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## Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

### PRAYER

The PRESIDING OFFICER. Today's prayer will be offered by Rev. Catherine Quinn, St. John's Church, Washington, DC.

The guest Chaplain offered the following prayer:

Let us pray.

Almighty God, we give You thanks for these, Your servants, gathered to do Your work in the governing of this country that You have so blessed. Help them to recognize Your abundance. Help them to honor their responsibility. May they be humble as well as wise, civil as well as courageous, patient as well as strong.

Make us each mindful of our relation to all creation, the fullness of which only You, dear Lord, can survey. On this 10th day of September, as we recall the calm before the storm of September 11, 2001, strengthen us to summon the best in ourselves. May we deal gently and honestly with one another, live in recognition that our spirits are interconnected, and in all things embody Your love.

Amen.

### PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN L. CARDIN led the Pledge of Allegiance, as follows:

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

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, September 10, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. CARDIN thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

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

### SCHEDULE

Mr. REID. Mr. President, following leader remarks, there will be a period of morning business for up to 1 hour, with Senators permitted to speak for up to 10 minutes each, with the majority controlling the first 30 minutes and the Republicans controlling the next 30 minutes. Following morning business, the Senate will resume consideration of S. 3001, the Defense authorization bill.

Last night, the Senate reached an agreement to consider several amendments to the bill, including amendments by Senators LEAHY, VITTER, NELSON of Florida, and KYL. Those amendments will be debated this morning, and we will work with the two managers of the bill and with my counterpart, Senator MCCONNELL, to find out when those votes should take place. We are hopeful we can continue working on this most important legislation today and complete the legislation this week. It would be really good if we could do that.

Mr. President, if the distinguished Republican leader wouldn't mind, I wish to yield a couple of minutes to the Senator from Nebraska, and then Senator MCCONNELL would have the floor.

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

### WELCOMING THE GUEST CHAPLAIN

Mr. HAGEL. Mr. President, I thank the distinguished majority leader and minority leader for allowing me to welcome and congratulate our guest chaplain today, Rev. Cathy Quinn, who has been noted as the senior assistant rector at St. John's Episcopal Church here in Washington, DC. That church, as my colleagues know, is also referred to occasionally as the Church of the Presidents.

Reverend Quinn plays an integral role in leading the congregation in their faith and spiritual growth. She is not new to Capitol Hill, having served as a legislative assistant for former New York Congressman Amo Houghton. Her experiences while at Yale Divinity School ranged from working at hospitals ministering to patients in the pediatric intensive care units and the oncology ward to assisting with the Children's Mission at St. Paul and St. James Episcopal Church. Her many accomplishments have prepared her well for a life of ministry. Along with her growing number of ministerial duties at St. John's, Reverend Quinn also manages to balance the needs of her family—her husband Peter, who is in the Chamber today, and her two daughters, Nora and Molly. Her level of commitment to both aspects of her life is a model for many to follow.

I wish to thank Reverend Quinn for her contributions to her community and for her service to the members of St. John's Church.

So I wish to acknowledge her good work and her spiritual guidance. I am particularly pleased because I have a parochial interest. As I said, not only

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



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does my family belong to that church, but my wife Lilibet serves on the vestry there. So not only am I always tuned in, but I pay particular attention in this case.

Again, we are very proud of her and the work she does, the work of St. John's, and all who are associated with that church and that ministry.

Mr. President, I yield the floor.

#### RECOGNITION OF THE MINORITY LEADER

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

#### DEFENSE AUTHORIZATION

Mr. McCONNELL. Mr. President, we have a limited number of workdays between now and November, so we will obviously have to focus our priorities starting with the Defense authorization bill which the distinguished majority leader was just discussing, which is now before us. Among other things, the bill authorizes a much deserved pay raise for America's military men and women. Of course, an authorization bill only gets us halfway there. In order for this military pay raise to reach the families it is intended for, the Senate will need to pass an appropriations bill as well. So my suggestion is that we begin processing amendments to the Defense bill today, as the majority leader has indicated, starting with the first four amendments which will be voted on later today. We weren't, unfortunately, able to vote on any amendments yesterday. As everyone knows, the Defense bill is typically a heavily amended bill. It usually takes 2 or 3 weeks to complete, but it is my hope we can make some good forward progress today. Kentucky is home to two major military installations and more than 357,000 veterans. They, and the rest of America's veterans, deserve our full attention.

We have time but not a lot of time. Tomorrow, we will be taking some time out to remember the 9/11 attacks. Friday, we have an all-day energy summit. So let's use our time wisely. If we do, it is my hope we can work together and, with cooperation, finish this bill, at least early next week.

Mr. President, I yield the floor.

#### RESERVATION OF LEADER TIME

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

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for 1 hour, with Senators permitted to speak for up to 10 minutes each, with the time equally divided between the two leaders or

their designees, with the majority controlling the first half of the time and the Republicans the final half.

The assistant majority leader is recognized.

#### FANNIE MAE AND FREDDIE MAC

Mr. DURBIN. Mr. President, Sunday's announcement by Treasury Secretary Paulson that the Treasury Department and the Federal Housing Finance Authority would be placing Fannie Mae and Freddie Mac into conservatorship should be recognized for what it is: This is a landmark intervention by the Federal Government into our private markets, the housing markets. We are literally nationalizing half of the American housing market. The Bush economic policies and the irrational exuberance of the mortgage banking industry have driven us into this box canyon. The U.S. economy is hurting, with dramatic job losses, home values reeling, and middle-income families struggling to pay for the basic necessities.

While it may have been necessary and may have been the best of many bad options, this certainly raises significant long-term questions about how we organize and regulate mortgage financing in this country. This move may stop the rot for now, but real reform must follow.

With this administration's days numbered and only a few months left, it will be up to the next President and the next Congress to face these issues honestly and quickly.

For my part, I intend to make the case in the coming months that there is a sensible role for Government to play in the regulation of markets, regardless of what some may argue to the contrary. Letting our private sector markets run amok can lead to excessive booms and bailouts, as last weekend's actions evidence.

There are two things that merit immediate attention. I have written to the Secretary of the Treasury, Henry Paulson, Federal Housing Finance Authority Director Lockhart, and the incoming CEOs of Fannie Mae and Freddie Mac asking two things: First, it is unconscionable to reward the outgoing CEOs of these companies with golden parachutes that will literally cost the taxpayers millions of dollars—some estimate \$24 million—in farewell gifts; second, that we focus on restructuring the mortgages owned or serviced by Fannie Mae and Freddie Mac. Our goal needs to be structuring mortgages so troubled homeowners can keep up with their house payments and not lose their homes.

According to analysts cited in news coverage, the two ousted CEOs of Fannie Mae and Freddie Mac may be entitled to over \$24 million as a farewell gift from American taxpayers for running their companies into the ground. With taxpayers across America now facing the burden of paying up to \$200 billion in bailout costs for these agencies, I find this unconscionable.

Income equality in our country continues to grow. Middle-class families continue to work hard for paychecks that can't keep up with the cost of living. Yet compensation for senior executives has risen dramatically over the last 8 years.

My colleague, Senator JIM WEBB, not that long ago, in response to the State of the Union Address, noted that in the 1960s the CEOs of major corporations made 20 times more than the average worker. Today, they make 400 times more than the average worker. That means that literally each day a CEO works, he makes more than the average American worker makes in a year. How can we be asked to enshrine this inequity with taxpayers' dollars? We are being asked to reward incompetence and to lavish millions of dollars on the CEOs of Fannie Mae and Freddie Mac who have failed in their assignment. A worker who doesn't do his job will be given a pink slip, but a failed CEO of Fannie Mae or Freddie Mac is given a multimillion-dollar windfall.

I understand that both of these individuals were brought on the job to try to save failing agencies, but it is also true that in the case of the head of Fannie Mae, Daniel Mudd, he was paid \$11.6 million as an income last year as Fannie Mae was headed into the tank. Mr. Syron, Richard Syron, who headed up Freddie Mac, was paid \$18.3 million last year and given stock options. It turns out those stock options have become almost worthless. The fact is that they are still being rewarded—unless we do something—with farewell gifts and golden parachutes as they leave.

When Mr. Mudd took over Fannie Mae some 4 years ago, the shares were trading at \$70. On Friday, the day the news of the possible takeover started to leak out, Fannie Mae shares were trading at \$7. On Monday, the shares closed at 73 cents.

Freddie Mac had its own accounting problems when Mr. Syron took over in December of 2003. The company was forced to admit it had inflated its earnings by nearly \$5 billion. Like Mr. Mudd, Syron—who had served as a chief executive at other companies before—had been brought on pledging to fix the company and get it back on track. Freddie's shares, which traded for about \$55 when Mr. Syron took over in 2003, dropped to about \$5 last Friday and then to 88 cents on Monday.

You don't have to be a subscriber to the Wall Street Journal to realize these two men failed in their assignments. Given 3 or 4 years to right the ship and steady the course, they failed. Yet, in their failure and departure, they are asking for a rich reward—literally millions of dollars to be paid by the taxpayers. That, to me, is indefensible. That is why I have joined others in Congress, including Senator OBAMA, Senator REID, and Senator SCHUMER, in writing to the Treasury Secretary and the head of the Housing Finance Authority and telling them to stop the

golden parachutes for Mr. Mudd and Mr. Syron.

However, there is more that needs to be done. Last Sunday, Secretary Paulson called me to explain what was going to happen with Fannie Mae and Freddie Mac.

I told him I didn't know what else he could do. To allow these two housing giants to fail could literally cause reverberations across the economy, hurting many innocent companies, shareholders, and workers. I thought we had to step in. We had no choice. But it is not enough. To ride to the rescue of Bear Stearns, as our Government has, or to the rescue of Fannie Mae and Freddie Mac, as we have, is, of course, an effort to avert a worse disaster. But there are literally hundreds of thousands of small-scale disasters taking place every day, which still evidence a serious problem in the American economy. I am speaking, of course, of foreclosures. Despite the passion this administration has for making sure corporations survive bad times, they don't have a similar passion for families facing foreclosure.

The letter I have written to the Treasury Secretary calls on him, as part of this restructuring of Fannie Mae and Freddie Mac, to at least consider a helping hand for those facing foreclosure.

When IndyMac Federal Bank was taken over by the FDIC in July, the FDIC instituted a systematic plan to refinance troubled mortgages to help those homeowners avoid foreclosure. It set up strict criteria for those who would be eligible. It would not help speculators but those who had their homes at stake. It initiated restructurings for all of the mortgages that qualified. However, when it comes to the other mortgages across America, I am afraid there is a sad story to tell, where there has been a failure to refinance, a failure to create opportunity for people to stay in their homes. Foreclosure is a disaster for any family facing it, but it is also a disaster for their neighbors. The value of my home in Springfield, IL, has diminished because some of my neighbors have gone through foreclosure. Of course, it affects the overall housing market. It affects whether people will buy or build homes. Unless this cloud is removed from our housing market, then one of the pillars of the American economy has been shaken and may crumble.

That is why we have called on the Treasury Department and this administration to step in as part of restructuring Fannie Mae and Freddie Mac to avert foreclosures. Now, the Mortgage Bankers Association—the group that brought us this subprime mortgage disaster—has been arguing not just for months, but for years, that voluntary efforts by financial institutions are enough, that these banks will come forward and help these families. But there is no evidence of that whatsoever; foreclosures still are occurring at a record historic rate.

We cannot expect to emerge from this weak and failing economy until we address the root cause, which is the failure of the housing market. The Bush economic and tax policies have brought us to this disastrous moment—this moment where we have a Tax Code that rewards the wealthiest instead of helping middle-income families, a moment where the administration rushes to the rescue of the big banks but forgets American families who are struggling to keep a roof over their heads, struggling to protect the only asset they have in life against an economy that is making it difficult for them to survive.

Foreclosures continue to skyrocket. We have set a new record high in the last quarter, according to the Mortgage Bankers' own data. The Hope Now Alliance, which is run by bankers with the support of this administration, is supposed to be riding to the rescue. But they don't require banks to do anything to help homeowners, but just gives them "guidelines." Let me tell you something: Guidelines will not save a home. Guidelines will not avoid foreclosure. Guidelines won't keep you out of bankruptcy. That is what many homeowners are facing.

We tried, unsuccessfully, to convince this Senate and this administration to allow those homeowners facing bankruptcy and foreclosure to have one last chance in the bankruptcy court, to let the courts sit down with the bank and the family and try to find a way to keep them in their home. It was rejected. The "sanctity of the contract" is what we were told, we cannot violate the sanctity of the mortgage contract. Why, that would be unconscionable. It would shake the very foundations of the private sector economy in America.

But what happened last week? What happened to the sanctity of the contract when our Government and taxpayers rode to the rescue of Fannie Mae and Freddie Mac? We decided there was a greater good. The greater good was stabilizing this economy, averting a disaster if these two agencies failed. We said we would step in and do something extraordinary for the good of America. Why is it we will step in with billions of dollars for the good of America when it comes to major banks and major financial institutions but consider it anathema, unacceptable, heretical to step in when it comes to helping a family save a home?

That is the difference in the thinking here. When it comes to the priorities of this administration in Washington, those at the top, whether it is the banks or the CEOs of Fannie Mae and Freddie Mac, they always come out fine. They are always going to find themselves at the end of the day quite comfortable. But when it comes to helping working families—middle-income families who are struggling to get by—the policies of this administration have not been kind.

This Hope Now Alliance still won't report to the public how many families

are receiving real mortgage relief, through a reduction in what is owed. We can assume that not many are getting help. Now that Fannie and Freddie have been taken over by the Government, we can do something about it. These companies need to systematically restructure mortgages so we can prevent as many foreclosures as possible. Everyone wins if we do that. Families get to stay in their homes, taxpayers spend less money covering foreclosure losses, Fannie Mae and Freddie Mac reduce their future exposure to failed loans, and it is the right and smart thing to do. As our economy continues to struggle, we should take advantage of every opportunity we have to step in and help.

Saving the taxpayers from overpaying failed CEOs and helping families stay in their homes and avoid foreclosure are two such opportunities. In this letter, I have urged the administration to seize both opportunities.

On November 4, the American voters will have a chance to speak to the record of this administration, to decide whether we are going to make the change in Washington that is needed to steer a different course, to bring, I hope, a stronger economy. Many of us believe the strength of that economy and future of that economy is with the working families of this country, the middle-income families who struggle every day, pay their taxes, try to keep gasoline and groceries available, pay for college education and health expenses, and are having a hard time getting by. There hasn't been enough sensitivity in the actions and policies of this Congress or this administration when it comes to these families.

The fact is we have a chance in this election to change things in Washington, to bring some new thinking, some new priorities, and some new values. Those values don't include multimillion dollar golden parachutes for failing CEOs, or putting banks as a priority above average working people who have always been the strength of this country. I certainly hope we have that opportunity and seize it on November 4.

I yield the floor.

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

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#### ENERGY

Mr. TESTER. Mr. President, I rise today to visit about an issue we have all been talking about for some time: energy. In fact, truth be known, we have been talking about energy for over 30 years in this country, since the first energy crisis in the early 1970s.

Over the August recess, I had the opportunity to go around the State of Montana—I logged hundreds of miles on my vehicle—and talk with Montanans virtually from all over the State about energy and our Nation's energy future. Every visit to the great State of Montana is another reminder

to me that many of the best ideas—if not all of the best ideas—are found outside of Washington, DC. From a dairy farm in western Montana that converts cow manure into enough electricity to power that farm and its neighbors through hydrogen fuel cells that keep the lights on in college classrooms, to a generator that turns tree bark into electricity, Montanans are finding innovative ways to meet their energy needs. That can not only help Montana, but it can help the whole country's energy future.

It is no wonder, as I traveled around the State, as we see in Montana, gas prices a little under \$4 a gallon, and as we see winter coming in and the potential of a cold winter and the potential for high heating oil and natural gas prices, that Montanans are very concerned about their energy future.

This fall, over the next few weeks, we have an opportunity to address this country's energy future both in the short term and in the long term. Hopefully, we will address it. Hopefully, we can put the partisanship away. Hopefully, we will be more concerned about energy for this country's citizenry than about who is going to win the next election.

Back in 1978, one of the other times we had energy problems in this country, Montana put out this book. It says 1978 on the bottom, and it is called "Montana's Energy Almanac." This book contains information about oil and gas and coal. It also contains information about electricity transmission, solar power, geothermal, renewable energy, and a myriad of other issues. This book could have been written in 2008. The fact is we had a format to move forth with this country's energy future, and it didn't happen. We had the ability to develop a long-term energy plan for this country, and it didn't happen—30 years ago, it didn't happen; a generation ago, it didn't happen.

We need to make it happen this fall. It is critically important for this country. It is critically important for this Nation's security. As we come forth with an energy plan over the next few weeks, it will include drilling, make no mistake about it, and it should. Also remember this: It is not going to significantly decrease the prices at the pump right now. That doesn't mean it is the wrong thing to do. It is the right thing to do, because the truth is that if we can take our reliance off of places such as Venezuela, Russia, and Saudi Arabia, that is a good thing. You also must note that, right now, we are drilling. In fact—and I have stated this before on the floor—right now, it would be difficult to find a rig in the United States to punch a hole for gas or oil, because they are already doing that. If you are lucky enough to find a rig, you would be hard pressed to find the casing to put in that hole once it is drilled.

The truth is we need to drill, and how much we drill will probably depend upon the availability of rigs and cas-

ings, and right now they are being used up. Drilling is part of the plan. We also need to invest in renewables, because drilling should be a bridge. We talk about bridges, but we never talk about where that bridge is going to go. It will go to nowhere unless we invest in renewables such as solar, wind, geothermal, biofuels, and cellulosic ethanol, and it is critically important for our long-term energy future. So we need to invest in those things by a myriad of ways.

My colleague in the Senate, MAX BAUCUS, has a bill that will do exactly that. That bill needs to be a part of the Energy plan to invest in solar, wind, geothermal, biofuels, cellulosic ethanol—the list goes on and on—because there is tremendous opportunity out there. We need to invest in R&D in clean coal, battery technology, hydrogen technology, high-mileage cars, hybrids, and electric. We need to encourage innovation in R&D. It will happen because it is happening on the ground in places such as Montana now. We need to encourage the innovation.

