defects. The lifetime health costs for people afflicted with fetal alcohol syndrome is at least \$2 million, and the overall cost of fetal alcohol syndrome in the United States is estimated to be at least \$6 billion. That was back in 2007. There is a great need for research, surveillance, prevention, treatment, and support services for individuals with fetal alcohol spectrum disorders and for their families.

It is for these reasons I rise today to dedicate September 9 as International Fetal Alcohol Spectrum Disorders Awareness Day and encourage all my fellow Americans to promote awareness of the effects of prenatal exposure to alcohol; to increase compassion for individuals affected by prenatal exposure to alcohol; to minimize further effects of prenatal exposure to alcohol; and, most importantly, to bring greater awareness to a disease that is absolutely 100 percent preventable.

Communities around the world will observe a moment of silence at 9 minutes after 9 tomorrow, on September 9, to remind women that no alcohol during pregnancy is safe. For the past 6 years, the Senate has passed a resolution highlighting and bringing awareness to this issue. It is my understanding that all resolutions are currently being blocked, so we may not have one this year. But today, on behalf of the millions of individuals suffering from the lasting and detrimental effects of fetal alcohol spectrum disorders, I encourage all Americans to observe a moment of reflection on the ninth hour of the ninth day of the ninth month to remind them that no amount of alcohol—none at all—is safe during the 9 months of pregnancy.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I want to share a thought about the vote we will undertake. I know some of us were taking to calling the speculation bill our Democratic leader offered the “no energy bill” because it had nothing in it to produce any more energy for America—American energy, which I think is a critical component of any successful policy to make us more energy independent, which, indeed, can make us energy independent if we do the right things as far as foreign oil and energy.

I would say to my colleagues, some of whom are part of the so-called Gang of 10, who are trying to work out a compromise they think might produce some more energy for America that might change a few policies that would make us more energy independent and help our economy, which by any calculation is being pulled down by the increasing price of energy, the Cato Institute says electricity bills have doubled since 2001. Electricity has already doubled.

Before we get into some of the more extreme proposals for the regulation of utilities and requirements on utilities, I would say that gasoline prices have surged. The world price of oil hit 140-some-odd dollars per barrel. It has dropped some, to maybe the \$107, \$110 range per barrel, which is better, but it is still far above the \$30 a barrel it was just a few years ago.

So this is adversely impacting American families. We calculate it costs \$57 more a month for a two-car family for gasoline each month than it did this time last year. It is also impacting adversely the American economy. I believe it is an absolute fact that this surge in energy prices is causing the economic slowdown we are facing today, and we have to do something about it.

There are things we can do. So I want to say to my colleagues who are trying to work on something, I am for you. I want you to go ahead. I want you to push forward. I want to put some things in there that will work. That is my policy. I will support anything—efficiencies, conservation, innovation, creativity. It must include more production of American energy, of course. Anything else would be mindless. People do not seem to worry that we pay \$130 a barrel for imported oil, but they want to constrict our ability to produce oil and gas here at home. So I just want to say that.

I urge my colleagues who are discussing this issue to produce some things that will work, and you will have a willing supporter in this Senator. I am willing to do some things that may be even dubious if we can get some things that are good. For example, I understand they are talking about more offshore production. I think that is absolutely necessary. We need to have nuclear recycling. I am hopeful that will be part of any compromise package.

I offered with Senator DOMENICI earlier this year, just a few months ago,

the SMART Act, which would favor the nuclear recycling of waste, which would reduce its toxicity dramatically and reduce the amount that would be needed and produce more uranium capable of creating electricity. It would increase, I understand, the Nuclear Regulatory Commission's staff so we do not have unnecessary delays in approving new powerplants. We have not built one in 30 years, but France is building them. The Brits just announced plans to build five more. We need to get in that game. We have not done so in 30 years.

I would note, however, there is nothing in this legislation that I can see that I am hearing about that would create energy from shale oil in the West. There has been no production from that 2,000 acres in ANWR that is part—that will be producing oil and gas out of an 18-acre region the size of the State of South Carolina. So those are things I hope we can have, before I yield the floor, in a compromise package and that would actually produce more energy for us.