As this book said on all these issues, we also need to invest in transmission. We need to invest in the grid. If we are going to get electricity to consumers in a way that makes sense, in a way that is efficient and cost-effective, we need to invest in transmission.

Finally, and potentially the most important of all these points, we need to eliminate the redtape. A few years ago, we eliminated the redtape for gas and oil companies. We need to do the same thing for renewable energy. The agencies have been understaffed and, quite frankly, it occupies a lot of time now to get a project through.

We have a Montana-Alberta tie line project to move electricity from Montana to Alberta and from Alberta back to Montana with renewable energy on that line. It has been 3 years in progress. The redtape needs to be eliminated.

I will be introducing a bill to cut through the redtape and encourage these kinds of renewable energy projects because, for the long-term future of this country, it is absolutely what we need to do.

In closing, I wish to say this: Oil is hovering around \$100 a barrel right now. It has backed off somewhat. Back in the seventies, we saw oil peak and then back off, and this book was put on the shelf and never looked at again, and probably every State in the Union had a book such as this.

The truth is, we have an opportunity right now to address this issue from a short-term and a long-term standpoint. This issue is not going to go away. We have 3 percent of the reserves. We use 25 percent of the oil. We need to figure out not only ways to maximize our own oil capacity but also how we are going to take renewables into the future and other energy sources into the future so it makes sense for this country and its consumers and this country's security.

As I said earlier, with countries such as Venezuela, Russia, and Saudi Arabia

determining our energy future, that is no way to run a country. We need to address our energy problems, and we need to do it together today by all of us giving a little bit to find common ground to move forward.

As we move across the next 57 days to the election, we ought to forget about it. We ought to forget about the election and do what is right for this country and develop a short-term and long-term energy plan that addresses current demand, future demand, affordability, and sustainability. Thirty years from now, I don't want to see a Senator standing up on this floor holding this book up saying: In 2008 we had this same problem, and we need to deal with it today.

We need to deal with it now in 2008, this fall. We cannot blow this one.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

#### ORDER OF PROCEDURE

Mr. GREGG. Mr. President, I ask unanimous consent to speak in morning business for 15 minutes, and after I have completed my speech, Senator CORNYN be recognized for 15 minutes.

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

The Senator from New Hampshire is recognized for 15 minutes.

Mr. GREGG. I ask the Chair to notify me when I have used 10 minutes.

#### FISCAL RESPONSIBILITY

Mr. GREGG. Mr. President, yesterday the CBO gave us their estimates of what the deficit is going to be and what the deficit for next year will be, and it is not good news. The deficit has more than doubled. It is projected now to be \$407 billion. That is up from about \$160 billion. That has all occurred under the leadership of this Democratic Congress. Obviously, the administration takes significant responsibility, but the Congress, under the law, under the Constitution, controls the purse strings, and the Congress has the control over the check writing of the Government. As a result, the first responsibility for fiscal restraint and fiscal discipline is with the Congress, and it has failed that test.

It is hard to imagine how the deficit could jump this much in this short period of time. Most people will say it is the result of the war—or people on the other side will say that. It is not. This jump in the deficit, to the extent it was controllable from the Federal Government's standpoint—in other words, it wasn't caused by the slowdown in the economy—was purely a function of increased spending on nondefense—not purely but was significantly increased by spending on nondefense activities and a dramatic increase in spending.

The problem is that not only is this deficit now at \$400 billion and going up

under this Congress, but the outyears are even more severe that the risk for us as a nation is even more dramatic from the standpoint of fiscal policy because looming over the horizon is the problem with entitlement spending which will expand dramatically as the baby boom generation retires and where we already know there is more than \$60 trillion of unfunded liability.

What has this Congress's response been to this situation? It is the worst record in the last 20 years. One appropriations bill—one appropriations bill—freestanding, has been passed in the last 2 years, the Defense appropriations bill last year. There have been Omnibus appropriations bills passed. Then this year, we are going to pass, it looks like, not an Omnibus appropriations bill but simply a continuing resolution; a complete abdication, a complete abandonment of the budget process, of the responsibility—the first responsibility of the Congress, other than defending the country—of setting up a fiscal process for managing the taxpayers' dollars has occurred under the leadership of this Democratic Congress. It is truly the worst record in the last 20 years. Nothing like this has happened where so much that Congress is supposed to do has not been done. No appropriations bills have been brought to the floor of the Senate, and no appropriations bills have passed the Senate and the House. None. We are supposed to pass 12 bills. None have been passed.

The debt has gone up over \$1 trillion, \$1 trillion added to the debt in the last 2 years. The deficit has doubled, and yet there has been no effort at all not only to do the day-to-day responsibility of managing the Government, which, after all, is the responsibility of the Congress, by passing appropriations bills, but to address the issue of the looming crisis in our entitlement accounts—no effort to address entitlement reform or even at the margin to try to control the rate of growth of entitlement programs. Even the most simple ideas which are reasonable and could have been accomplished have not been pursued, ideas such as making wealthy people pay for some portion of their Part D premium.

Today, Warren Buffett, who qualifies for a drug benefit under Medicare, does not have to pay for any of that or pays only a marginal amount of that cost compared to what he should be paying as a high-income individual. That adjustment has been ignored. Ideas such as that which make sense that would at least save us some money have not even been brought forward; zero effort in the area of Medicare reform, in the area of Medicaid reform, and in the area of entitlement reform by this Congress, zero effort in the area of controlling spending. Not one program has been reduced, not one program has been eliminated, not one program has been adjusted downward. Everything has gone up and up and up. Thousands of earmarks have been proposed, thou-

sands—7,000 or 11,000, I have forgotten the number. Senator COBURN knows it off the top of his head. But it is so many you can't even keep track of them.

It is a true dereliction of duty by this Democratic Congress the way the fiscal house of this country has been managed. They do debt, they do deficits, and they do nothing, and they deserve a D minus when it comes to managing our fiscal house.

It is unfortunate because all these costs which we are running up represent radical increases in borrowing which means dramatic burdens for our children and our grandchildren as they have to pay these bills when they come due in the outyears instead of paying as we go, which is the appropriate way to proceed with spending. We are simply borrowing from our children.

In fact, the pay-go rules, which were supposed to discipline spending, have been waived, adjusted, and gamed time after time to the point where over \$399 billion under this Congress has been spent or put on the books as an obligation which should have all been subject to a pay-go point of order. But those pay-go points of order have been adjusted, waived, or gamed so they did not even get raised or, if they did get raised, they got run over by the majority in this Congress.

So the rules which this Congress put in place to try to discipline spending and which we so often hear chest beating about from the other side of the aisle—I am for pay-go—have been eviscerated. I call it "Swiss-cheese go." It has no relevance at all any longer because the spending around here occurs in a manner which is profligate and there is no attempt to adjust spending to reflect revenues, to attempt to bring down the deficit. In fact, the deficit is now double.

It is not good news for the American taxpayer. Here we are in a situation where we are facing some very serious fiscal times, and we ought to at least be able to discipline our budgets in a more effective way. We ought to at least do the business of the Congress, which is to pass appropriations bills which are within the budget rather than pass supplemental emergencies which are outside the budget.

This is a problem, and it is a significant problem. It is brought about in large part because this Congress has failed to do its job of managing the fiscal house or even taking up the bills which are supposed to manage the fiscal house.

There is another subject I want to touch base on—I see the majority leader is here and as a courtesy, I will proceed to those comments so I don't take up too much of his time—and that is the issue of the highway trust fund needing to be replenished to meet obligations which it has incurred.

A little bit of history is important, if the majority leader will allow me to proceed briefly to outline the history.

We passed something called SAFETEA back in 1995. That bill set

out highway spending which was supposed to be paid for from the highway fund, which the highway fund is paid for by gas taxes. But that bill was intentionally structured—intentionally structured—so that the spending would exceed the income. We knew one day during the term of that bill—people thought it would be later in the process—the highway trust fund would be spent out and there would be a problem.

Why do we know that? Because that bill included 6,000 earmarks totaling \$24 billion which we knew were not going to be able to be totally paid for by gas tax revenues even if the gas tax revenues had maintained themselves.

The ACTING PRESIDENT pro tempore. The Senator has used 10 minutes. Mr. GREGG. I thank the Chair.

What happened was that the gas tax revenues have fallen because of the increase in gas prices and the American people's appropriate effort to try to conserve their use of gasoline. So the day of reckoning has come earlier, much earlier, than expected, but we knew there was going to be a day of reckoning because the bill was structured to fail. All these 6,000 projects that were put in there, \$24 billion of spending we knew was not going to work or be paid for under the present bill. So now the suggestion is that rather than pay for them in a responsible way, we should raid the general fund, take that money and use it in the highway trust fund.

The highway trust fund has always been a separate entity. The whole purpose of the highway trust fund was to fund highways and have them have their own stream of revenues to fund them and to not commingle those funds with the general fund.

The argument has been made—and it is a straw dog argument of the most extraordinary level—that back in 1998, the highway trust fund lent \$8 billion to the general fund, and they are just trying to recover that now as an accounting event. That puts a whole new spin on the concept of accounting. Even the people who did Enron's internal accounting would have found that one a hard sell. That was a movement in 1998 of nothing more than paper.

This event is a real addition to the Federal debt of \$8 billion. This is real money; that had no real money involved. This has a real effect; that had no real effect involved. So that argument is truly a straw dog argument put out there to try to legitimize a raid on the general fund in order to settle up the highway fund.

Now, I know I am going to lose this fight, and I am not trying to stop the fight. I am not trying to stop the event. I haven't suggested we need 60 votes to go through this. What I have suggested—and I will ask unanimous consent to accomplish this—is that we simply have two amendments: One—mine—would put back in place pay-go rules and the Byrd rule prospectively—so it doesn't even affect this event—so

this doesn't happen again. Both of those should be disciplining events on how we fund roads, and it is the right procedure. It is not an outrageous request to proceed that way. The other is the Coburn-DeMint amendment, which says that any money that is taken out of the highway fund will be used for building roads or bridges, as I understand it, and not be used for things such as bike paths and basketball arenas.

So those are the two amendments; that those amendments be brought up, debated, and voted on in a very short and very constricted timeframe and then we have a final passage vote. The majority leader has asked for an amendment to his proposal, so if either one of these proposals were to pass, it is going to go back to the House.

The argument that this is going to slow the process doesn't really have legs because, first off, we may lose both our amendments, but even if we don't lose them, the majority leader has proposed a unanimous-consent request which has an amendment in it, and that amendment will pass because, in effect, it is an effective date amendment. But that will send it back to the House and it will have to be done again, anyway. So as a practical matter, these proposals aren't going to slow the process.

It does seem to me it is reasonable to have two amendments and then final passage or three amendments and then final passage rather than just one amendment and have final passage, and do it all within a framework that has a reasonable timeframe.

UNANIMOUS-CONSENT REQUEST—  
H.R. 6532

Mr. GREGG. Mr. President, I ask unanimous consent that the Finance Committee be discharged and the Senate proceed to the immediate consideration of H.R. 6532, the highway trust fund bill, under the following agreement: that the Baucus amendment at the desk changing the enactment date be agreed to and the only other amendments in order be the Gregg amendment on budget discipline and the Coburn on nonessential projects, the text of which is at the desk, with 30 minutes of debate on each amendment and 1 hour on the bill equally divided in the usual form. I further ask unanimous consent that upon disposition of the amendments and following the use or yielding back of the time, the bill, as amended, be read a third time and the Senate proceed to a vote on passage without any intervening action. I further ask unanimous consent that no points of order be waived by virtue of this agreement.

So the maximum amount of time that would be involved here would be 2 hours, and then there would be a vote on final passage.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. REID. Reserving the right to object, Mr. President, the one thing I am

not going to do is get into a debate on the Senate floor with the Senator from New Hampshire on the rules relating to the budget. He knows them inside out and upside down. The only person I know who is qualified to debate him on these issues is Senator CONRAD. So his amendment is something I am not going to discuss at all because, without in any way demeaning myself, I am not capable of doing that.

But I can say a few things about the Coburn nonessential projects amendment. My friend, the junior Senator from Oklahoma, has held up scores of bills. His definition of nonessential is unique to him. For example, we all know—we have been through it before—that he has held up the Lou Gehrig bill, which would allow a registry to be set up so we could start doing research on this dread disease that is killing people as we speak. The Senator from Oklahoma has held up the Christopher and Dana Reeve Paralysis Act, which is so important to people who are paralyzed. Postpartum depression—I don't know if anyone has had this in their family, situations where this disease has reared its ugly head. It is very severe. A woman has a baby, and following the woman having a baby, she becomes emotionally unstable and needs help. We need to do research on this to try to find out what we can do to alleviate this very serious problem. The Senator from Oklahoma has held that up. Conquering childhood cancer—held up. Breast cancer research was stopped by Senator COBURN. The Emmett Till Unsolved Crimes Act—stopped. Child pornography prosecution—stopped. Enhancing child pornography prosecution—stopped. Funding victims for torture—stopped.

So, Mr. President, I have great respect for my friend from New Hampshire, but the President of the United States and his Cabinet officer, the Secretary of Transportation, called me personally to say they needed this legislation done Monday. They have said they want it done Monday. They want it done now. All 50 States are facing a highway funding crisis if we don't get this bill to the President's desk immediately. His Transportation Secretary, Mary Peters, after opposing our efforts for months to do this, has stated that the crisis has become so severe that the bill needs to be on the President's desk no later than Friday of this week. The Department of Transportation has told us that by this Thursday, States will be reimbursed to the tune of 62 cents on the dollar. That will mean immediate layoffs, immediate terminations of existing contracts.

We don't have time for debating frivolous amendments. The amendment my friend talks about is one the President wants and can be completed just like that. We need to get this done. We need to pass the bill now with an immediate implementation date so that our Governors and our highway workers will know they will have the Federal funds they are owed. Anything

short of that is playing Russian roulette with our economy.

Mr. President, it speaks volumes that we are here, as we should be, talking about how much money \$8 billion is. Keep in mind that we want to take that money and put it in the highway trust fund to keep jobs, to keep people from being laid off, when yesterday it was announced by the administration that we are going to have the highest deficit in the history of our country this year. Where is President Bush when we have been talking about these deficits for such a long time?

So, Mr. President, with all due respect to my friend, the senior Senator from New Hampshire, I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. GREGG. Mr. President, might I inquire of the majority leader—

The ACTING PRESIDENT pro tempore. The time of the Senator from New Hampshire has expired. The Chair is informing him of that. This is the Republican time.

Mr. GREGG. Mr. President, I ask unanimous consent to proceed for 2 minutes to enter into a dialog with the majority leader and that it not affect the 15 minutes that has been reserved for the Senator from Texas.

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

Mr. GREGG. Might I inquire of the majority leader, 2 days ago, the majority leader—yesterday—proposed a unanimous-consent request, and I didn't note in that request that he had a recorded vote involved. Also, if I heard his statement correctly, if the Senator from North Dakota were to agree to my amendment, would he be willing to place it into this amendment?

Mr. REID. No. Mr. President, what I said is that I am not going to debate these very complicated issues relating to budgetary matters with the Senator from New Hampshire. I said the only person who I think is as knowledgeable of the budgetary provisions of the law and precedents here in the Senate is the Senator from North Dakota. So I have every belief that the Senator from North Dakota is not going to come and do this, and I have an even stronger belief that the Senator from North Dakota would not agree to what the Senator suggests.

Mr. GREGG. Well, I suspect the Senator knows the position of the Senator from North Dakota well.

Mr. REID. I would also say this, Mr. President: I would be happy to propound a unanimous-consent request. My request, which I have done on two separate occasions—Monday and Tuesday, and now it is Wednesday—called for passage by unanimous consent with no rollcall vote. I would be happy to change that so that we have a rollcall vote on this. That rollcall vote would be scheduled forthwith.

Mr. GREGG. Mr. President, I would like to talk to the majority leader about that.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized under a previous order.

Mr. CORNYN. Mr. President, I would request I be notified when I have used 12 minutes.

Mr. President, I wish to join my colleague from New Hampshire in raising some alarm—not intemperate, not hysterical alarm, but alarm nonetheless—about the recent reports that the Federal deficit has now risen in excess of \$400 billion. Of course, what that means is that the Federal Government continues to spend money it does not have, and I think the American people are rightfully concerned that we are on a course of significant fiscal irresponsibility for which a tremendous price is going to be paid by our children and grandchildren.

The Senator from New Hampshire mentioned the fact that here we are in September, and this Congress, under the Democratic control conferred upon them in the last election, has yet to pass a single appropriations bill. I know that in the blame game—which in Washington, DC, is a world-class sport—our colleagues on the other side of the aisle like to point to the President of the United States as the person responsible for the high budget deficit. But the fact is that the President can't appropriate a penny of money. The President does not have that authority under the Constitution of the United States. Only Congress can appropriate money, and Congress is the one that should bear the responsibility for this tremendous state of fiscal neglect and irresponsibility that brings us here today.

We also know that in this election season, Senator OBAMA, our colleague from Illinois, has already proposed \$350 billion in new Federal spending. The \$400 billion deficit apparently is not enough to satisfy Senator OBAMA. He wants to spend \$350 billion more in new spending. And these are not on existing spending programs, this is new spending. Over 5 years, his proposals would cost almost \$1.7 trillion. Well, I have to tell you that in the 5 weeks I was back in Texas traveling the State and listening to my constituents, the last thing that was on their to-do list for us here in Congress was to come up with new ways to spend their money. What they wanted was for Congress to accept the responsibility that goes along with the privilege of holding the offices we hold and to actually do something about the problems that confront our Nation when it comes to fiscal irresponsibility.

It is a troubling sign that our deficit has ballooned from \$161 billion to more than \$400 billion. Yet what do we find out yesterday or the day before but that the Federal Government is now going to have to take over, in essence, Freddie Mac and Fannie Mae. This move could potentially cost taxpayers as much as \$200 billion more on top of the \$400 billion deficit.

Since the 2006 election, Democrats have been in control. And this year alone, spending has increased by 8.3 percent. Now, I don't know any business, I don't know any family who increased their spending 8.3 percent from last year to this year. Only the Federal Government—which, of course, prints money, which is then added to the deficit and the bill passed on to our children and grandchildren—only the Federal Government could get away with that.

Regarding the Fannie Mae and Freddie Mac debacle, no one actually knows how much this bailout is going to cost the American taxpayer. I have very serious concerns whether the poor investment decisions of the CEOs and the shareholders should be guaranteed by the paychecks of taxpayers.

As a matter of fact, I think they should not be. While they were granted a backstop against catastrophic losses, certainly the taxpayers were not there to share in the profit during the heyday of those Government-sponsored enterprises. And the most disturbing to me is that the collapse of Fannie and Freddie was, in all likelihood, contributed to by corrupt actions of its corporate officers.

As a matter of fact, in May of 2006, a report by Fannie Mae's oversight authority, the Office of Federal Housing Enterprise Oversight, noted that:

By deliberately and intentionally manipulating accounting to hit earnings targets, senior management maximized bonuses and the executive compensation they received at the expense of shareholders.

Now, there was an investigation into these corrupt practices. But, amazingly enough, there were no criminal charges pursued, only civil fines against the top three corporate officers. So while three corporate officers overstated Fannie Mae's earnings by approximately \$10.6 billion, they have been given a slap on the wrist and no real sense of accountability, no accountability in any sense of the word.

We know they contributed to what ultimately happened by the Treasury Secretary using the power Congress conferred in him to essentially take over and bail out these two enterprises.

I have written a letter to the Attorney General of the United States asking him to conduct a criminal investigation into the activities of the corporate officers and anyone else who may have contributed to the overstatement of assets on the books of Fannie Mae and Freddie Mac and to make sure a thorough criminal investigation is undertaken and that those responsible for violating any of the criminal laws of the United States be held accountable.

Mr. President, I ask unanimous consent that this letter to the Attorney General be printed in the RECORD after my remarks.

The PRESIDING OFFICER (Mr. NELSON of Nebraska.) Without objection, it is so ordered.

(See exhibit 1.)

Mr. CORNYN. What the American people want in Washington is accountability. And what they see is dysfunction and no accountability. If there is one thing I heard from my constituents in Texas as I was there during the month of August is that no one is happy with what is happening in Washington, in Congress in particular, not Democrats, not Republicans, and certainly not me.

I think to see, for example, a \$400-billion-plus deficit, a bailout of Fannie Mae and Freddie Mac that is going to cost probably somewhere on the order of \$200 billion, and then to hear Speaker PELOSI in the other body talk about a second stimulus bill which is going to, of course, increase Government spending, spending money we do not have and pass that debt along to our children and grandchildren, I wonder whether Congress has lost leave of its senses entirely, because there seems to be absolutely no recognition of our fiscal responsibility here. I point to the fact that there has actually been an effort to try to figure out how to eliminate wasteful spending projects. The Office of Management and Budget has done a review of about 1,000 Government programs and actually concluded that about 22 percent of them were either ineffective or else they could not tell whether they were effective.

In other words, out of 1,000 Government programs chosen by the Office of Management and Budget, 22 percent were either found ineffective or else it was impossible to say whether they were effective. I do not know which is worse, whether they are ineffective or whether you do not have the information to tell one way or the other.

What Congress needs to do as it sets about spending more money is not grow the size of Government and raise taxes or else pass the bills down to our children and grandchildren. Congress needs to start cutting ineffective programs. That is why I have introduced a bill that would create a sunset commission like the sunset commission in many States, including mine, which would actually periodically review Federal Government agencies and programs and cut wasteful or ineffective programs.

That is the kind of commonsense, practical, bipartisan solution the American people are crying out for, but apparently in vain, because Congress persists down this road of fiscal irresponsibility, and there is no apparent end in sight.

#### DEFENSE AUTHORIZATION

Mr. CORNYN. Mr. President, I know we are going to be moving to the Defense authorization bill. I want to speak briefly on an amendment which I intend to offer called the Military Voter Protection Act. I believe the right to vote is one of the most precious civil rights we have as American citizens. Yet the scandalous fact is that last election, in 2006, out of all of

the eligible military voters and civilians overseas, only 5.5 percent of those eligible to vote and who actually tried to cast a vote had their vote counted—5.5 percent.

Now, if this were to happen in any city, in any town, any State here in our country, there would be a major public outcry. There would be newspaper headlines, and investigative reporters would be scrounging for information finding out who is denying the most basic civil right to American citizens that we have, which is the right to vote.

But for some reason nothing is done, either by the Department of Defense or the Department of Justice or by the Congress to make sure that those men and women who are deployed in harm's way have the opportunity to register to vote, and to make sure that when they do vote, their ballot is actually delivered back and counted on a timely basis.

This is something that I think all of us would support on a bipartisan basis, the Military Voting Protection Act. I intend to bring it up this morning with both the bill managers, Senator LEVIN and Senator WARNER. I hope I will be permitted an opportunity—

The PRESIDING OFFICER. The Senator has used 12 minutes.

Mr. CORNYN. I thank the Chair. I hope I will be given an opportunity to call up this amendment and to have it voted on. I worry a little bit because of the fact that the majority leader has filled the amendment tree, and that there is some question whether amendments will be allowed on this bill.

As a member of the Senate Armed Services Committee, as is the occupant of the chair, I am usually familiar with the fact we are on Defense authorization bills for a matter of a week or more, usually 2 or 3 weeks, and it is usually a much amended bill because of the public interest in this particular piece of legislation.

I am worried that the majority leader is trying to compress all activity into this 1 week and we will not have an opportunity to offer important amendments such as the Military Voting Protection Act, which I have described, which I will come back to the floor and describe more thoroughly.

After a very bad year here in the Senate, we still have about 2½ weeks in order to pull the chestnuts out of the fire and actually accomplish some very important things by passing a Defense authorization bill, including protecting the voting rights of our military deployed overseas.

We have a chance to stand up for fiscal responsibility by actually passing some appropriations bills and by considering high energy prices and how those are affecting average Texas families and families all across this country, and driving up the cost of food and other commodities as well.

We actually have an opportunity, by eliminating the moratorium on offshore oil exploration and production,

to produce more American energy so we do not have to send \$700 billion a year overseas to other countries in order to buy something which we have an abundance of right here at home, as much as 3 million additional barrels a day right here in the United States, if Congress would simply become part of the solution rather than becoming part of the problem, which it has been by annually passing an appropriations bill rider banning drilling and exploration and production in the Outer Continental Shelf.

Last year, there was an amendment to an appropriations bill that would actually ban rulemaking and exploration and production of oil shale out in Utah, Colorado, and Wyoming, which has enormous capacity to produce a lot more American energy at home.

And then, of course, there is ANWR, where 2,000 acres, right in the middle of a desolate part of a 19-million acre refuge in Alaska, harbor untold amounts of oil, American oil, that would obviously, if produced, make it possible for us to buy less from countries that in some cases wish us harm and not well.

This is a national security problem. It is an economic problem not only for our country but for every hard-working family. I hope Congress will do what it has not done in the preceding months and actually act in a bipartisan way to solve some of these problems which I mentioned in a way that hopefully would make our constituents proud of us rather than disdainful, which is demonstrated, of course, by the historic low approval rating which Congress now—I was going to say enjoys, but certainly we do not enjoy that—now suffers.

#### EXHIBIT 1

U.S. SENATE,

Washington, DC, September 9, 2008.

Hon. MICHAEL B. MUKASEY,  
Attorney General, U.S. Department of Justice,  
Washington, DC.

DEAR GENERAL MUKASEY: The recent government takeover of the Federal National Mortgage Association ("Fannie Mae") and the Federal Home Loan Mortgage Corporation ("Freddie Mac") raises serious concerns whether a well-documented culture of corporate executive corruption at these organizations contributed to the mortgage giants' collapse. I request that the Department of Justice begin a new, full-scale investigation into accounting fraud and other corrupt practices perpetuated by top executives—and coordinate efforts with the Department of Treasury and other regulatory entities to determine to what extent any illegal activities led to the institutions' failure. The public deserves a full understanding of the events surrounding the failure of Fannie Mae and Freddie Mac and, furthermore, corporate executives must be held accountable to the American people.

In May 2006, a report by Fannie Mae's oversight authority, the Office of Federal Housing Enterprise Oversight (OFHEO), noted that "[b]y deliberately and intentionally manipulating accounting to hit earnings targets, senior management maximized the bonuses and other executive compensation they received, at the expense of shareholders." The investigation into illegal accounting practices resulted in fines levied on Fannie Mae and three of its top corporate of-

ficers—but no criminal charges. While the three corporate officers who overstated Fannie Mae's earnings by approximately \$10.6 billion may possess some form of prosecutorial immunity, it is imperative that there is accountability for each and every fraud perpetrated upon shareholders and the public. Moreover, the efficacy of prior investigations by OFHEO and Justice are further called into question in light of evidence of disturbing allegations of active interference on the part of Fannie Mae lobbyists. According to the OFHEO report, Fannie Mae "sought to interfere" with the OFHEO investigation by petitioning Congress to conduct a separate investigation of OFHEO. Furthermore, they allegedly lobbied Congress to cut OFHEO's funds for failure to fire the top official responsible for investigating Fannie Mae.

As the future of Fannie Mae and Freddie Mac is debated, it is essential for Congress to shine more light on the culture of corruption that plagued these institutions. But federal prosecutors and regulators also must vigorously investigate these institutions with the utmost urgency. Shareholders—indeed, all taxpayers—are entitled to a critical examination of Fannie Mae and Freddie Mac in light of the huge costs they are forced to bear as a result of the mortgage companies' demise.

Thank you for your prompt attention to this matter.

Sincerely,

JOHN CORNYN,  
U.S. Senator.

Mr. CORNYN. I yield the floor and yield back any remaining time we have, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 3001, which the clerk will report.

The assistant legislative clerk read as follows:

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

Pending:

Reid amendment No. 5290, to change the enactment date.

Reid amendment No. 5291 (to amendment No. 5290), of a perfecting nature.

Motion to recommit the bill to the Committee on Armed Services with instructions to report back forthwith, with Reid amendment No. 5292 (to the instructions of the motion to recommit), to change the enactment date.

Reid amendment No. 5293 (to the instructions of the motion to recommit to the bill), of a perfecting nature.

Reid amendment No. 5294 (to amendment No. 5293), of a perfecting nature.

Levin (for Leahy/Byrd) amendment No. 5323, to provide for a suspension of certain statutes of limitations when Congress has authorized the use of military force.

AMENDMENT NO. 5323

Mr. LEAHY. Mr. President, I see the distinguished senior Senator from Michigan on the Senate floor, the chairman of the committee, and the distinguished Senator from Alabama, a key member of the committee. I will speak on the Wartime Enforcement of Fraud Act. This was introduced last night. It is one I hope the Senate will wholeheartedly accept.

For more than 5 years, America has been fighting wars in Iraq and Afghanistan. In fact, we have been there longer than we were in World War II. But efforts to investigate contracting fraud during these wars continue to lag. Part of the reason is not because the authorities don't want to find out whether there has been fraud, but it is difficult to uncover fraud when you are in a shooting war and conflicts continue.

The problem is not new—this has happened before—and the solution is not new. Current law extends the statute of limitations for contracting fraud offenses during wartime to address this problem. In other words, if fraud has occurred, you have a certain statute of limitations. We would simply extend it. This commonsense law was passed by Congress during World War II with the support of President Roosevelt. A similar provision was passed in World War I. Those were wars in which we were involved for less time than we have been involved in Iraq and Afghanistan. Current law only applies to declared wars and not to circumstances where Congress only authorizes the use of military force rather than officially declaring war. So the extension of the statute of limitations doesn't apply to the ongoing wars in Iraq and Afghanistan.

The bipartisan Wartime Enforcement of Fraud Act will close that technical loophole. It will apply the law that we already have on the books, but it will apply it not only to declared wars but also to the wars in Iraq and Afghanistan. I was pleased to join with Senator GRASSLEY of Iowa earlier this year to introduce this legislative fix, and the Judiciary Committee reported this measure before the August recess. With each passing day, we are losing the legal authority to prosecute fraud in Iraq and Afghanistan because the existing law that extends the statute of limitations does not apply to these wars.

We have an obligation, no matter whether one is for or against the war in Iraq, to protect the public interest and certainly to protect taxpayer dollars during times of war. This simple amendment will allow us to do so. We have done that in past wars. Iraq and Afghanistan should be no different.

We have well-documented reports of fraud and abuse, as we have seen in

other wars. When we are spending billions of dollars, often in a hurry, it is an open invitation for people to put their own interests ahead of the interests of the country, and those people who then defraud our great Nation at a time of war should be punished for it. They should not be let off the hook. Too many brave men and women are putting their lives on the line in Iraq and Afghanistan. Too many brave, patriotic Americans are doing everything they possibly can over there, risking and often losing their lives every day. We should not allow those who want to make money out of their sacrifice and defraud the Government to get away with it. The bill being paid by the American taxpayers for the wars in Iraq and Afghanistan is high enough. As in past wars, Congress should do all it can to ensure their money is not lost to waste and fraud.

I hope Senators will join in this effort. This is not creating a new crime. It is simply saying those who do commit crimes, who do defraud America, who do defraud people who are over there serving our country, ought to be punished. I find it hard to think Members would disagree with that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank Senator LEAHY for his amendment and his interest in dealing with a difficulty that has impacted real life. Contractors should be held to account, and there is difficulty in gathering the evidence necessary in a prompt way in a time of conflict to effectively carry out prosecutions—I can see as a former Federal prosecutor—within the time of the statute of limitations. There is only one concern I have about it, and I will address that in a moment.

But, fundamentally, the Senator is correct. We have discussed this a good bit in the Judiciary Committee, where Senator LEAHY is chairman. We did the Military Extraterritorial Jurisdiction Act that I sponsored and led the first one of those. We do have to be careful because it can have unintended consequences.

The trial of a marine in California for an act in Iraq that he was acquitted for just a few days ago resulted from the bill that we passed. I don't think any of us at the time thought that we were subjecting military persons to a civilian trial when we were dealing, we thought at the time, with defense contractors. We need to be careful as we deal with the issue. I know Senator LEAHY agrees with that. For the most part, I understand and support what he is attempting to do.

The statute of limitations is an important principle of law. It is something as a Federal prosecutor, as attorney general of Alabama, I had to deal with on many occasions. My colleagues probably know that an individual who commits armed bank robbery, if he is not prosecuted within 5 years, cannot be prosecuted. If a person commits

arson, they can't be prosecuted. It is not from the time of discovery of the offense, it is from the commission of the offense because we are talking about criminal law. We have a great heritage of understanding the difficulties faced when we put somebody in jail based on old evidence that is somewhat difficult to deal with.

With regard to civil actions, we have a number of statutes of limitations that commence on discovery of the wrong, but for the most part, except for murder, certain crimes, I think for almost all crimes dealing with death and maybe one with child sexual abuse, there is a limited statute of limitations.

The statute of limitations on most crimes in the Federal court, even serious ones, is 5 years. I do believe during the debate that we extended the statute on S&L fraud to 8 years. The truth is, these savings and loans would go bankrupt 4 or 5 years after the crime was committed. Then it takes 2 or 3 years to investigate it. By then the statute had run, and you have, red-handed, defrauding the people, and you couldn't prosecute the case. I understand the difficulties we are dealing with here.

Mr. LEAHY. Will the Senator yield for a moment?

Mr. SESSIONS. Yes.

Mr. LEAHY. We also have the case that most jurisdictions are under a statute of limitations. If you have a crime within a jurisdiction, but then the person flees to escape prosecution, the statute does not run in that circumstance. While this is not on all fours, when you have a war situation where people are shooting each other, it is very difficult to go over and just gather the evidence.

The Senator is absolutely correct. The bank robbery that occurs, you know it occurred at that moment. Somebody came in, put a gun to the teller's face, and stole the money and left. The investigators immediately start investigating the crime. Because of the person's jurisdiction, you have to investigate the crime and arrest them within the 5 years. Here the difficulty is investigating the crime when many times it is hidden. The crime is hidden, using the savings and loan example. I am simply trying to do what we did in World War II and World War I—I don't recall whether we did it in Korea or not—in past wars. I have a reluctance to give any cover to those who defraud us. We have so many contractors over there who are putting their own lives on the line, playing by the rules, doing everything right. They should be commended for that. We have others who try to take advantage of this situation when others are putting their lives on the line and sometimes losing their lives. We ought to nail them. I think we ought to nail them very hard.

Mr. SESSIONS. I agree. That is why we have passed the Military Extraterritorial Jurisdiction Act, why

we have expanded it, under the leadership of the chairman. I supported making sure that contractors were fully covered from the original act based on a crime that came to my attention where a young person was sexually molested and the host country didn't want to prosecute it and they couldn't be tried and court-martialed because the person was a contractor, not a military person. We made that possible.

Since we are in a world in which some of these authorizations to use military force may be very long indeed, it is determined not by what we do so much as by the actions of the enemy; that is, if they continue to attack us, I think our authorization of military force will continue many years perhaps. If the conflict ends, it could be ended sooner. So we could be in a position, just as a matter of law, of limiting the amount we are exposing a contractor to of criminal prosecutions for something that happened many years before, when actually in the fog of war, sometimes it is more difficult to handle things correctly. It would be certainly more difficult to gather evidence, and it is more difficult to get witnesses here and that kind of thing.

My suggestion would be that we do as we did with the statute of limitations on S&L fraud but have some sort of definite end to it because some of these extended wartime efforts could go on for a number of years. I don't see as a matter of principle, not specific facts, why a contractor who commits fraud in the United States gets the protection of a 5-year statute, even if it is against the Department of Defense, but one in Iraq, in the chaos of war that even affects them—their ability to maintain discipline over their workers is sometimes more difficult, frankly—that they would be prosecuted with an unlimited statute of limitations. That is something we could discuss, and I ask the Senator to think about it. I don't take any fundamental objection to the work he is doing. It is fundamentally sound and good, and I support it.

I will say this, if I could: In *Toussie v. United States*, the Supreme Court held:

The purpose of a statute of limitations—

Which I want to say is available in all cases, for all kinds of crimes, except very few, such as murder—

The purpose of a statute of limitations is to limit exposure to criminal prosecution to a certain fixed period of time following the occurrence of those acts the legislature has decided to punish by criminal sanctions. Such a limitation is designed to protect individuals from having to defend themselves against charges when the basic facts may have become obscured by the passage of time and to minimize the danger of official punishment because of acts in the far-distant past. Such a time limit may also have the salutary effect of encouraging law enforcement officials promptly to investigate suspected criminal activity.