I would note I am honored to serve on the Armed Services Committee with Senator LEVIN and Senator WARNER, our senior member. I see them both here to kick off this debate. It is a very good committee. It is a committee I have learned a great deal from serving on, and I think it is important that we be able to move forward with the Defense authorization bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, under the existing unanimous consent agreement, the Senator from Virginia is going to proceed for 15 minutes, I understand.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I first wish to congratulate my colleague of some 30 years that we have worked together on the Senate Armed Services Committee. Under his leadership this year, we passed the 2008 bill unanimously by the committee in April. Here we are in September, and we are finally getting to the opportunity presented to our colleagues and, hopefully, this week we will act on this bill.

Earlier this afternoon, the distinguished majority leader and the minority leader addressed the Senate on their express hope that this bill will be acted on expeditiously and done so within this week. That will require, however, in my judgment—and I speak only for myself—a unanimous consent request relating to the amendment process. We are anxious to receive amendments from our colleagues, but unless we maintain some order in terms of relevant amendments, I am fearful we will not be able to expeditiously handle this bill. That is a matter that is now being quite fairly and forthrightly worked upon by the respective majority and minority leaders, and certainly my distinguished

colleague, Senator LEVIN, and I have discussed this together and have a joint recommendation for our leadership.

I also wish to express my appreciation to our professional staff, both majority and minority, who have worked on this bill throughout the summer. Such that on the assumption that we can pass it and then get to a conference we will have beforehand reconciled some of the differences between—that is on an informal basis, but on a formal basis, we will be able to reconcile in a conference this bill and then bring it back in the form of a conference report.

This will be the forty-third—bill No. 43—consecutive authorization bill adopted by the Senate. I am hopeful the unbroken record of 42 consecutive times will now be the 43rd, and that puts the Senate clearly on record as supporting the men and women of the Armed Forces of the United States who most justly deserve all the support we can give them. I point out that we have a specific constitutional responsibility toward the men and women of the Armed Forces. It is this bill, coupled with such appropriations as may be acted upon by other committees—this is the discharge of our constitutional responsibility.

We are at a very dangerous crossroads in the history of the world. Our forces today are fighting in two theaters—Iraq and Afghanistan—and are standing watch on many other theaters and outposts across the world. They are facing the threats of militant extremists at home, worldwide, abroad, in all corners of the globe. We are also astounded by the performance of what heretofore we thought was a supporting partner in world affairs—Russia—by virtue of their aggressions in Georgia, and the instability in Pakistan, a major non-NATO ally but nevertheless a major ally. Hopefully, with the election of a new President, that country can begin to govern itself strongly because it is very important, with our forces on the border of Pakistan and our operations against the insurgents and the Taliban in Afghanistan, it is essential we have the strongest of working relationships with Pakistan. Then we have, unfortunately, the nuclear ambitions and the hostile behavior of Iran. All of those propose a profound and wide-ranging challenge for U.S. interests and our friends and our allies in the international community as a whole.

We are fortunate today that the people in the United States of America are so supportive of our Armed Forces. I have had the privilege to observe this Nation in previous conflicts beginning in World War II. In World War II 16 million men and women of the Armed Forces were greeted when they returned home from a solid victory against the axis powers, as well as those of the Pacific. Then, following the Korean conflict, again I had the opportunity to observe firsthand the de-

terioration of the support in the many respects it was given to the Armed Forces who fought so bravely in that conflict. I pause to think that we have celebrated the 55th anniversary of that conflict. Over 30,000 Americans—Americans in uniform—lost their lives in that conflict. Another 90,000 were wounded. Today, currently, 8,000 are still unaccounted for.

So we have a different attitude today. In Vietnam, we likewise experienced a lot of antagonism against the men and women of the Armed Forces. Today, this country is united behind those men and women and giving support to their brave families.