The Court has further held:

Passage of time, whether before or after arrest, may impair memories, cause evidence to be lost, deprive the defendant of wit-

nesses, and otherwise interfere with his ability to defend himself. . . . Possible prejudice is inherent in any delay, however short; it may also weaken the Government's case. . . . Such a [statute of] limitation is designed to protect individuals from having to defend themselves against charges when the basic facts may have become obscured by the passage of time and to minimize the danger of official punishment because of acts in the far-distant past. Such a time limit may also have the salutary effect of encouraging [cases to be prosecuted promptly].

But I will say that is the only concern I have. I thank the Senator for raising this issue. It will definitely close a loophole.

I would note I had the honor last night to be on an airplane coming back from Alabama sitting by a young individual who served 2 years as a contractor in Iraq. He is going back for a third year. We talked about some of these things. I did not know this amendment was coming up. But he talked about that some of the people do not perform very well. Many of them are very hard working. Many of them are former military people who served with great distinction.

But in this time of war, some people do lose their discipline, and fraud is a matter of real risk. We do need to watch every penny, and we certainly do not need to have unscrupulous contractors billing the American people for work they do not perform, for making false claims to the Government. I think a statute of limitations probably needs to be extended in this case.

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

Mr. LEVIN. Mr. President, this is an important amendment that appropriately recognizes the United States is now engaged in combat operations in Iraq and Afghanistan without a formal declaration of war. The amendment takes the appropriate step of modifying the statute of limitations to cases in which the use of force has been authorized without a formal declaration of war.

I very much welcome—and I am sure Senator LEAHY does as well—the support of the Senator from Alabama. I do not know of anybody else who wants to speak on this amendment. Unless the Senator from Alabama does, I will suggest then that we move on to the next amendment.

I understand there is going to be a unanimous consent request that may interrupt that flow, but before we get to that, if the Senator from Alabama knows of no other—first of all, let me ask the Senator whether he does know of any other speaker on the amendment.

Mr. SESSIONS. Mr. President, I am not aware of any.

Mr. LEVIN. Is the Senator willing to have this amendment voice voted at this time?

Mr. SESSIONS. I would like to discuss that a little more with Senator LEAHY, and perhaps he will convince me that my suggestion is not wise, so I would object at this time.

Mr. LEVIN. All right. If we could get the yeas and nays on this amendment so we could move on.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. LEVIN. Mr. President, I understand, under the current order, we would now be moving to consideration of the Vitter amendment regarding missile defense for 2 hours of debate. Those who are interested in that amendment are urged to come to the floor so we could begin that debate. But at this time I will yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I ask unanimous consent that I be recognized for 10 minutes as in morning business.

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

#### GOVERNMENT SPENDING

Mr. COBURN. Mr. President, I heard, this morning, the majority leader talk about the objection to the request by Senator GREGG. I do not believe there is anybody in this body who does not want us to fix the highway trust problem, and it will probably be the fact that there will be no amendments offered at the direction of the majority leader, which I think is probably somewhat tragic because we would not be able to have the debate we need to have on this issue.

But it should not be lost on the American public that some \$16 billion in the last highway bill was not for roads, bridges or highways. One of the amendments that was going to be discussed, had we had the opportunity to amend it—which we are not because the majority leader is not going to grant that opportunity—was the idea that of the \$8.5 billion we are going to put in there, no new projects ought to be started unless they are for roads, bridges or highways. In other words, we should not be building museums. We should not be building parking garages. We should not be doing ancillary work that does not have anything to do with true transportation needs associated with the trust fund. That was the only amendment we were going to offer.

All the States are going to be at a significant disadvantage if we do not do this. But I found it somewhat curious that before we left we had an omnibus bill that had to spend \$10 billion. We had to do it. We were contrasted as terrible because we did not agree with it. Now we have \$8 billion, and we want to do it, we want to debate it, and we are not going to be allowed to debate or amend it. I would think that is to the detriment of the body, that, again, we are losing the history of this body, we are losing the deliberative nature of the body, and at the whim of the majority leader, because we have an emergency, we have to have a unanimous

consent, we do not even have to have a vote, and that is the only way we can do it. I think it hurts the institution in the long run.

As far as what Senator REID said about the omnibus package he put forward, let me correct the RECORD. First of all, the childhood cancer bill was agreed to by unanimous consent. It was not even a part of that package he claimed it was. The irony is, as we heard from the majority leader's statement today his disdain for the largest deficit in history, do you realize the President of the United States cannot spend one penny unless we let him? If there is a deficit in this country, it says a whole lot more about this body and the House than it says about the President. We are the ones who approve the spending.

So far, this year, we are going to spend off-budget about \$270 billion. Where is that money going to come from? It is going to come from the next two generations paying it back. So I find it curious we have to have a bill that spends \$10 billion and then we are critical of the deficit and now we have to have a bill that is going to spend \$8 billion, but we cannot have any amendments and we cannot debate it in a thoughtful way and still get it done this week. We could get it done in less than 2 or 3 hours.

It shows you the lack of consistency. To be fair, Senator REID has a very difficult job. This is a hard place to manage, there is no question about it. But we are getting on the edge of a lack of fairness. We are getting very close to an edge where the traditions of the Senate are going to be thrown out the window.

As we look at it, as Senator REID complains about the deficit, I would remind that he sponsored \$531.2 billion worth of new spending in the 109th Congress. So far, he has sponsored \$56.7 billion in the first 8 months of 2007. So it is another \$150 or \$200 billion in this Congress. We cannot continue to have more and more new spending without getting rid of some of the spending that is not effective.

So when we have the claims that we are disgusted with the deficit, and then we can have \$500-plus billion sponsorship of new spending and routine votes against an earmark moratorium, against the idea of stealing money from Social Security to spend new money, against amendments that say we have a moral obligation to offset the cost of new spending so we do not charge it to our children, against prioritizing the reconstruction of Louisiana bridges instead of earmarks in Alaska, these are the votes of Senator REID.

So the disdain for the—and I have three pages of them by the way, all similar. So the fact is, our country is in trouble right now. We are going to have a trillion-dollar—a trillion; that is with a “T”—deficit next year. We have \$382 billion worth of documented waste and fraud every year in this Gov-

ernment. We have not had one amendment to get rid of any of it in this body this year that has passed, save the hippie museum in New York. That is it. We saved \$1 million out of \$380 billion of waste, fraud, and duplication.

So it rings hollow to come down and complain about the administration when they cannot spend one penny we do not send to them. We are at least as culpable and liable as the administration in terms of this deficit. To say we cannot debate and clean up the priorities of the transportation fund by saying it is going to be spent on some of the 240,000 bridges that are in desperate shape in this country and spend the money on highways and roads and bridges and not other things that benefit Members of this body but do not benefit the majority public and are outside the transportation goals of every State transportation department in this country rings hollow.

There are a lot of great things we can do. We can help people with disease. We can solve problems. He mentioned the Emmett Till bill. He objected twice to a compromise that the Emmett Till board had agreed to—twice—that Senator DODD had agreed to, that Senator BIDEN had agreed to. As far as the child pornography, Senator DODD and Senator BIDEN had agreed to that too. It was offered as a unanimous consent request twice. Both had agreed to it.

Is this about politics or is this about doing things for the country? I would tell you the evidence shows it is about politics. We need to wake up. Our country is at a crossroads. We had Fannie Mae, Freddie Mac taken over. The first number, of course, is low: \$200 billion. It is going to be \$600 or \$700 billion that we are going to charge to our kids for the mismanagement of those two agencies. That is going to get added next year. We are getting ready to do another emergency supplemental that everybody is piling things on. It is going to be \$50 or \$60 billion. It is going to be another free-for-all. It is going to fly through here in spite of my votes against it. We are going to do another stimulus package—none of it we have the money for. We are going to borrow every bit of it. We are compounding to make the problems worse. Because we will not work on the \$350 to \$380 billion worth of waste, and we would not even put an effort out toward that, we are going to continue to see a downward spiral in our economic position in this world.

So I would think most Americans, as we add \$8.5 billion back to the highway trust fund, would want us to see that it goes for highways, bridges, and roads, not for earmarks, special pork projects that make us look good at home that are outside the boundaries and the priority lists of the State departments of transportation. That was the amendment I was going to offer. I knew I was going to lose, but we ought to have the debate.

The fact is the majority leader does not want us to have the debate. We

could dispense with the bill in less than 3 hours, be done with it, and it could be going to the President, but we have decided we want to make it political. It is not about what is best for the long-term interests of this country, but about what is best for the upcoming election in November. To me that is a disservice to this body and it is a disservice to the American people.

I yield the floor.

Mr. SESSIONS. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

VITTER AMENDMENT NO. 5280

Mr. VITTER. Mr. President, I ask unanimous consent to call up Vitter amendment No. 5280.

The PRESIDING OFFICER (Mr. CASEY). The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER], for himself, Mr. INHOFE, and Mr. KYL, proposes an amendment numbered 5280.

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

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

The amendment is as follows:

(Purpose: To authorize, with an offset, an additional \$100,000,000 for Procurement, Defense-wide, and an additional \$171,000,000 for Research, Development, Test, and Evaluation, Defense-wide, for near-term missile defense programs and activities)

At the end of subtitle C of title II, add the following:

**SEC. 237. ADDITIONAL FUNDING FOR THE MISSILE DEFENSE AGENCY FOR NEAR-TERM MISSILE DEFENSE PROGRAMS AND ACTIVITIES.**

(a) ADDITIONAL AMOUNT FOR PROCUREMENT ACTIVITIES.—

(1) ADDITIONAL AMOUNT FOR PROCUREMENT, DEFENSE-WIDE.—The amount authorized to be appropriated by section 104(1) for Defense-wide procurement is hereby increased by \$100,000,000.

(2) AVAILABILITY.—Notwithstanding section 1002, of the amount authorized to be appropriated by section 104(1) for Defense-wide procurement, as increased by paragraph (1), up to \$100,000,000 may be available for the Missile Defense Agency for the Terminal High Altitude Area Defense (THAAD) system for the purpose of advanced procurement of interceptor and ground components for Fire Unit #3 and Fire Unit #4, including component ANTPY-2.

(3) SUPPLEMENT NOT SUPPLANT.—The amount available under paragraph (2) for the purpose set forth in that paragraph is in addition to any other amounts available in this Act for such purpose.

(b) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION ACTIVITIES.—

(1) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE.—The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide, is hereby increased by \$171,000,000.

(2) AVAILABILITY.—Notwithstanding section 1002, of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide, as increased by paragraph (1), amounts are available to the Missile Defense Agency as follows:

(A) Up to \$87,000,000 for Ground Based Midcourse Defense for purposes as follows:

(i) To implement a rolling target spare.

(ii) To maintain inventory for additional short-notice test events.

(B) Up to \$54,000,000 for the purpose of equipping two Aegis Class cruisers of the Navy with Ballistic Missile Defense Systems (BMDSS).

(C) Up to \$30,000,000 for the purpose of reducing the technical risk of the Throttleable Direct and Attitude Control System (TDACS) for the SM-3 Block 1B missile in order to meet the needs of the commanders of the combatant commands as specified in the Joint Capabilities Mix Study.

(3) SUPPLEMENT NOT SUPPLANT.—Amount available under each of subparagraphs (A) through (C) of paragraph (2) for the purposes set forth in such paragraph are in addition to any other amounts available in this Act for such purposes.

(c) OFFSET.—The amount authorized to be appropriated by this division (other than the amount authorized to be appropriated for Defense-wide procurement, and for research, development, test, and evaluation, Defense-wide, for the Missile Defense Agency) is hereby reduced by \$271,000,000, with the amount the reduction to be allocated among the accounts for which funds are authorized to be appropriated by this division in the manner specified by the Secretary of Defense.

Mr. VITTER. Mr. President, I urge all of my colleagues, Democrats as well as Republicans, to come together on this important amendment to ensure that we have robust, full missile defense capabilities in this era of real threat, real uncertainty from terrorists, rogue nations, and others.

Tomorrow is September 11. It will mark the 7-year anniversary of one of the most tragic days in our Nation's history—a day in which 19 radical Islamic extremists believed their actions could cripple this great Nation. The good news is that those 19 extremists were wrong. Rather than cripple our Nation, they focused our Nation on the threat we face. They brought our Nation together with new resolve and with new strength. They gave our generation a new central and defining challenge to work to prevent any future attacks, particularly on our soil, and to make sure that terrorists and rogue nations never acquire weapons of mass destruction.

As part of facing this clear and present danger, the American public understands that we need a robust missile defense system. According to a national poll released today by MDAA, 87 percent of Americans believe the United States should have a robust missile defense system—the highest percentage of support ever recorded. The poll also showed that 58 percent of Americans believe there is a real threat from missiles carrying weapons of mass destruction, and that missile defense is a preferred option over preemptive military action.

Rogue nations, regardless of sanctions or disarmament deals, continue to pursue ballistic missile technology capable of one day carrying nuclear weapons, and this poses an enormous threat. On July 9 of this year, Iran tested nine ballistic missiles as part of their escalation in terms of military exercises and political rhetoric, and they are a clear example of this threat I am talking about. Currently, the United States has fully operational, deployed missile defense systems that can stabilize the region that Iran sits in—the Middle East—but we need to make sure we have the full capability to bring to bear to do this. In this situation, missile defense can stabilize a situation, can provide enormously important defense for our country and for our allies, and can avoid much more widespread war. That is the reason 26 countries of NATO have fully endorsed this missile defense plan, with a third site in Europe. It is the reason the Czech Republic agreement on missile defense is valid and is moving forward. It is the reason why 11 Congresses and 4 U.S. Presidents have moved forward on this important part of our national defense. The Vitter amendment No. 5280 will move that part of our national defense forward in a significant way.

What does it do specifically? Specifically, this amendment provides \$271 million to the Missile Defense Agency so that it responds to near-term—very near-term—ballistic missile threats to the United States, our deployed forces around the world, and our allies. This amendment is fully offset within the bill.

The Senate Armed Services Committee itself noted in its committee report that the Joint Capabilities Mix Study conducted by the Joint Staff concluded that the United States needs about twice as many THAAD and Standard Missile 3 interceptors as the number currently planned. So we need twice as many as what is currently planned. Yet, at the same time, the committee unfortunately cut \$411 million from the budget of the Missile Defense Agency. This Vitter amendment would reinstate \$271 million of that cut. It would do that in four areas in particular:

Aegis cruisers. It would authorize \$54 million to accelerate upgrade with an additional two Aegis cruisers to equip it with ballistic missile defense systems.

It would authorize an additional \$100 million for THAAD fire units 3 and 4 interceptor and ground component advanced procurement.

SM-3 Block 1B risk reduction. It would authorize another \$30 million to reduce SM-3 Block 1B schedule and technical risks.

Targets. It would authorize \$87 million to implement a rolling target spare and maintain minimal inventory to have full targets for our testing and production capability.

This is sorely needed so that we ensure our citizens that we have the mis-

sile defense deployed that we need in this very dangerous world.

Again, this concept was first developed by President Reagan when the Cold War was still raging, when the Soviet Union was still our primary threat in the world. Obviously, the world has changed in fundamental ways since then, but it has only changed in ways that make missile defense even more important than ever before, because the threat from rogue nations, from terrorist States, and from terrorist groups has grown enormously and missile defense is even more important in light of that growth.

I urge all of my colleagues to come together in light of that on the eve of September 11, on the eve of the seventh anniversary of that tragic attack on our Nation. We must restore this \$271 million, at a minimum, in this bill to the Missile Defense Agency. As I said, the committee itself noted that the Joint Chiefs report says the United States needs about twice as many THAAD and Standard Missile 3 interceptors as the number currently planned. Yet the committee cut \$411 million from that missile defense budget. We must restore at a minimum this \$271 million to continue to meet this vital need for our citizens' safety.

With that, I yield to the distinguished Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ALLARD. Mr. President, I come to the floor today to support Senator VITTER's amendment to authorize the additional \$271 million which is fully offset—it is fully offset—to the Missile Defense Agency.

The importance of missile defense is increasingly crucial to the safety of the United States and our allies. The United States must maintain the capability to respond to near-term ballistic missile threats that present grave danger to the United States, our deployed forces, and our allies.

We know that rogue nations such as Iran and North Korea will have the capability to use nuclear weapons. We cannot escape the fact that this widespread proliferation of ballistic missile technologies makes it increasingly possible for dangerous States and terrorist organizations to obtain and use them for harm.

We are in a crucial time in our Nation's history and we should understand the importance of defense of the homeland. I am frustrated that as other nations continue to develop nuclear programs, that as Russia has demonstrated a renewed capacity for aggression, that as China and North Korea press forward on missile technology, the Armed Services Committee cut more than \$411 million from the administration's request for the Missile Defense Agency's program.

The United States has worked hard to reach agreements with the Czech Republic and Poland to establish ballistic missile defense radar sites. This was a monumental and important step

in our efforts to protect the United States as well as our NATO allies from the growing threat by the proliferation of ballistic missiles. Radar will provide precision tracking of ballistic missiles launched out of the Middle East and will be linked to other U.S. missile defense facilities in Europe and the United States. Cuts to our missile defense program simply undermine this progress and signals to NATO that the United States is backing away from our commitments to a European missile defense.

This amendment will authorized \$54 million to accelerate and upgrade an additional two Aegis cruisers to equip with ballistic missile defense systems.

Admiral Hicks, program director for Aegis BMD, recently stated the need for additional Atlantic fleet ships for defense of the United States, our allies, and our deployed forces.

The amendment will authorize an additional \$100 million for THAAD fire units interceptor and ground component advanced procurement. It will authorize an additional \$30 million to reduce SM-3 schedule and technical risk. This is the premier missile defense cooperation program with our Japanese allies. And it will authorize \$87 million for a target spare and to maintain minimal inventory as contingency for additional short notice test events for the Ground Based Midcourse Defense. This is Missile Defense Agency's top unfunded priority. The SASC Committee report notes that for some MDA systems the Director of Operational Test and Evaluation requires additional tests to prove out capabilities, which necessitates additional target sets.