We have also had the good fortune for 35 years to have an All-Volunteer Force. This bill is constructed to continue that support of the All-Volunteer Force. I can recall, in the Vietnam period, I was privileged to be Secretary of the Navy—Under Secretary for some 5 years—that the constricted force experienced a lot of problems. It was during that period in 1973, I remember vividly that the then-Secretary of Defense, Melvin Laird, had the vision to have the All-Volunteer Force. It eventually came into law with the support of the Congress. It was a major gamble, I say to my colleagues—a major gamble. It was the first significant large military power in the world—the United States of America—to try and have this national security policy, this national security defended by all volunteers, but it has worked and worked well beyond the early concepts we had in mind. It has been a superb military force that has preserved America's freedom.

We also have in this bill a reflection on the future needs of our Armed Forces. This bill will provide better compensation and first-rate health care to improve the quality of life of the men and women on Active Duty and in the National Guard and Reserve and their families. I will enumerate a number of provisions in this bill that address those issues.

We also authorize Active Duty end strengths, increases for the Army to go to 532,000-plus and for the Marine Corps, 194,000-plus, respectively. We authorize an increase of 3,371 full-time personnel for the Army National Guard and the Army Reserve. We authorize the costs of special pay and allowances, death benefits, and permanent change of station moves. It authorizes \$26 billion for the Defense Health Program. It requires the Secretary of Defense to develop a comprehensive policy to prevent, regrettably, the increasing rate of suicides.

So I say to my colleagues, this bill is absolutely essential—absolutely essential—and it provides the statutory authorities that our men and women of the Armed Forces need to succeed in combat and stability operations in Iraq and Afghanistan.

We will authorize those funds necessary to seek to reduce our Nation's strategic risks by taking action to restore, as soon as possible, the readiness

of the military services to conduct the full range of their assigned missions. I wish to correct that by saying by taking the action aimed at fully restoring, since much of our military is in a state of high readiness today.

This bill will improve the efficiency of Defense Department programs and activities, promote the transformation of the Armed Forces to deal with the threats of the 21st century, and improve the ability of the Armed Forces to counter nontraditional threats, including terrorism and the proliferation of weapons of mass destruction.

In addition, the National Defense Authorization Act for Fiscal Year 2009 includes authorization of \$24.8 billion in Division B for military construction, BRAC, and family housing programs. Because MILCON projects require a line item authorization by law, and considered new-starts, DOD will not be able to carry out any new project in fiscal year 2009 if this bill is not enacted.

Of the 24.8 billion, \$11.7 billion is for military construction, \$3.2 billion for the construction and operation of family housing, and \$9.1 billion to implement the results of the 2005 BRAC.

Within the BRAC account, 282 projects are at risk across the country, including critical construction to establish new hospitals at the Naval Medical Center, Bethesda, MD; Fort Belvoir, VA; and Fort Sam Houston, TX, to facilitate the closure of inadequate facilities at the Walter Reed Army Medical Center, Washington, DC. Other critical BRAC construction at Fort Bliss, TX, and Fort Benning, GA, is required to facilitate the return of U.S. forces from overseas locations and the establishment of new modular units. Also BRAC construction at Eglin Air Force Base, FL, is required to support the joint Air Force and Navy training.

In closing, this is an important bill that takes care of our troops and their families. It sustains a national treasure, the All Volunteer Force, and authorizes funding for the Department of Defense and the national security programs of the Department of Energy.

I urge my colleagues to vote in favor of the motion to proceed to the Defense authorization bill for the sake of the men and women in uniform and in spirit of Article I, section 8 of the Constitution that assigns to Congress the powers "to raise and support Armies" and "to provide and maintain a Navy."

Mr. President, I defer to our distinguished Chairman. Again, I congratulate the chairman on bringing this bill to the floor.

I yield the floor.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator from Michigan is recognized.

Mr. LEVIN. Very briefly, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEVIN. 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. LEVIN. Mr. President, first, I wish to thank my good friend from Virginia, Senator WARNER. As he pointed out, he and I have been together in the Senate now almost 30 years. Hopefully, we could get this bill to the floor the way he and I and other chairmen before us have been able to get a Defense authorization bill to the floor and passed for, I believe, close to 50 years; somewhere in the mid 40s now we have had a Defense authorization bill. We have to have it under the law. There is mandatory spending in here. There are pay increases in here. There are benefit provisions in here. This is a must-do bill.