There is no doubt that the United States will continue to face missile threats. Missile defense is needed and should have been made a priority of this committee and by this Senate. I thank Senator VITTER for bringing this amendment to the floor, and I urge this Senate to vote yes.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, I, too, very strongly support the amendment offered by Senator VITTER. This is an amendment that restores only part of the funding that was cut from the missile defense programs—only \$270 million of the \$411 million that was cut—and it is targeted to very specific things that have near-term applicability, and that enables us to do more testing, which has been the only criticism of which I am aware of the Missile Defense Program—that we need to do additional testing. Part of this money, as I will discuss in a moment, gives us the ability to conduct some of those tests.

So the key point is, we are talking about near-term ballistic missile threats to the United States. This isn't some long-term, pie-in-the-sky proposition. It would assist both our allies and also U.S. forces deployed abroad as well. It is common sense. I hope it re-

ceives wide bipartisan support. I believe there is bipartisan support for this issue.

Let me discuss, first, a little about what some of the near-term threats are. They are both from belligerent nations and, as we will see in a moment, one from a country in particular that is not yet capable of communicating appropriately with its forces, with the result that there is a threat of accidental or unauthorized launch. We sometimes forget that. We are consumed with North Korea and Iran, and therefore we appreciate the fact that we have to have some capability of protecting ourselves and our allies from potential threat from those countries. But one of the reasons President Reagan first thought it would be a good idea to have a missile defense system is, he said it is moral. Not only does it give an alternative to massive retaliation against an enemy, but it also provides protection in the event there is an unauthorized or accidental launch.

In the early days of missile development, that was not at all outside the realm of possibility. With what happened to the Soviet Union when it broke up, that possibility was raised again. Now, as we note in the case of China, developing sophisticated weapons, but without the infrastructure to control those weapons, there is again the potential for an unauthorized or accidental launch, not to mention the situation with countries such as North Korea or Iran. We are not just talking about a threat of belligerency but also the potential for an accident, and missile defense, of course, is the primary way of defense against an accidental launch.

Just to summarize briefly, there are now 27 nations that have ballistic missile capability. We tend to think of Russia, China, North Korea, Iran, and maybe a few other countries, but 27 nations have ballistic missile capability, and the knowledge to build and use them is proliferating rapidly. Much of this is because countries such as North Korea are willing to sell missiles, such as the Scud which Iraq used, and they then develop their own types of missiles with that technology. But there are 27 countries. We will not be able to put that genie back in the bottle. Talk about Iran.

Some people say, well, the launch of all of these missiles earlier this year they took pictures of and then doctored the pictures might have been clumsy and didn't demonstrate new technology. It did demonstrate that Iran wants to be part of the club of nations with ballistic missiles and weapons of mass destruction capability. They have that capability. There is no question they have it. The only question is, how far beyond Israel does its capability currently go?

As the latest IAEA report informed us, the Iranian missile threat is real and growing. I mentioned North Korea. With the difficulty of knowing who is

in charge of North Korea today, we need to be concerned. We don't even know if the "dear leader," or however he is referred to, is still alive or is functioning as the leader of the country. As a result, that country that has nuclear weapons, other weapons of mass destruction, and the means to deliver them by ballistic missiles that can even reach the United States ought to be a matter of concern for us.

Fortunately, the United States had made operational our first land-based system just before the big July 4 launch a couple years ago by the North Koreans. We could have defended against that test launch had we had to do so, but with very rudimentary capability. The intelligence community "deems that North Korea is nearly self-sufficient in developing and producing ballistic missiles and is willing to provide them to existing and new customers." Some of these are capable of reaching the United States. So you have a real and growing threat from a country that is clearly not stable.

I mentioned China. It has for a long time had the capability of delivering weapons of mass destruction to the United States with its ballistic missiles. There is an interesting new twist. The 2008 annual report on the People's Republic of China raises serious questions about the potential for an accidental or unauthorized launch. This is a nation which, by the way, is increasing its arsenal of ballistic missiles. In addition to that, it has a very robust program to modernize its nuclear weapon warheads. So it has the combination of the warhead and improved capability. This report says China has problems communicating with its submarines at sea. This is very dangerous, with a navy that has no experience in performing strategic protocols of the kind Russia and the United States have performed for years. What's more, the land-based strategic missile forces "face scenarios in which missile batteries use communication links with higher echelons and other situations that would require commanders to choose alternative launch locations."

The bottom line is, whatever you think about a potential threat from an enemy, you have to be concerned about protecting against an accidental or unauthorized launch. Missile defense is the way to do that. As a result, I hope those folks who say, well, China isn't an enemy of the United States today, would at least acknowledge while that may be true, it is also true it has the capability of harming the United States accidentally or in an unauthorized fashion, and missile defense is our only way to protect against that. I think it would be an awful situation if something like that were to occur and the United States Congress would be asked by our constituents: Did you all know about this?

Well, yes.

Did we have the ability to do something about it?

Yes.

How much did it cost?

Not all that much, as these numbers reflect.

And you didn't put into place a program to protect us against that?

I think we ought to put this program into effect. I support the amendment of the Senator from Louisiana.

Let me describe again what specifically is in the amendment to assure our colleagues that this is not some massive expansion or pie-in-the-sky proposition. It authorizes funding, first, for the advanced procurement of two THAAD fire units. That is the terminal high altitude area defense, the near-term threat—our capability of meeting that threat.

Second, risk reduction for the development of an advanced version of the SM-3 missile—that is kind of a standard critical missile in the U.S. inventory—additional target sets to respond to additional testing requirements set by the Defense Department's Director of Operational Test and Evaluation.

Frequently, the concern is expressed: Well, we should not be moving forward with missile defense programs because we have not adequately tested yet. These are, of course, programs that have been tested a lot. They are the near-term threats. But to the extent that the Department's Director indicated there are additional tests that could be done, this provides the target sets for those tests. You cannot conduct the tests without it. For those who criticize the program for not having enough tests, this is the *sine qua non* for getting tests done. You have to support this.

The amendment also authorizes funding to accelerate upgrades of two additional Aegis cruisers to equip with the ballistic missile defense systems. This is something that I think virtually everybody in Congress, and certainly at the Pentagon, is supportive of—the ability of the Aegis cruisers to carry this defense to other parts of the globe so that it can more readily respond to a launch. This would be the perfect way of responding to that accidental launch I mentioned.

Admiral Hicks, the program director for the Aegis BMD program, stated the need for additional Atlantic fleet ships to keep a presence there as well. That would defend against a threat from a country such as Iran. The Armed Services Committee, in its report accompanying the bill, stated the joint capabilities mixed study, conducted by the joint staff and combatant commanders, concluded that the United States needs about "twice as many THAAD and standard missile interceptors as the number currently planned." This doesn't by any means fulfill that entire requirement, but it lays the foundation for doing so. I think that is another critical reason for this amendment.

As I said, the committee cut \$411 million from the budget of the Missile Defense Agency to procure these systems. I don't understand why the committee would both acknowledge the need for

additional missiles and then cut the items out. I understand the committee has a lot of different constraints, different needs, and it is difficult to satisfy everybody. You have to cut somewhere. But I think my colleagues would agree that the relatively modest increase that the Vitter amendment provides is for very specific things, recognized by the committee itself, recognized by the combatant commanders, as needed. There is nothing new here or nothing that is pie in the sky. These are things that are required. We need them now.

With regard to the testing, if the criticism is that we need more tests, this provides funding for those tests.

Mr. President, it is a commonsense amendment. It is limited. It is all backed up; all of the requirements are fully supported. I urge my colleagues to support this amendment. There is a lot going on in this world. Unfortunately, when you are doing something as complex as developing missile defense systems, there is a long lead time. It takes a lot of technology and testing and so on. So you cannot wait until the last minute to put this into effect. That is why this should be carried forward in the authorization for this year's defense programs.

I commend the committee for its work. It basically acknowledged the need for these things. I appreciate that it sometimes has to make cuts. I ask my colleagues to recognize this is an area in which we cannot afford to try to do it on the cheap. Therefore, I urge my colleagues to support the Vitter amendment.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. NELSON of Florida. Mr. President, I want to respond to the Senator from Arizona, who is my friend. But I want the Senator to understand that the committee did not cut THAAD nor the Aegis. To the contrary, the committee raised, for the very reasons the Senator from Arizona said—that we need more THAAD for our area commanders—we raised that \$115 million, as well as the Aegis ballistic missile defense. We raised that \$100 million from what was requested. So let's make sure we know what we are talking about.

Mr. President, what this all boils down to is the National Missile Defense Program is requested by the administration for \$9.3 billion of authorization in this bill. In essence, this whole argument is that the committee has pared back that \$9.3 billion request by \$400 million.

That is what all this argument is about. It is an attempt to increase back that funding of a *de minimis* cut in a \$9.3 billion program. Given all the other requirements we have in the U.S. Government and given all of the other requirements we have in the Department of Defense, should we have a modest decrease from the President's request of \$9.3 billion in 1 year?

I suggest that there are so many other demands. Think about body

armor. Think about getting the V-shaped hulls of MRAPs that are so resistant to the improvised explosive devices they run over on the road and that are saving marines' and soldiers' lives. Ask any commander in Iraq or Afghanistan what are their high priorities. Ask the commanders if THAAD, which is an intercept that can be launched from a mobile launcher, is an important program to them to intercept an incoming intermediate-range missile and you will get a quick answer from those military-area commanders that is what they want.

That is the philosophy we have tried to adapt in this bill and at the same time allow national missile defense research to continue but recognizing there are other priorities besides national missile defense. So we just took a *de minimis* cut out of a \$9.3 billion request by the President. That is what all of this flap is about here: Is national missile defense going to have a minor cut so that we can do some of these other priorities for protecting our troops and satisfying their commanders' requests? That is what all this is about.

The Vitter amendment proposes to cut \$271 million from the rest of the Defense Department and add it to the Missile Defense Agency. This is not funding that the Defense Department has requested. These are programs that are fully funded in our Armed Services Committee bill. But this amendment would give the Secretary of Defense an extraordinary and unwarranted power; that is, the power to cut any items in the defense budget that the Congress is putting in here in order to pay for this increase in an already flush national missile defense budget we have provided.

As the chairman of the Strategic Subcommittee, I can tell you that we have some of the Nation's most sophisticated weapons systems, many of which we cannot even speak about here because of their classification. This is not a good allocation of priorities.

I don't think we would want to give the Secretary of Defense the authority to ignore the will of Congress.

For example, would we want the Secretary of Defense to be able to go in and, in order to fund this amendment, cut body armor or would we want him to be able to go in and cut what the commanders in Afghanistan now are begging for—more of these V-hulled vehicles, which replace the humvees, that are saving our boys' and girls' lives called the MRAPs? Of course, we don't want that.

Would we want the Secretary of Defense to have the authority to go in and cut \$271 million from the \$430 million in the bill for sustaining the Joint Strike Fighter, its alternate engine which the Department supports? Of course, we wouldn't want to give the Secretary power to do that.

Would we want to give the Secretary the power to go in and totally wipe out the additional \$118 million we provided

in this bill for operating a full B-52? The Department opposed that. Would we want to give the Secretary the ability to override the will of Congress to do that?

How about the F-22, the most sophisticated fighter aircraft? Would we want to give the Secretary of Defense the power to go in and cut half of the \$500 million we have provided in this bill for advance procurement of the F-22? I don't think we would want to do that, but that is what we would do, is give the Secretary the power to do that if this amendment is adopted.

Would we want to give the Secretary the power of reducing the Army budget request of \$512 million for the Patriot missile? Talk about countries and allies and force protection for our own troops of incoming warheads—the Patriot missile is a quick-reaction missile that intercepts those incoming missiles on our troops in a theater. Would we want to cut the increase we provided in this bill? This amendment would give the Secretary the power to do that.

Would we want to eliminate the proposed addition of \$170 million for advance procurement of another amphibious ship called the LPD-17? I don't think that is what we want to do, but that is what this amendment is going to do, all under the ideology that we haven't provided enough for national missile defense. But we have provided almost \$9 billion in this bill for it.

We have to set priorities and we have to allocate for programs that we want to make sure are there for the protection of our troops and our allies, and that is what we tried to do. Didn't we have a unanimous vote coming out of the committee for all of these priorities? We did. So why do we want to suddenly change the unanimous, bipartisan support of the Senate Armed Services Committee to adjust all of these priorities? Why would we want to change that? Because there are some people who say ideologically we want to pour more and more money into national missile defense. Isn't \$9 billion enough for 1 year?

This Senator respectfully requests that the Senate listen to reason and common sense in the allocation of priorities. The committee recommends already—as I stated to Senator KYL, we have added \$215 million for THAAD, which is the terminal high-altitude aerial defense which commanders are requesting, and we have also added that total amount of money, including the Aegis Ballistic Missile Defense Program, which is launched from a ship and is very effective for incoming warheads.

We certainly agree there are potential threats from North Korea and places such as Iran, but those threats are generally in the neighborhood of where they are. That is why Aegis from a ship is so effective, and that is why THAAD from a mobile platform is so effective. We have plussed up those programs. They shouldn't be cut. But the Secretary of Defense, under this

amendment, would have that authority.

The Vitter amendment would not make any choices about where the additional money to provide for this plus-up to an already rich and robust national missile defense budget would come from. This amendment would not make any choices about where that additional money would come from. So what it says is that this \$271 million in additional funding for missile defense, programs that we have either fully funded at the level requested by the Pentagon or increased in our committee bill by \$215 million—that program is so important that the Secretary of Defense could cut any other funding program in the Pentagon to pay for it. I don't think that is a responsible way to go.

This Senator, as the chairman of the Strategic Subcommittee, will oppose the amendment. It is my hope that Members on both sides of the aisle, members of the Armed Services Committee, will support the committee product.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, let me respond to a couple of points that were made, and then Senator VITTER wishes to make some additional comments.

The Senator from Florida suggested that I have said that THAAD was cut. I don't believe I said that. What I did was quote from the Armed Services Committee in its report on this bill in which it is stated that the Joint Capabilities Mix Study, conducted by the Joint Staff and combatant commanders, concluded that the United States needs "about twice as many THAAD and Standard Missile-3 interceptors as the number currently planned."

My point was that by what the Senator from Florida calls a *de minimis* and minor cut of \$411 million—I guess only in the Senate could someone consider \$411 million *de minimis* money. That is a lot of money, and it is taken out of the Ballistic Missile Defense Program. I guess what the Senator was saying is that cut doesn't hurt the THAAD Program or the Aegis Program. The committee referred to the study which said we need twice as many THAAD and Standard Missile-3 interceptors, and part of what this add-back does is enable the military to acquire some more of those missiles.

I didn't suggest they had cut it. What I said was they didn't meet the requirement they themselves identified in the committee report, and one of the things the amendment does is add money for those two items.

The other two points I would like to make are these:

No. 1, we provide that the Secretary of Defense does have the ability to fund this out of some programs. The Senator from Florida says this is extraordinary power. No, it isn't. This is the way it is frequently done. And I am not

going to assume the Secretary is going to make irresponsible decisions about where he would get the money. Some of the items the Senator from Florida mentioned—MRAPs and body armor—are not in the program from which the Secretary could get the money to offset this \$271 million. So that is not a response.

Finally, those people who support these requirements, those of us who have supported the Vitter amendment, take some exception to the reference to this amendment as an ideological amendment. If it is ideological, then the committee's report is ideological because we are quoting from the committee report and saying we would like to fulfill the requirements which the committee report said existed and which the committee did not fully fund. If that is ideological, so be it. If that is intended to be a pejorative term, I take exception to it. If it is ideological to protect the American people from an accidental or unauthorized launch of a ballistic missile, then I guess maybe my position would be ideological.

I call it common sense to try to restore some of the \$411 million that was cut for programs that the military says it needs, the commander who says he needs the additional Aegis cruisers, for example, the additional SM-3, the additional THAAD missiles that are needed. It seems to me that you can argue over whether, in view of all of the priorities, this is a priority that should be funded, but you cannot say it is not a priority or that the committee and the military don't believe it is important or that it somehow is ideological when the committee and the Pentagon and the Navy, in the one case, for example, have all said these are items that need to be done.

Finally, with regard to those people who say: Well, we never have enough testing, we are trying to respond to that criticism by saying: All right, in order to have tests, you need the equipment for the test. Part of what this amendment does is to restore funding for those items.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, I would say to my good friend from Arizona, first of all, recognize how much we have spent on national missile defense. We have spent over \$150 billion on national missile defense. In this 1 year, the request is \$9.3 billion, of which the committee felt like there were other priorities for \$400 million of that. That is a reduction of only 4.2 percent in a program that has spent \$150 billion—\$150 billion—to date. Now, that is a *de minimis* cut when you have so many other priorities in the budget of the Pentagon.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, if I could also respond briefly, again, I simply disagree with my distinguished colleague from Florida that \$411 million is

pocket change, de minimis, doesn't make a difference. It will make a difference in terms of missile defense, our capability, and the defense of the American people.

It is important to restore a good part of that, and specifically this amendment proposes restoring \$271 million. That is real money. It makes a real difference. And in today's world of threats such as North Korea and China and Iran, this is a top defense priority.

Secondly, I appreciate the Senator's support of very crucial systems. He is exactly right, they are bottom-line crucial systems such as THAAD and Aegis. But again, the committee didn't cut those programs. It put some more money into those programs but not enough to meet the need that the committee itself recognized. In fact, even this Vitter amendment doesn't get us the whole way there. The committee itself recognized, citing reports of the Joint Chiefs, we need about twice as many THAAD and Standard Missile-3 interceptors as the number currently planned. The committee's bill doesn't get us there. In fact, even this Vitter amendment doesn't get us fully there, but it goes much further down the line in terms of getting us there, in terms of immediate near-term needs, such as THAAD, such as Aegis. I agree with the distinguished Senator from Florida, those are crucial programs with real near-term impact.

Third, all the possible offset cuts that the distinguished Senator from Florida mentioned are not allowed under this amendment. Every example he gave cannot be used as an offset cut under this amendment. Under this amendment, this \$271 million can only be offset with cuts to defense-wide accounts, not program-specific accounts, not service-specific accounts. Therefore, every one of those examples was a program-specific account, was a service-specific account and can't be cut, will not be cut. We are talking about broad defense-wide accounts, such as administrative accounts, O&M accounts. I appreciate the Senator's concern, but those specific examples cannot come to pass. Those programs cannot be cut.

Fourth and finally, I agree with the distinguished Senator from Arizona. This isn't an ideological amendment. This is a practical amendment in defense of the American people. When we look around the world today, in a very dangerous time, with all sorts of new looming threats, this is bottom-line practical. The three examples the distinguished Senator from Arizona gave are perfect examples. North Korea, with nuclear capability, with ballistic missile capability. It is very practical to make sure we have a robust defense against that very unpredictable country in a time of dangerous leadership transition.

China, as my colleague from Arizona said, is a power that is coming into its own, but there are real dangers there because, as the Senator from Arizona

said, it doesn't have the communication capabilities it needs to match the enormous force and strength of its military. So there are real threats and real possibilities of accidental or unauthorized launch.

The best example, the most worrisome example of all, is Iran. We debate, with increasing frequency, the choices we may have to make, sooner rather than later, in terms of Iran's march to be a nuclear power. Whatever we think about what measures we should consider, nonmilitary as well as military, however we come down on that very difficult issue, certainly we should all agree that having a robust missile defense system is something that is useful and important to have in that scenario on the military side. Certainly, that is better than simply being more limited to offensive-only capabilities, only the capability to take preemptive action. Certainly, we can all agree it is better to have that robust missile defense capability rather than purely offensive or preemptive capabilities.

So with North Korea and China and Iran, this is very practical. This is setting the right priorities in terms of looking around the world and understanding a wide array of very worrisome threats. And \$411 million is real money. We don't restore all of that. We restore \$271 million. It goes to specific uses that, again, will help advance important systems such as THAAD and Aegis toward the full capability the committee itself recognized and that is fully offset and paid for within the bill.

Mr. NELSON of Florida. Mr. President, I wish to respond to the Senator from Louisiana, but I would first like to ask unanimous consent that after my response, the majority leader have time as in morning business.

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

The Senator from Michigan.

Mr. LEVIN. Mr. President, is my understanding correct that we will then return to the Vitter amendment? I ask unanimous consent that we then return to the Vitter amendment.

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

Mr. NELSON of Florida. Well, Mr. President, I wish to respond, but all I can do is read the amendment of the Senator from Louisiana.

On page 4, starting at line 6:

The amount authorized to be appropriated by this division . . . is hereby reduced by \$271 million, with the amount the reduction—

And it goes on to say—  
to be allocated . . . in the manner specified by the Secretary of Defense.

What do the words "this division" in his own amendment mean? It means everything in the Pentagon, the Department of Defense spending, minus military construction. So when he says the amendment would not allow the Secretary of Defense, at his discretion, to cut all these things I have listed, that is incorrect. That is what the amendment says, as it is drafted.

I would add this gets down into the weeds, but since a lot of this is very arcane, there are some additional concerns regarding the Vitter amendment that I will mention for the record. The amendment proposes an additional \$87 million for targets, for flight tests. But those funds would, instead, go to the Ground-Based Midcourse Defense Program. That is in the wrong place because the targets program is managed in a totally separate office. So any additional funds for targets should go to the test and targets funding line, not to the Ground-Based Midcourse Defense Program.

I said this is in the weeds, but we have to get in the weeds to talk about how this amendment is flawed.

Another example is the proposed \$54 million to convert two Aegis cruisers to the missile defense configuration. Well, the Navy doesn't plan on doing two such cruiser conversions, and this amendment might be a problem for the Navy. It is better to simply refer to "ships" rather than cruisers. In any event, we should get more information before we authorize something where we don't know what we are doing.

Additionally, the amendment would propose \$30 million for technology risk reduction to one component of the Standard Missile-3, called the Throttling Divert and Attitude Control System, pronounced TDACS. Well, rather than put all those funds into this one piece of the Standard Missile-3, it would seem like it would be better—and this is according to the Missile Defense Agency—it would be better to provide funds for the overall Standard Missile-3 Development Program. That would be doing a lot more good than the proposal in this amendment.

So I think even down in the weeds there are a lot more objections to this amendment.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

#### AFGHANISTAN

Mr. REID. Mr. President, I deeply appreciate the Senators engaged in the debate on the amendment offered by Senator VITTER allowing me to step forward and give a speech. I have been looking for an opportunity to do this. I traveled in August to Afghanistan with a bipartisan Senate delegation. I remember a lot of things about that trip, but probably the most stunning was a statement made by Ambassador Wood, the American Ambassador to Afghanistan. He said you could take Afghanistan, pick it up and move it to the poorest country in all of Africa, and the African country would say: Now, that is really poor.

Afghanistan is very poor. I have had the good fortune, in my many years in Congress, to travel to many places in the world. I have seen some very economically depressed areas, but Afghanistan is the topper.

During my trip to Afghanistan, I met with general officers, I met with troops. We traveled to Kyrgyzstan, to

Kazakhstan, allies in our fight against terror, and every place I went, I had the opportunity to meet with officers and, of course, the troops. They are fighting on the frontlines every day. During my meetings with the generals and the troops, they reinforced to me their courage and determination to win the fight against the Taliban and the terrorists.

I learned a lot about Afghanistan, but one thing in particular I learned about is the terrain. Oh, is it mountainous. High mountains.

I attended a funeral not too long ago in Boulder City, NV, because a young Navy SEAL by the name of Eric "Shane" Patton was killed in Afghanistan. When I attended the funeral, I didn't understand the full implications of what this young man and the SEALs who were there with him—who served with him and trained with him—had gone through. But there is a book out, and I would recommend it to everyone. Every Senator who is interested at all in what is going on around the world and loves history should read this book. It is called "The Lone Survivor."

Shane Patton is one of those who didn't survive. As I indicated, I better appreciate now what the SEALs were doing there and why and how Eric "Shane" Patton was killed.

I knew his family. I was from a neighboring town. I went to a high school in a town called Henderson, NV, where his great-uncle Charlie and I were competitors athletically, football and baseball. I remember very clearly the funeral, after having been to Afghanistan.

We didn't spend all of our time with the troops. We traveled to other parts of the country. One part of the trip took us to a vocational school where young Afghani women and men were receiving training in computers, English, car repair, and other skills so they could pull their families and their country out of poverty toward a brighter day. I can remember, I went to the back of the room and there were some young women there. I don't know how old they were, but they were young. They were teenagers or maybe in their early twenties. I talked to them. Some of them spoke fairly good English.

One girl wouldn't talk to me. When I asked a question, she would write things on the palm of her hand. It was not because she couldn't talk. It was just she was not used to being out, I guess, with men, in public places. They are so happy to be able to be out of the clutches of the Taliban and learning something.

Despite the years of chaos and bloodshed, despite many families being torn apart by this war, the young people I met there were brimming with hope, for lack of a better description. Seeing these young men and women study together I was reminded of the difference the United States had made by aiding their fight against the Taliban.

One of my long-time Nevada friends, Harriett Trudell, who worked for me

when I was in the House of Representatives, asked me if I would meet with Eleanor Smeal, who runs an organization in town called the Feminist Majority. She was concerned about how women were being treated by the Taliban, as well she should be. It was awful what this group of people did to women. These people, hopefully, see the light and will not have to go back to that day.

The courage of our troops and the Afghan people was inspiring to me, but I was reminded of the difference the United States has made by aiding in the fight against this Taliban. But there is another conclusion you cannot avoid if you go to Afghanistan. The progress I saw is being undermined by the security situation that is deteriorating day by day.

I returned home more convinced than ever that the greatest threat to our national security lies in Pakistan and Afghanistan. These places must be our central focus on the war on terror. Today, 1 day from the seventh anniversary of the most violent terrorist attack ever to take place on American soil, the mastermind of the attack, Osama bin Laden, is still free. For all the tough rhetoric of the Bush administration of chasing bin Laden to the gates of hell—he has been joined in that by Senator McCAIN—the Bush administration has failed to put the necessary resources and manpower in the hunt for America's No. 1 enemy. We had him trapped in a place called Tora Bora, but our eyes were taken off that. Troops were taken out of Afghanistan and sent to the unnecessary war in Iraq.

President Bush has rightly said the war on terror is about more than just one man. Yet 7 years after 9/11, the President has allowed that group called al-Qaida to regroup in its safe haven in Pakistan. And in Afghanistan, the sad fact is that the Taliban, the brutally oppressive regime that housed bin Laden and al-Qaida, is on the rise, attacking our troops and innocent Afghan civilians. So we must be clear-eyed in the realization that the same people who attacked us then continue to regain strength and threaten us now.

This dire situation could have been avoided. When President Bush took us to Afghanistan following 9/11, Democrats, our country, and the world stood with him. We knew it was a fight that we must wage and we must win. But after a series of military victories the President lost focus and turned, instead, to an ill-conceived war in Iraq. With the job unfinished in Afghanistan, the President devoted our troops and treasure to another battlefield.

Predictably, with the focus shifted, the Afghan people joining with us found no one at their side. The progress in Afghanistan began to go backward, with neighborhoods once reclaimed from the enemy becoming battle-grounds once again. The reason for this failure is no mystery. No matter how

hard the Republican spin machine tries to rewrite history and obscure the truth, the fact is, the terrorists who attacked us on 9/11 were in Afghanistan, not in Iraq. As much as we are glad about Saddam Hussein, and we all are, during his reign—and that is what it was in Iraq—there were no terrorists there. Afghanistan is a far larger country than Iraq, with a larger population and far, far more difficult terrain. Yet today we have about 34,000 American troops in Afghanistan and about 150,000 in Iraq.

Afghanistan is much poorer than Iraq. I have explained to the Presiding Officer and those listening how important that is, according to Ambassador Wood. It may not be the poorest country in the world, but it is right up there. Yet the money we have spent in Afghanistan is a small fraction of what we have spent in Iraq—approaching \$1 trillion in Iraq. Afghanistan is the home of al-Qaida, home of the Taliban, the central front of the war on terror. Yet there are 4½ times as many troops in Iraq, and we have spent huge amounts more money in Iraq than Afghanistan.

The result of this, the Republican failure led by President Bush, is clear. After a drop in violence early in the war, the Taliban came back with a vengeance in mid-2006. By that time we didn't have enough troops on the ground to respond. The troops needed were 1,500 miles away.

This is not just HARRY REID giving an anti-Bush speech. The commander of American forces in the region, the No. 1 man, ADM William Fallon, put it this way in January of this year:

Back in 2001, early 2002, the Taliban were pretty much vanquished.

Just what I said. He continued:

But my sense looking back is we moved focus to Iraq, which was the priority from 2003 on, and the attention and resources focused on a different place.

That is what Admiral Fallon said, and that is what I have said in my remarks prior to this quote. With resources focused on a different place, Admiral Fallon said, here is what we are now seeing. In July, nearly twice as many U.S. troops were killed in Afghanistan as in Iraq. June was the second deadliest month in Afghanistan for coalition and U.S. troops since the start of the war. In eastern Afghanistan, attacks on coalition troops increased by more than 40 percent over the first 5 months of the year. Roadside bombings have increased. Opium production is up.

Mr. President, 93 percent of all the world's opium is produced in Afghanistan—heroin. Coincidentally, right before we had our break, before I went to Afghanistan, I received a call from a woman. I, of course, recognized her name. Her former husband was the first criminal client I ever represented. I was appointed by the court to represent this indigent. I walked into that jail and looked through the bars and here was this man. He should have been

in the movies, not in jail—handsome. His name was Gregory Torres, Humbert Gregory Torres. He put his wife through hell. They had a little baby. She was a showgirl in Las Vegas, also as beautiful as he was handsome. She called me to tell me he had died. I represented him in the 1960s. He survived, in and out of prison; off of heroin for short periods of time, but it is an addiction that is very hard to fight.

Mr. President, 93 percent of the stuff used to create hell in people's lives comes from Afghanistan—heroin. We have to do better than that; 93 percent of the world's opium is produced in one country.

President Bush's failures in Iraq and Afghanistan have had consequences beyond the borders of those two countries. This morning, the bipartisan American Security Project issued a report noting that attacks by violent terrorist groups around the world are at an all-time high. This is without the terrorist attacks in Afghanistan and Iraq. Their report also notes that ungoverned spaces continue to provide sanctuary for terrorist organizations, including Afghanistan, east and north Africa, and Somalia. Yesterday President Bush had one last chance to meaningfully change the strategy and begin to reverse all these backsliding trends, but he chose not to do so. He chose to stick with the status quo and not make the significant changes that were necessary. Unfortunately, we have seen no reason to believe a JOHN MCCAIN Presidency would offer any break from the failed Bush foreign policy.

For all his talk about listening to commanders on the ground, George Bush—and JOHN MCCAIN—are dangerously deaf to the calls of our commanders in Afghanistan. Listen to what Admiral Mullen said—Admiral Mullen, not Fallon. Here is what he said in addition to what Fallon said. Fallon said, back in 2001 early 2002:

The Taliban were pretty much vanquished. But my sense looking back is that we moved focus to Iraq, which was the priority from 2003 on, and the attention was on a different place.

Here is what Admiral Mullen said, also one of the leading commanders of the American military:

I have made no secret of my desire to flow more forces, U.S. forces, to Afghanistan just as soon as I can, nor have I been shy about saying that those forces will not be available unless or until the situation in Iraq permits us to do so. . . .

We know today that no more than a token shift of troop levels will take place until we have a new President, a new President committed to winning the war on terrorism by fighting the actual terrorists, not creating war but winning war. That will require a new approach to Iraq, Afghanistan, and Pakistan. We have seen in Pakistan a dangerous approach by this administration, placing all of our bets on one man, General Musharraf.

Senator Daschle and I were the first two American elected officials to meet

him after the coup. We went there and we met with him. Obviously, all the talking to him by us and others did not do a lot of good because what President Bush did was place everything on this one man. It was a fatal and avoidable—certainly an avoidable—blunder. Musharraf did not implement democracy, did not uphold human rights, and did not stop the terrorists operating inside Pakistan's borders. He fired all the judges. American dollars meant to fight terrorism were wasted, the Pakistani people suffered, and the United States lost credibility with them for supporting a dictator who did not want to uphold their basic human rights.

Because of President Bush's failed approach to Pakistan, we now have seen al-Qaida regroup within its borders. According to the declassified key judgments of the National Intelligence Estimate of July 2007 entitled "The Terrorist Threat to the U.S. Homeland," al-Qaida has "protected or regenerated key elements of its Homeland attack capability, including a safe haven in the Pakistani Federal Administered Tribal Areas."

The intelligence agencies reiterated this a few weeks ago, saying that al-Qaida "has maintained or strengthened key elements of its capability to attack the United States in the past year."

During our time in Afghanistan, from our meetings with President Karzai to our meetings with American generals, one message was clear: We cannot solve the problem in Afghanistan without solving the problem in Pakistan.

Those concerned with the writing of our history books will have ample opportunity to delve into the Bush failures in Iraq, Afghanistan, and Pakistan in far greater detail than I have done in these brief remarks. The historians will note that on George Bush's watch the Taliban grew stronger, running their operations from terrorist bases inside Pakistan.

They will note, the historians, that under George Bush's watch, al-Qaida regrouped, ready to carry out other attacks against our great country. They will note on George Bush's watch, our national security was jeopardized, and the threats that led to the attacks in 2001 are as grave if not graver in 2008.

So our job in Congress is not to do the job of the historians, but to answer one question: Where do we go from here? President Bush gave his answer to that question yesterday. His answer was: We do not go anywhere. We stay exactly where we are.

JOHN MCCAIN has made it clear that he stands in place with George Bush. So with due respect to President Bush and Senator MCCAIN, the status quo has failed. They are out of touch with the realities and ramifications of our efforts in Iraq, Afghanistan, and Pakistan.

I saw in Afghanistan a people eager, desperate, and ready to lift their country to democracy, equality, and economic opportunity, but held down by

the weight of an enemy we failed to destroy.

The military, our military, has expressed to me how impressed they are with the Afghan fighters. They do not leave battle. They are ready to fight. So I hope in the coming months, our courageous, overworked, overstretched, overstressed troops can continue to hold off the enemy. I am confident they will. They will do it without the full resources and manpower necessary to complete the mission, which is too bad.

I hope the American people have the wisdom to choose a leader who will take the war on terror back to the terrorists and look the Afghan people in the eye and say that help is on the way.

I suggest the absence of a quorum. The PRESIDING OFFICER (Mr. SALAZAR.) The clerk will call the roll. The assistant legislative clerk proceeded to call the roll.

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

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

Mr. INHOFE. Mr. President, I regret that we had hearings all morning in the Environment and Public Works Committee on another crisis; that is, we are going to have to do something about the trust fund to get it jarred loose before we can get out of here. There is going to be a serious problem in the Nation's infrastructure, and it was necessary that I be there. However, I regret that I missed the discussion of the Vitter amendment.

Many members of the Armed Services Committee are very concerned about the ability of the missile defense system. Some of us have been around long enough to remember back in the Reagan administration when this whole thing started. At that time, there was an attempt to denigrate the threat that was out there, calling it Star Wars and other things. But, in fact, the problem was very real. It took a lot of vision. That administration set about to give us the capability that we would need, when the need was there. We were pretty much on course.

Missiles have become a key component to the militaries of many countries now that were not a problem back at that time. Our enemies are advancing their ability to reach out and hit us, our allies, and our forward-deployed forces in a devastating way. We have a different threat now than we had at one time. People are now aware of it.

I can recall that I disagreed with President Clinton when he took a lot of the money out of the national missile defense system. I think it was the 1996 Defense authorization bill he vetoed. The veto message said that we are spending too much money on a threat that is not out there for the foreseeable period. Now I think we realize this problem is there.

This is a complicated subject. One of the problems we have—and I have this with a lot of my conservative friends—

is that people will look at it and say: We don't need to have all this redundancy in a missile defense system. Right now, we are talking about the boost phase, the midcourse phase, and the terminal defense segment. In these areas, we need to have at least two capabilities such as the airborne laser and the kinetic energy booster in the boost defense segment. So people who say that perhaps we don't have that need and that it is redundant don't think of the consequences.