Senator WARNER, in his great leadership over the years, has made it possible for many of these bills to get to the floor. I look forward to all our efforts to get this bill done in the very few weeks we have remaining. If we do get it done—and I am optimistic—it will be because Senator WARNER, as always, brings his managerial skills and his good nature and his other skills to the fore. I look forward to trying to get this bill done the way we have been able to do it for all these years.

Mr. WARNER. Mr. President, I thank my distinguished colleague for his kind remarks. I should also wish to join him in thanking the members of our committee. We have had an excellent committee, and we have a very bipartisan, professional staff. I am sure we can do the job. I will point out one additional feature—military construction. I dare say that almost every Member of this body has a provision somewhere in this bill relating to military construction. Without passage of the bill, that simply will not take place.

Mr. LEVIN. I thank my friend. I want to make another point. In the weeks we have remaining, we not only have to get this bill passed, but we have to get it to conference and back in probably a record period of time. It is going to take all of the cooperation of the Members of the Senate. We are going to succeed. There are 100 reasons to do it, and all of them boil down to the men and women in uniform and their families and the security of this country. The incentive should be there for us to do it. Because of the long delay, we have to do it in record time. We have had wonderful cooperation from members of the committee on a bipartisan basis. We have tremendous staff members who have worked over the recess to get the work done so we can get this bill passed in a very short period of time and so that we would have a reasonable chance of getting this bill done in the number of weeks we have left.

The committee approved this bill unanimously. More than 4 months ago now, on April 30, we tried to bring the bill to the Senate floor. At the end of

July, we were unable to do so because we could not obtain cloture on the motion to proceed. There are many important nondefense legislative proposals that Members would like to bring before the Senate to get adopted. I am one of those Members. There are a number of things I would love to bring before the Senate and get adopted. But we cannot take out our frustration on our troops. I am prepared to give up a whole bunch of nondefense amendments that I hoped to be able to bring to the Senate's attention. I am willing to give them up. I hope other Members who feel the same way will ensure that we have a Defense bill this year.

This bill is simply too important and the time available to us is too limited to be sidetracked by unrelated amendments, as important as they may be. As my dear friend from Virginia said, we have enacted a defense authorization act every year now for 4½ decades. During that time, there have been years when we had to invoke cloture to get final passage, years when we have had to enter unanimous consent agreements to expedite consideration of the bill, years in which the bill was vetoed and we had to start over again. There have been years in which we have spent weeks debating the bill on the Senate floor and months in conference with the House. We have had to address serious disagreements over issues such as base closures and missile defense. But we have always had a bill because Members have always understood that we have to do what it takes to do the right thing for our soldiers, sailors, airmen, marines, and their families.

These authorization bills, which come annually, contain provisions that improve the quality of life for our men and women in uniform and give them the tools they need to defend our Nation and provide critical reforms to improve the operations of the Pentagon. That is the case with this bill. The bill reported by the Armed Services Committee 3 months ago obtains many provisions of critical importance to our troops.

First and foremost, the bill would increase military pay by 3.9 percent, a half percent more than the President requested. It provides continued authority for the payment of enlistment and reenlistment bonuses, ascension and retention bonuses for servicemembers with critical skills who are assigned to high-priority units, and bonuses and incentives to reward our troops to make sure we can retain our people. It provides new incentives to military psychologists and the nursing students to address the ongoing shortages we have in these critical specialty areas.

At a time when thousands of our troops are deployed around the world and our voluntary military is strained to meet the requirements of ongoing conflicts, while remaining prepared for other contingencies these are steps that we simply must take.

When our men and women in uniform are in harm's way, there is nothing

more important for us to do. The bill would increase the end strength of the Army, Marine Corps, Air National Guard, and Army Reserve to reduce the incredible stress on our troops. It would establish and extend critical authorities needed by the DOD for current operations. For instance, it would provide the Department of Defense the authorization to use funds for quick turnaround construction projects needed to support our troops in Iraq and Afghanistan. It will extend the DOD's authority to provide training and funds and stabilization in security assistance, which are so essential to the well-being of our troops.