As tragic as 9/11 was, I am sure all of us have thought about what could have happened or what could have been or might have been prevented as a result of the increase in some of our collection systems to prevent a missile from coming in. We know countries have missiles. They have weapons of mass destruction, and they have delivery systems. The combination is varied. We are talking about potentially hundreds of thousands of people or millions of people who could be killed. There are a lot of areas where the midcourse defense segment was the only one that would be effective in knocking down an incoming missile. We are working hard now on the terminal defense segment.

I applaud the Missile Defense Agency and the work they have been doing because they have been able to analyze this and see where the threat is, why it should be dealt with. When they developed a budget, they put the amount of money in there they thought was necessary to keep on course to get us to the point where we would be able to adequately defend America against an incoming missile. I think they have done that.

We took some 400, I believe, out of that amount, and the Vitter amendment is trying to reinstate that. In 1993, the Clinton administration cut \$2.5 billion from the Bush missile defense budget request for fiscal year 1994; terminated the Reagan-Bush Strategic Defense Initiative program; downgraded national missile defense to a research and development program only; cut 5-year missile defense funding by 54 percent from \$39 billion to \$18 billion; and reaffirmed a commitment to the ABM Treaty, saying any defense must be "treaty-compliant."

A lot of people honestly in their hearts—and I respect them for having a different opinion than mine—think that the answer is not in missile defense system but in arms control. This is what we went through during the middle 1990s. But we have reached a level of sophistication now where we have watched our tests become successful. People used to ridicule those of us who were for this program a long time ago: You will never be able to hit a bullet with a bullet. But we have done it now. So the technology has come along. To not stay on track is something that would be devastating.

Right now, we are looking at countries such as North Korea and Iran developing ballistic missile capabilities and delivery systems. There should not

be any doubt that these countries would actually use them. The only way to deter that is to have a defense system.

I think it is wise for us—and I think all of America agrees that the threats are out there; we need to have the capability of deterring when it comes in—that we do what is necessary to meet that test. We have relied upon the experts in the Missile Defense Agency and those of us who have studied this to determine what it should cost. Making a mistake here is not like making a mistake in some other area. If we make a mistake here and are incapable of knocking down something that is coming into a populated area, that is a disaster that is beyond description. As tragic as 9/11 was, multiply that by 100 or whatever it might be in the case that we don't stay on course.

So what I would encourage us to do is to go ahead and adopt the Vitter amendment. What he has done is said: Take it from other areas. It will be covered. But this shows that there should be that priority. I believe that priority is certainly justified.

As we follow through what has happened over the past few years, what happened in 1998 when they opposed and helped kill the legislation that called for the deployment as soon as technologically possible—we remember that well. Those of us on the Armed Services Committee have watched that moving target as time has gone by. But that is really the key, to be sure we have a national missile defense system deployed as soon as technologically possible because we know what other countries are doing. We know people are trading technology. We know that China is trading technology, that North Korea is trading technology, and countries such as Iran are rapidly gaining this capability. Our enemies out there don't like America. This is the most defensive program we should have in defending my 20 kids and grandkids and all of America.

I strongly encourage in this process that we reinstate the amount of money that the experts say is necessary to stay on course to defend America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I oppose the Vitter amendment for a number of reasons. Let me begin by saying we have already placed into our bill more money for the areas that the Vitter amendment would add additional money for than was requested by the administration. In other words, in these areas—terminal high-altitude area defense, the THAAD Program; the Aegis ballistic missile defense, DMD, and its Standard Missile-3 interceptor—we have added money in our committee to the budget request. So this is not restoring cuts in these programs. If the Vitter amendment were passed, it would add additional funds to programs that we on the committee unanimously already have added addi-

tional funds to above the administration's request.

I would like to go through these one by one.

For the THAAD system, the administration's budget requested \$865 million. The committee bill, approved by all committee members, added \$115 million.

The Targets Program, which provides targets for flight tests, the budget request was \$665 million. The Armed Services Committee fully funded the administration request. The Vitter amendment adds money the administration is not requesting. The administration is not requesting the money that the Vitter amendment adds to the committee bill.

Next, the Aegis BMD Program, the budget request was nearly \$1.2 billion. The committee bill would authorize an additional \$100 million for systems improvement and additional procurement. The Vitter amendment adds to what the committee already added to the administration request—\$74 million on top of the committee increase, \$54 million to convert two additional ships and \$30 million for technology improvements.

So point No. 1, in the areas to which Vitter amendment would add funds, the committee has either fully funded the administration request or we have added to the administration request. The administration is not requesting additional funds in the areas to which the Vitter amendment adds funds. That is point No. 1.

Point No. 2, how does the Vitter amendment pay for these add-ons? What it does is it allows the Secretary of Defense to cut \$271 million from any part of the Defense Department budget except for the specified accounts which we are not authorizing the Secretary of Defense to cut. But except for those very precise, specific, enumerated exceptions, the Secretary of Defense is given carte blanche to cut any program which the Secretary of Defense wants to cut. That is an abdication of congressional authority. It is a serious abdication. We have not done this. Where we have put weapons systems money in, frequently at the request of Members of this body, going over this at great length in committee, we have not given the Secretary of Defense a blank check to cut whatever procurement programs he might want to cut in order to pay for other add-ons that are offered on the floor of the Senate.

Now, when the Senator from Florida gave examples where these cuts could come from, the Senator from Louisiana denied those cuts could come from these examples. But the Senator from Florida is right. So I am going to repeat the examples, and then we can debate later on whether the Senator from Louisiana is correct or the Senator from Florida is correct in terms of the amendment which has been offered.

These are some of the examples the Senator from Florida used where if the Secretary of Defense wanted to make

cuts in programs, in his discretion, he would be given the authority to do it. He could cut funds for the Joint Strike Fighter alternate engine. He could wipe out money for operations of the B-52. He could cut money for advance procurement funds for the F-22. He could reduce the Patriot missile request. These are areas where the committee has added funds and where if the Vitter amendment is adopted, the Defense Secretary could, at his discretion, make cuts in these program or any other program in his discretion.

It is a serious abdication of congressional budget authority to say the Secretary of Defense may make cuts in programs wherever he wants, with the specific two exceptions that are enumerated in the Vitter amendment.

So we ought to defeat the Vitter amendment, No. 1, because it adds funds not requested, No. 2, it adds funds to accounts we have already added funds to, and, No. 3, because of the broad authority that would give the Secretary of Defense to pay for these add-ons by cutting other programs in the discretion of the Secretary of Defense—a very serious abdication of our budget power and something we should not do.

So I will oppose the Vitter amendment and support the position, the argument of the Senator from Florida, Mr. NELSON, who is the chairman of our subcommittee, who earlier today made the presentation in chief, as we would say in a court, against the Vitter amendment.

I yield the floor now. I would ask unanimous consent—if my friend from Alabama might hear this—that if we go into a quorum call now the time be charged equally against both sides on the Vitter amendment.

I suggest the absence of a quorum with the unanimous consent request that any time during this quorum call be charged equally to both sides.

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

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, how much time remains on the Vitter amendment?

The PRESIDING OFFICER. The proponent has 2 minutes. The opponents have 19 minutes.

Mr. LEVIN. Mr. President, I ask unanimous consent that the Vitter amendment be set aside, and that when we return to the Vitter amendment, the Senator from Louisiana have 10 minutes on his side, and that the full 19 minutes remain on our side, the opponents, and with that understanding we move to the regular order, which I believe would be the Senator from Florida offering his amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 4979

Mr. NELSON of Florida. Mr. President, I call up amendment No. 4979.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Florida [Mr. NELSON], for himself, Mr. HAGEL, Mr. SESSIONS, and Mrs. MURRAY, proposes an amendment numbered 4979.

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

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

The amendment is as follows:

(Purpose: To repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation)

At the end of subtitle D of title VI, add the following:

**SEC. 642. REPEAL OF REQUIREMENT OF REDUCTION OF SBP SURVIVOR ANNUITIES BY DEPENDENCY AND INDEMNITY COMPENSATION.**

(a) REPEAL.—

(1) IN GENERAL.—Subchapter II of chapter 73 of title 10, United States Code, is amended as follows:

(A) In section 1450, by striking subsection (c).

(B) In section 1451(c)—  
(i) by striking paragraph (2); and  
(ii) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(2) CONFORMING AMENDMENTS.—Such subchapter is further amended as follows:

(A) In section 1450—  
(i) by striking subsection (e);  
(ii) by striking subsection (k); and  
(iii) by striking subsection (m).  
(B) In section 1451(g)(1), by striking subparagraph (C).

(C) In section 1452—  
(i) in subsection (f)(2), by striking “does not apply—” and all that follows and inserting “does not apply in the case of a deduction made through administrative error.”; and  
(ii) by striking subsection (g).

(D) In section 1455(c), by striking “, 1450(k)(2).”

(b) PROHIBITION ON RETROACTIVE BENEFITS.—No benefits may be paid to any person for any period before the effective date provided under subsection (f) by reason of the amendments made by subsection (a).

(c) PROHIBITION ON RECOUPMENT OF CERTAIN AMOUNTS PREVIOUSLY REFUNDED TO SBP RECIPIENTS.—A surviving spouse who is or has been in receipt of an annuity under the Survivor Benefit Plan under subchapter II of chapter 73 of title 10, United States Code, that is in effect before the effective date provided under subsection (f) and that is adjusted by reason of the amendments made by subsection (a) and who has received a refund of retired pay under section 1450(e) of title 10, United States Code, shall not be required to repay such refund to the United States.

(d) REPEAL OF AUTHORITY FOR OPTIONAL ANNUITY FOR DEPENDENT CHILDREN.—Section 1448(d) of such title is amended—

(1) in paragraph (1), by striking “Except as provided in paragraph (2)(B), the Secretary concerned” and inserting “The Secretary concerned”; and

(2) in paragraph (2)—

(A) by striking “DEPENDENT CHILDREN.—” and all that follows through “In the case of

a member described in paragraph (1),” and inserting “DEPENDENT CHILDREN ANNUITY WHEN NO ELIGIBLE SURVIVING SPOUSE.—In the case of a member described in paragraph (1),”; and

(B) by striking subparagraph (B).

(e) RESTORATION OF ELIGIBILITY FOR PREVIOUSLY ELIGIBLE SPOUSES.—The Secretary of the military department concerned shall restore annuity eligibility to any eligible surviving spouse who, in consultation with the Secretary, previously elected to transfer payment of such annuity to a surviving child or children under the provisions of section 1448(d)(2)(B) of title 10, United States Code, as in effect on the day before the effective date provided under subsection (f). Such eligibility shall be restored whether or not payment to such child or children subsequently was terminated due to loss of dependent status or death. For the purposes of this subsection, an eligible spouse includes a spouse who was previously eligible for payment of such annuity and is not remarried, or remarried after having attained age 55, or whose second or subsequent marriage has been terminated by death, divorce or annulment.

(f) EFFECTIVE DATE.—The sections and the amendments made by this section shall take effect on the later of—

(1) the first day of the first month that begins after the date of the enactment of this Act; or

(2) the first day of the fiscal year that begins in the calendar year in which this Act is enacted.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that I may have printed in the RECORD a letter from The Military Coalition.

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

THE MILITARY COALITION,  
*Alexandria, VA, June 19, 2008.*

Hon. JEFF BINGAMAN,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR BINGAMAN: The Military Coalition (TMC), a consortium of nationally prominent military and veterans organizations, representing more than 5.5 million members plus their families and survivors, is writing to ask for your support of Senator Bill Nelson's Defense Authorization Bill amendment (S. amendment 4979) that repeals the law requiring a dollar-for-dollar deduction of VA benefits for service connected deaths from the survivors' SBP annuities. The elimination of this survivor benefit inequity is a top legislative goal for TMC in 2008.

We strongly believe that if military service caused a member's death, the Dependency and Indemnity Compensation (DIC) the VA pays the survivor should be added to the SBP benefits the disabled retiree paid for, not substituted for them. In the case of members who died on active duty, a surviving spouse with children can avoid the dollar-for-dollar offset only by assigning SBP to the children. But that forces the spouse to give up any SBP claim after the children attain their majority—leaving the spouse with only a \$1,091 monthly indemnity from the VA. Surely, those who give their lives for their country deserve fairer compensation for their surviving spouses.

The Military Coalition urges you to restore equity to this very important survivor program and vote in favor of Senator Nelson's SBP amendment when it comes to the floor for consideration.

Sincerely,

THE MILITARY COALITION,  
*(signatures enclosed).*

Air Force Association; Air Force Women Officers Associated; American Logistics Association; AMVETS (American Veterans); Army Aviation Assn. of America; Assn. of Military Surgeons of the United States; Assn. of the US Army; Commissioned Officers Assn. of the US Public Health Service, Inc.; CWO & WO Assn. US Coast Guard; Enlisted Association of the National Guard of the US; Fleet Reserve Assn.; Gold Star Wives of America, Inc.; Iraq & Afghanistan Veterans of America; Jewish War Veterans of the USA; Marine Corps League; Marine Corps Reserve Association.

Military Officers Assn. of America; Military Order of the Purple Heart; National Association for Uniformed Services; National Military Family Assn.; National Order of Battlefield Commissions; Naval Enlisted Reserve Assn.; Naval Reserve Association; Non Commissioned Officers Assn. of the United States of America; Reserve Enlisted Assn. of the US; Reserve Officers Assn.; Society of Medical Consultants to the Armed Forces; The Retired Enlisted Assn.; USCG Chief Petty Officers Assn.; US Army Warrant Officers Assn.; Veterans of Foreign Wars of the US.

Mr. NELSON of Florida. Mr. President, following one of the bloodiest wars in America, the time that this Nation was put asunder and split right down the middle, in those dark days, President Abraham Lincoln, in his second inaugural address, said that one of the greatest obligations of war is to take care of those who had borne the fight and to take care of his widow and orphan.

What he said was:

As God gives us to see the right, let us strive on to finish the work we are in, to bind up the nation's wounds, to care for him who shall have borne the battle and for his widow and orphan.

That is the quote of Lincoln in that very memorable second inaugural address.

This amendment has to do with widows and orphans. This Senator, for 8 years now, has brought this amendment up, and on most every occasion we have passed it in the Senate. But because it has a fiscal consequence, because what we are going to do is help widows and orphans, when it gets through here on almost a unanimous vote and gets into a conference committee with the House, it gets whacked. We had a minor victory last year in that some of this offset that I am about to tell you was reduced, but it was a very minor achievement.

I have offered this amendment, which is cosponsored by Senators HAGEL, MURRAY, and SESSIONS. So you can see that this is bipartisan. It is going to eliminate the unjust offset on the survivor benefits for widows, widowers, and orphans. The U.S. Government, when it plans for cost of war, has to go through—and understand that the cost of war is not just guns, ammunition, tanks, and airplanes.

A cost of war is also taking care of the veterans and also taking care of the deceased servicemembers' widows, widowers, and orphans. It is both a cost of war and of peace.

Now, before August, back in July, the Senate supported sweeping changes to

the GI bill, which certainly is providing greater opportunities for today's members of the military and their families to have the ability to earn a college education. Well, now, in this amendment, we have the privilege of honoring the families whose loved ones have given their lives in service to the country.

Today, we can remove one of the last unjust benefit offsets that face our veterans and our families. On both sides of the aisle, over the last several years, the Senate has tried to correct these benefit offsets that penalize our Nation's heroes. Back in 2004, in the Defense authorization bill, we passed combat-related special compensation that allowed veterans who were injured during war, and awarded a Purple Heart, to receive both their disability pay and their earned retirement income. Back then, in 2004, we reviewed the veterans concurrent receipt disability pay, otherwise known as concurrent receipt. We agreed that military retirees with 20 or more years of service and a 50-percent or higher disability would no longer have their retirement pay reduced by the amount of their VA disability compensation. That was the offset that was known as concurrent receipt. So we eliminated that offset if the veteran had a 50-percent or higher disability.

Well, through the National Defense Authorization Act, back then, in 2004, we authorized concurrent receipt of the retired pay and the disability pay for military retirees but not so with the widows and the orphans.

Last year, in the Defense authorization bill, we reasoned that those veterans rated as 100 percent unemployable should receive both their retirement pay, which they have earned through years of service, plus their disability pay, which they earned through injury. Before the law was changed, a veteran suffering from PTSD, post-traumatic stress disorder, or TBI, traumatic brain injury, and was unable to work due to the service-connected disability—back before that, that veteran was penalized because he or she was not 100 percent physically disabled. Prior to our efforts, our veterans could not concurrently receive their hard-earned retirement pay and their well-deserved disability pay.

That is what brings me now to the widows and orphans. We treated our veterans that way in the past. We have acted to get rid of these unjust offsets. But there is one offset that remains, and that is the one that affects the survivors—the offset between the survivor's benefits under the Department of Defense Survivor's Benefit Plan, or SBP—that is on one hand—and the Veterans Department Dependency and Indemnity Compensation, or DIC, there is an offset there. Here is what happens. The Survivor's Benefit Plan is purchased by the retiree, like an insurance annuity. It is issued automatically in the case of servicemembers who die while on active duty, and re-

tired members of the military pay for this benefit from their retired pay. Again, it is as if they pay premiums for an insurance policy. Upon the death of the servicemember, their spouse or dependent children can receive up to 55 percent of their retired pay as an annuity—a straight kind of insurance annuity. Understood.

But there is another law. The other law is that the Department of Veterans Affairs Dependency and Indemnity compensation, or DIC, is given to a surviving spouse of an active-duty or retired military member who died from a service-connected cause. Here is the catch: Under current law, even if the surviving spouse of such a servicemember is eligible for SBP, that purchased insurance annuity is reduced, or offset, by the amount they get under the Dependency and Indemnity Compensation from the Veterans' Administration. Well, why should that be, because they are entitled to both. In one case, they purchase it; in the others, they are a veteran and they are entitled to it. The Survivor Benefit Plan is that purchased insurance annuity plan.

In my previous life as the elected insurance commissioner of the State of Florida, I want you to know I have never heard of any other purchased insurance annuity program that can justify refusing to pay the insured the benefits that the insured purchased by saying: Oh, by the way, because you are getting a different benefit somewhere else. So for the past 8 years, this Senator has been trying to fix that situation. This amendment is going to end that injustice and completely remove this offset to take care of the widows, the widowers, and the orphans who have lost a loved one to combat or service-connected injuries.