The bill includes numerous other measures to improve the quality of life for our service men and women, retirees, and their families. For instance, the bill ensures that wounded and injured servicemembers will not be charged for meals received at military treatment facilities. It is so unbelievable that some of those facilities make these current charges, so I should repeat it. This bill will ensure that wounded and injured servicemembers will not be charged for meals received in military treatment facilities. It will provide supplemental impact aid for schools with large populations and military children. It authorizes funds for military construction projects, military family housing, and BRAC-related construction to ensure that our troops have the housing they deserve and our military has the facilities it needs for the national defense.

The bill will build on last year's National Guard Empowerment Act by requiring the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs and the Chief of the National Guard Bureau, to develop a strategic plan to enhance the rule of the National Guard and Reserves, taking into account the recent report of the Commission on National Guard and Reserves.

The bill will provide funding for critical initiatives, including \$3 billion for the Joint Improvised Explosive Device Defeat Organization. That is the ongoing effort of that organization to defeat the threat of these explosive devices. There are over \$100 million in investments in advanced energy and power technology to support defense missions, such as hybrid engines, military fuels research, and battery technology, and more than \$120 million to combat the proliferation of weapons of mass destruction and improve our ability to reduce and respond to threats of weapons of mass destruction, both at home and abroad.

Another thing this bill does is something I think every American who has heard about the fact that we are spending taxpayer dollars for the reconstruction of Iraq, while the Iraqis have about \$80 billion in surplus funds in banks, including ours, drawing interest from the American taxpayers, to go to the Iraqi Government to build infrastructure in Iraq while they are charging us \$120 a barrel and we are paying \$4 a gallon for gasoline. When the

American public focused on that a few weeks ago, the reaction was what we would expect. They were astounded that 5½ years later, \$11 billion a month is going out of our taxpayers' pockets, while the Iraqis have a huge oil surplus based on the revenues they get from \$120- or \$130-a-barrel oil, and with all that money in the bank, we are still paying significant moneys for Iraqi reconstruction. It is unconscionable.

We have a provision in this bill that will require the Iraqis to use their own oil revenues rather than U.S. taxpayer dollars to pay for the large infrastructure projects and also for the training and equipping of their own military. We all remember Deputy Defense Secretary Wolfowitz, at the beginning of the war, who said Iraq would be able to "finance its own reconstruction through oil revenue." But that has not proven to be the fact. U.S. taxpayers, so far, have paid \$48 billion for stabilization and reconstruction activities in Iraq.

Again, the Iraqi Government has generated more than \$100 billion in oil revenue since the war began and spent only a fraction of that amount on its own reconstruction. Under these circumstances, it is inexcusable and unconscionable for U.S. taxpayers to have to foot the bill for projects that the Iraqis are fully capable of funding themselves. The bill addresses that problem. We should not have to have legislation on that. The President ought to call the Prime Minister of Iraq and say: Folks, you have \$80 billion. Reimburse us for the reconstruction. Surely, the ongoing construction should be paid for by Iraq's surplus. But, apparently, that is not going to happen. So this legislation is needed.

The bill also includes a number of measures to ensure the proper stewardship of taxpayer dollars. These include provisions that would institute improved cost control for the acquisition of major weapons systems, require program managers to incorporate energy efficiency requirements and performance parameters for such systems, and ensure that private security contractors don't engage in combat and combat-related activities on the battlefield. This is a reform that has been needed for a long time. We have these contractors that are hired to perform Government functions, with combat-related duties. We simply have to make sure these private security contractors don't engage in combat-related activities in these battle zones. We have to increase oversight and accountability for housing privatization initiatives, and the bill does all that. Our acquisition system is in deep trouble. This bill addresses that issue.

Since the beginning of 2006, nearly half of the 95 largest acquisition programs of the Department of Defense have exceeded the so-called Nunn-McCurdy cost growth standards that were established by Congress to identify seriously troubled programs.

I wonder if I might inquire of the Chair about the time remaining that I control.

The PRESIDING OFFICER. The Senator has 30 seconds remaining.

Mr. LEVIN. I will yield back.

Mr. WARNER. I yield my time to my colleague. I think I have 2 minutes remaining.

The PRESIDING OFFICER. The Senator has 3 minutes 15 seconds.

Mr. LEVIN. I thank my friend. I am happy to share that with him. I am appreciative.

As I was saying, almost half of our largest acquisition programs have exceeded the Nunn-McCurdy standard to identify seriously troubled programs. These major defense acquisition programs are known as MRAPs. They have exceeded their R&D development by an average of 40 percent, and we have seen their acquisition costs grow by an average of 26 percent and experience an average delay of almost 2 years. The GAO tells us the cost overruns on these major defense acquisition programs—just on these programs—now total almost \$300 billion over and above the original program estimates. This isn't the cost of these programs. This is the cost of the programs above what they were supposed to cost—\$295 billion. That is true even though we have cut quantities in those programs and reduced performance expectations on many programs in an effort to hold costs down.

I want to put into context what the \$295 billion cost overrun could buy for us. This is what we could buy at current prices: two new aircraft carriers at \$10 billion each, eight Virginia class submarines at \$2.5 billion each, 500 V-22 Ospreys, 500 Joint Strike Fighters, and 10,000 MRAPs—all of that, not either/or but all of it—and we could still pay for the total cost of our future combat system program, which is \$130 billion.

That is just the overruns in those programs which have exceeded their cost estimates. These overruns happen because of fundamental flaws that are built into our acquisition system.

I will conclude because it is now time for us to vote. I am very hopeful that every Member of this Senate will vote to proceed to this bill. We cannot justify again delaying consideration of this Defense authorization bill. The men and women in uniform deserve for us to act. There is no way that we can look their parents, their families, their loved ones in the eyes and justify a failure to adopt this bill this month.

Again, I thank all the members of the committee and my good friend, Senator WARNER, for everything he has done to make it possible for us to at least have a good chance to pass this bill.

Mr. WARNER. Mr. President, my understanding is at the hour of 5:30 p.m. the vote will commence.

CLOTURE MOTION

The PRESIDING OFFICER. By unanimous consent, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the

Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to S. 3001, the National Defense Authorization Act for Fiscal Year 2009.

Carl Levin, Christopher J. Dodd, E. Benjamin Nelson, John F. Kerry, Claire McCaskill, Joseph R. Biden, Jr., Bill Nelson, Blanche L. Lincoln, Richard Durbin, Daniel K. Akaka, Robert Menendez, Kent Conrad, Sherrod Brown, Jack Reed, Jim Webb, Charles E. Schumer, Harry Reid.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Hawaii (Mr. INOUE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Missouri (Mrs. MCCASKILL), the Senator from Maryland (Ms. MIKULSKI), the Senator from Illinois (Mr. OBAMA) and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from North Carolina (Mrs. DOLE), the Senator from Nevada (Mr. ENSIGN), the Senator from South Carolina (Mr. GRAHAM), the Senator from Arizona (Mr. MCCAIN), the Senator from New Hampshire (Mr. SUNUNU), the Senator from Louisiana (Mr. VITTER) and the Senator from Mississippi (Mr. WICKER).

Further, if present and voting, the senator from North Carolina (Mrs. DOLE) would have voted "yea."

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

The result was announced—yeas 83, nays 0, as follows:

[Rollcall Vote No. 197 Leg.]

YEAS—83

Akaka	Coburn	Hagel
Alexander	Cochran	Harkin
Allard	Coleman	Hatch
Barrasso	Collins	Hutchison
Baucus	Conrad	Inhofe
Bayh	Corker	Isakson
Bennett	Cornyn	Johnson
Bingaman	Craig	Kerry
Bond	Crapo	Klobuchar
Boxer	DeMint	Kohl
Brown	Dodd	Kyl
Bunning	Domenici	Lautenberg
Burr	Dorgan	Leahy
Byrd	Durbin	Levin
Cantwell	Enzi	Lieberman
Cardin	Feingold	Lincoln
Carper	Feinstein	Lugar
Casey	Grassley	Martinez
Chambliss	Gregg	McConnell

Menendez	Rockefeller	Stabenow
Murkowski	Salazar	Stevens
Murray	Sanders	Tester
Nelson (FL)	Schumer	Thune
Nelson (NE)	Sessions	Voinovich
Pryor	Shelby	Warner
Reed	Smith	Webb
Reid	Snowe	Whitehouse
Roberts	Specter	

NOT VOTING—17

Biden	Inouye	Obama
Brownback	Kennedy	Sununu
Clinton	Landrieu	Vitter
Dole	McCain	Wicker
Ensign	McCaskill	Wyden
Graham	Mikulski	

The PRESIDING OFFICER. On this vote, the yeas are 83, the nays are 0. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. REID. Mr. President, for the benefit of Members, cloture has been invoked on the motion to proceed. We are now waiting to see if we are going to require the use of 30 hours. We hope that is not the case. The two managers of the bill are ready to start legislating whenever they can.

We have worked all afternoon trying to figure out a way to move forward on this bill, and I hope we can do that very quickly. This is an extremely important piece of legislation. This is the way we take care of our troops. There is a 3.9-percent pay increase in this bill, and there are a lot of other good efforts to help the Nation's military, so I hope we can move as quickly as possible. But we will wait for the Republicans to tell us if they are going to require the use of the 30 hours postcloture.

There will be no more votes today, Mr. President.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

UNANIMOUS-CONSENT REQUEST—
H.R. 6532

Mr. REID. Mr. President, earlier today I came to the floor and indicated I had received calls from the administration—specifically, one call from the Secretary of Transportation, Mary Peters, who pleaded with me to do everything I could to replenish the money from the highway trust fund. The House has passed legislation that that will take place on or about October 1 of this year. What we want to do, at the request of the administration, is move that forward and do that now. The money is gone. The Secretary has informed me and everyone else that she is going to start doling the money out, first 80 percent and then, as I understand what she said to me, it will be 50 percent, and pretty soon nothing. We have major projects around the country that will go unfunded and will have to cease construction.

It is extremely important we do this. We have asked, on many occasions prior to today, that this take place. We knew the trust fund was down. But we have asked this be done before, and we received word from the White House that this was something they did not want to do. Now it appears the White House wants to have it done—as they should have wanted it done a long time ago.

Mr. President, having said that, I ask unanimous consent the Finance Committee be discharged from H.R. 6532 and the Senate proceed to its consideration; that the amendment at the desk be considered and agreed to, the bill, as amended, be read a third time, passed, the motion to reconsider be laid on the table and any statements relating to this matter be printed at its appropriate place in the RECORD with no intervening action or debate.

That is the consent. I add that what this would do is replenish—take from the general fund money in the sum of \$8 billion and put it in the highway trust fund.

The PRESIDING OFFICER. Is there objection?

Mr. GREGG. Reserving the right to object, if the majority leader will allow me to take a minute or so to explain the theory behind the objection, it is this. Essentially, the highway fund was set up with the highway trust fund and road construction to be paid for with revenues from gas receipts. This will be one of the first occasions when the highways' construction will be paid for by taking the money out of the general fund. The only problem is we don't have any money in the general fund. This money will have to be borrowed from our children.

It makes no sense from our fiscal responsibility to set this precedent. There are many other ways this can be paid for in a responsible way. Therefore, I do not believe we should start a precedent of borrowing from the general fund in order to pay for highway construction, which historically has been paid out of the highway trust fund.

Therefore, on behalf of myself and Senator DEMINT, I will be objecting. But I would like to say this. I believe that with a reasonable number of amendments, probably no more than three, and a very tight timeframe, we can address the issues about which I am concerned and about which Senator DEMINT is concerned. They would be relevant issues, I would hope. We would run them by the majority leader so he could be reasonably comfortable with their relevance. Mine obviously would be related to paying for it in a more responsible way than borrowing it from our children.

At this time, I have to object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. As I said a number of times, I so appreciate the ability that I have—and I hope he, the distinguished senior Senator from New Hampshire,