In 2006, the Senate passed a similar amendment 92 to 6. What happens, it gets down into the conference committee between the Senate and the House and they say: Oh, we can't afford it. It got watered down into a special payment that provides a \$50 monthly payment to a deceased servicemember's beneficiaries. So at least it is offset \$50. But the real offset is about \$1,100. Fifty dollars is better than zero, but we have a long way to go to make this right by our veterans and their families.

I hope the Congress now is going to face the music and come up with the responsible thing and recognize that the cost of war is taking care of the families, the widows, and the orphans. Under current law, because of that offset, all of our military are going to find it difficult for their families to make financial ends meet. These are the families of the men and women who do not return home. They have already lost so much, they should not have to endure the financial hardships because of a benefits offset.

The Senate has an opportunity to change this injustice as we get into this Defense authorization bill. If we respond to it as we did a couple of

years ago by passing legislation with overwhelming support and then again with the special offset of only \$50, if we can take it to the full offset and remove it, then we will have achieved what we ought to be doing, which is to do right by our families, recognizing that it is our obligation as a government to take care of the one who shall have borne the burden of war and of his widow and orphan.

That ends my remarks. I do not see any other Senator in the Chamber wanting to offer any comments. So if other Senators are not ready to speak, I wish to speak on another subject. I ask unanimous consent to speak as in morning business for 10 minutes.

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

#### OIL DRILLING

Mr. NELSON of Florida. Mr. President, next week we are going to be on the Energy bill, and we are going to be acting on one of the most important challenges facing our Nation. In fact, the single greatest threat to our national and economic security may well be our dependence on oil, not just foreign oil but oil.

No one among us would argue that we need to drill in places where it makes sense. But we all know that more drilling will not do anything to bring down the price of gasoline. A report from the White House has said that, and we have stated that on the floor of the Senate. Nor will more drilling take us down the path to making America energy independent in 10 years. But let's acknowledge that we need to drill for oil in places where it makes sense.

This Senator has come to the floor and said over and over that 68 million acres of Federal lands, both on land and submerged lands, leased by the oil companies, is a good place to start. We need to drill for oil in places where it makes sense. If there are expanded places offshore that do not have a counterbalancing reason not to drill there, then let's use that standard. Let's drill in places where it makes sense but understanding all along that is not going to affect the price of gasoline now.

The White House report said it would not affect the price of gasoline until the year 2030. But people are hurting now. They want something done about gas prices now.

Recognize also there is a fundamental truth that the United States has only 3 percent of the world's oil reserves, but the United States consumes 25 percent of the world's oil production. Common sense tells us, if we only have 3 percent but consume 25 percent, drilling is not going to get us out of the problem. We have people such as Texas oilman T. Boone Pickens who are on the TV saying exactly the same thing.

If we cannot drill our way out of the problem, what should we do? It is clear that we could bring the price of gas down a lot more and right away if we would cut some of the waste, if we

would conserve. What is one way to conserve? Higher-miles-per-gallon cars because 50 percent of the oil we use goes into cars and trucks. It does not take a rocket scientist to realize this is where we ought to focus. So let's focus on raising the mileage standards for our personal vehicles. It took us 30 years to just a few months ago raise the mileage standards to a paltry 35 miles per gallon, but that is phased in over the next decade and a half.

In the meantime, Europe is driving around on an average of 43 miles a gallon. By the way, it is American manufacturers in Detroit that are selling their products, American automobiles, that add to that 43-mile-per-gallon average in Europe. And in Japan, they are driving around in vehicles that get 50 miles per gallon.

In other words, we are wasting a lot of oil right here in America that we could be saving, and we could do it with serious conservation measures. One of those ways is to increase our miles per gallon in our vehicles in the fleet average, which we could start doing tomorrow.

There is another way, and the other way is to start giving tax incentives to Americans to go out and buy fuel-efficient cars. We ought to require at least 40 miles per gallon on our vehicles, and we should provide to the American consumer tax incentives to encourage them to buy those higher-miles-per-gallon, fuel-efficient cars.

In the long run, we have to rapidly build cars that run on batteries and hydrogen, not petroleum, and we need to develop alternative fuels, such as ethanol, from products that we do not eat. While we are at it, 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, thermal energy, and safer nuclear power, and we are going to need to increase our oil-refining capacity.

Our Government must enact this national energy program to transition us from petroleum to alternative and synthetic fuels. President Kennedy said we were going to release ourselves from the bonds of gravity and go to the Moon and back within 9 years, and we did it. We need to act on this energy crisis with the same urgency. If we put our minds together, then we can realize a number of these items that I have mentioned—drill in places where it makes sense; raise the miles per gallon on our automobiles; give our people tax incentives so that they will be encouraged to buy fuel-efficient cars; develop solar, wind, thermal, safer nuclear power; and increase our oil-refining capacity. These are the ways we are going to solve our energy crisis.

This is what I hope as the Senate goes into session next week working on the Energy bill. These are the common-sense ways that we can, with divergent views, come together and build consensus.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

#### AMENDMENT NO. 5280

Mr. VITTER. Mr. President, I will return to my pending Vitter amendment. I ask the majority side, and perhaps the distinguished Senator from Florida is the appropriate person on the floor to give consent to a modification of the Vitter amendment, which is in the last paragraph, only to clear up any uncertainty and confusion about this offset issue which we have discussed.

This modification, which I provided to the majority side, would make crystal clear and ensure that the full offset of this amendment would have to come out of research, development, test, and evaluation accounts only, and therefore it could not come out of O&M. It could not come out of procurement. It could not come out of any of those broad categories about which the Senator and others were most concerned.

I ask unanimous consent for that modification so that there is certainty on that issue.

The PRESIDING OFFICER. Is there objection? The Senator from Florida.

Mr. NELSON of Florida. Mr. President, reserving the right to object, out of consideration for Senator LEVIN, the chairman of the committee, who is off the floor right now and is considering the request of the Senator from Louisiana, I suggest the Senator withdraw the request until Senator LEVIN returns. I have been instructed to say that he is considering that request right now. So will the Senator withdraw the request?

Mr. VITTER. Pending that answer, Mr. President, I will withdraw the request and look forward to that response so that we can modify the amendment. It is a good-faith attempt to address and clear up any possible ambiguity about some of the issues we discussed on the Senate floor. I think this modification would do that by, beyond argument, limiting any offset to research, development, test, and evaluation accounts.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SMITH. Mr. President, I ask unanimous consent to speak as in morning business.

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

#### MENTAL HEALTH PARITY

Mr. SMITH. Mr. President, I often try to come to this Chamber and offer remarks without reading a text, but this text that I have prepared is of such a personal nature and so difficult to give that I think I am going to try to read it.

I also want to note for the record that in this hyperpolitical season, sometimes we forget that we are just Americans. Senator KENNEDY somehow knew I was going to give this speech, and I was just called to the Republican cloakroom to take a call from our colleague who struggles with a terrible illness. He wished me well in this speech because we share a common bond when it comes to human loss and the passion

for the issue of mental health. I also want to report, Mr. President, that he sounded great, and I am confident he will be back.

Mr. President, 5 years ago this week—it was actually 5 years ago on Monday—my wife Sharon and I received the worst news that any parent can receive when a police officer showed up at our door to inform us that our 21-year-old son Garrett had taken his life. That day and the days and weeks that followed were the most painful imaginable. But instrumental to Sharon and me being able to persevere through those weeks was the love and support we received from my colleagues here in the Senate.

To note just a few, Senators WYDEN, REID, STEVENS, BENNETT, DeWine, and CHAMBLISS traveled all the way to Pendleton, OR, a little town in north-eastern Oregon, for Garrett's service. When I returned to this Chamber weeks later, Senators KENNEDY and BIDEN, who had experienced the loss of family members in their lives, were just two of many who reached out to me with compassion and wise counsel. Senators LEAHY and Santorum lit candles for us in their Catholic parishes, Senator LIEBERMAN remembered us in his synagogue, and many protestant colleagues included us in their prayer circles. Sharon and I were reminded again and again that human heartache has no political affiliation.

Sharon and I were also blessed to receive the support and understanding of the people of Oregon. We were overwhelmed with cards, letters, and kind words, many from individuals who had lost a loved one battling depression or who had lost a loved one to suicide. Indeed, as a result of the publicity surrounding Garrett's death, Sharon and I had become the focus of an immense fraternity of sorrow. I had never been aware of or imagined the size of this silent and shapeless society, but the avalanche of letters confirmed what my studies later taught me: There are 30,000 suicides and as many as 600,000 attempts at suicide in America every year. Suicide is the third leading cause of death in the United States for those ages 15 to 24. It is the second leading cause of death among college students, with more than 1,000 taking their lives each year.

I began to wonder what I, as a Senator, could do about this epidemic which had claimed the life of my son. Six months after Garrett's death, our then-colleague Mike DeWine provided me with an answer. He told me that the epidemic of youth suicides had been weighing on his mind as well and that he had coauthored two pieces of legislation he hoped might make a positive difference. The first bill, authored with Senator DODD, increased screening for children to detect those predisposed to depression and suicide. The second, written with Senator REED of Rhode Island, provided funding necessary to improve suicide prevention programs on college campuses.

I reviewed the two bills and felt more and more that I had found my cause: to bring suicide's brutal toll and mental health subordinate status out of our society's shadows. I believed that the shame and the stigma our society feels about mental health must stop and a national conversation needed to begin. I believed that if Government policy and insurance priorities did not change, then more lives would be tragically lost, more families would be shattered, more of our citizens would wander our streets and needlessly fill our jails, and higher costs would be borne by taxpayers or be shifted to overburdened private policyholders. In short, our society would be diminished and too many of our fellow citizens would continue to suffer needlessly.

Senators DeWine, DODD, and REED graciously offered to let me take the lead in advancing the legislation through Congress. Because of their support, the support of countless others in the House and Senate, and the support of the President of the United States, George W. Bush, we were able to make a difference and for the first time put the Federal Government on the front lines in the battle against youth suicide.

This week marks another anniversary, Mr. President. It was on September 9, 2004, on what would have been Garrett's 23rd birthday, that final passage was achieved on what my colleagues named the Garrett Lee Smith Memorial Act. So I rise today during what is also National Suicide Prevention Week to reflect on what has been accomplished these past 4 years thanks to the provisions of the Garrett Lee Smith Act and to remind my colleagues of the work that still must be done.

Since its enactment into law, the Garrett Lee Smith Act has provided funding for youth suicide prevention programs in 31 States, 7 Native American tribes or tribal organizations, and 55 colleges and universities. Incredibly, more than 150,000 people across our Nation have been trained in youth suicide prevention activities under the Garrett Lee Smith Memorial Act. This includes more than 40,000 college students who can now look for the warning signs of depression in peers, more than 11,000 parents and foster parents who can spot the warning signs in their children, 9,000 teachers who can better identify the needs of their students, and 1,300 primary care providers who can better serve the mental health needs along with the physical needs of our children and youth they seek to heal. We also know that 13,000 youth have been screened for mental illness through the Garrett Lee Smith Memorial Act grants. Of these youth, more than 2,800 were found to be at risk of suicide and 95 percent were referred for mental health services. Amazingly, of these children, 90 percent received care.

In my home State of Oregon alone, more than 900 people have been trained

in suicide prevention activities. They have been taught these new skills in a way that will allow them to share what they have learned to train others. This "train the trainer" type of program has created a sustainable program which will continue to grow the number of caring people in our communities who have the know-how to spot mental illness and suicide risks in our children and youth.

Mr. President, much has been accomplished in the battle against youth suicide, but there is still much more that needs to be done, and I would like to provide a roadmap of five actions this Congress can and should take before adjournment.

First, Congress needs to reauthorize the Garrett Lee Smith Memorial Act. Last May, I joined with Senators DODD and REED in introducing just such a reauthorization proposal. Our bill would provide some important updates to the program, including allowing States and tribes to get more than one grant so that many States can expand on the work they started with the initial youth suicide prevention grants they received. Our bill would also allow for increasing funding levels and allow for the current youth suicide resource centers to serve those of other ages.

Second, mental health parity has passed both the House and the Senate and is awaiting final passage. I urge the conference committee to get this to final passage. This final version has been included in the tax extenders package drafted by Senator BAUCUS that is awaiting consideration. I am very hopeful that through this package, mental health parity will soon be completed. Placing mental health on parity with physical health will send a very important message to our family members and friends with mental illness. It says to them: We support you, we love you, and we are working to ensure that you get the help you need.

Third, mental health parity must also be provided to children under SCHIP. Low-income children suffer at higher rates of mental illness. We must ensure that the State Children's Health Insurance Program better supports their needs. We know that the earlier we can identify and help children with any mental health issues, the better chance they will have in obtaining a long-term recovery and learning the ability to manage their illness.

Fourth, along with many colleagues, I have long been concerned with the mental health needs of our older veterans as well as those who are returning from our current conflicts. I held a field hearing in Oregon last year on the issues that our aging veterans face and convened two roundtables on the issue with veterans, mental health professionals, and local officials. Senator KOHL and I also held an Aging Committee hearing in the fall of last year that looked at veterans' mental health issues. I was honored that Senator Bob Dole was able to testify at this important hearing.

In response to the findings I gathered from these hearings and discussions, I introduced in July of this year, along with my colleague and friend Senator WYDEN, the Healing Our Nation's Heroes Act of 2008. This bill would improve the oversight of the Department of Veterans Affairs and the Department of Defense as it relates to the mental health services they provide to our service men and women and veterans. It would also work to increase the number of their mental health professionals and train them to better understand the unique issues of our men and women who have seen combat.

Finally, I have worked to introduce a package of bills with Senator REED of Rhode Island that would support and enhance our community mental health centers. These centers are the safety net of our local mental health systems and work to ensure care to so many low-income individuals. These bills would help to better integrate the physical and mental health at these centers. This package would also help to provide funding for infrastructure expansion and improvements that are so desperately needed as local centers struggle under low funding and increased community needs. Currently, the reauthorization is pending in the HELP Committee.

Mr. President, I know we are in the midst of a partisan season. Two of our colleagues are campaigning for the Presidency of the United States, and one is campaigning for the Vice Presidency. In my State of Oregon, my colleague, Mr. SCHUMER of New York, is spending millions upon millions of dollars running very partisan and negative ads in the hopes of defeating me, and that is certainly his right. I know Mr. SCHUMER has put pressure on many of my colleagues on the other side of the aisle these past few months not to continue any bipartisan work with me. But just as passage of the Garrett Lee Smith Memorial Act was not a partisan issue, taking action on the five items I have just listed is also not partisan. Mental illness does not differentiate between Republican and Democrat. It is an American issue. It is a human issue. And as Americans, we have a duty to act.

Perhaps the best counsel I received in the days and weeks following Garrett's death came from Dr. Lloyd Ogilvie, who served with such distinction as the Chaplain of the Senate. Lloyd had recently lost his beloved wife Mary Jane and called me from Los Angeles to commiserate. His message to me was that "gratitude" is a miraculous antidote for grief, and that, whenever I was feeling overwhelmed by bewilderment and remorse, I should remember to be grateful that the Lord gave us Garret for 22 years less a day. It sounded simple enough—gratitude as an antidote for grief—so I tried it, I tried it again, and I discovered that it works.

I stand here today, 5 years after losing my son, with profound gratitude in my heart: gratitude for the countless

Oregonians who continue to let Sharon and me know that we are in their thoughts and prayers; gratitude for my colleagues here in this Chamber, without respect of party, who helped me persevere and recover; gratitude for public servants such as Mike DeWine and CHRIS DODD and JACK REED and many others—and I must mention ORRIN HATCH, who has been an incredible brother to me. They allowed me to turn my grief into action through the Garrett Lee Smith Memorial Act. I express gratitude for President Bush signing this act. He did it on a misty day, on an October morning in 2004, just before election day. I express gratitude for those who are on the front lines of the battle against suicide, and countless mental health professionals who are implementing the programs authorized by the Garrett Lee Smith Memorial Act, who are often overwhelmed by the demand and underfunded by resources.

And above all, I express gratitude that a remarkable boy graced Sharon's and my life for so many years, and that his memory lives on through the good works implemented by legislation that bears his name on the statutes of the United States of America.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 4979

Mr. INHOFE. Mr. President, right now the pending business, as I understand it, is the Bill Nelson amendment, is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. INHOFE. Let me first compliment Senator NELSON for bringing this up. This has been something we have been wrestling with now for more than 8 years and we are finally going to have an opportunity to make it happen. It is a long overdue fix in the Survivor Benefit Plan and I am honored to be a cosponsor of this amendment. It clearly states that a surviving spouse and dependents of our veterans should receive the full value of the SBP and the Dependency and Indemnity Compensation—DIC—without an offset.

Here is what the problem has been in the past. They would receive one or the other, but the other would be offset against it so our surviving spouses would not have the full benefit. Let's look at what it is. They have distinct purposes. The DIC, the Dependency and Indemnity Compensation, is tax free and it compensates for a service-connected death and the resulting economic loss. That is what that stands for.

The SBP, the Survivor Benefit Plan, is more like a life insurance policy.

Survivors are qualified for SBP only because their spouses bought it with monthly premiums.

It is time we gave back these benefits to families of those who have served bravely in the defense of our Nation. I think it is an insult to their honor and their memory to do anything else.

Many of us have fought for years to ensure the SBP pays survivors as it was intended. I, along with 38 colleagues, sponsored the SBP Benefits Improvement Act of 2001. We are talking about quite a number of years ago. It amended the Federal provisions concerning the Military Survivor Benefit Plan to adjust the basic annuity amount for surviving spouses of former military personnel and adjust similarly the authorized percentage amounts of SBP supplemental annuity authorized for such spouses.

Again, I cosponsored, with 45 colleagues, the Military Survivor Benefits Improvement Act of 2003 to accomplish the same thing.

We have worked diligently to change the laws covering the concurrent receipt and have been successful. This legislation is the logical expansion of the same principle, acknowledging that the surviving spouses and dependents should not be left behind. Every year for the last 3 years we voted to include this legislation in our version of the National Defense Authorization Act. We have the authorization bill—I should say the reauthorization bill—every year. We put it in. Then, somehow, in conference it comes out.

As the Chair knows, we cannot discuss what happens in conference other than we know the results. The results were this was something we wanted to do, we had it in, it came out. In 2006, 2007, and 2008, we agreed to repeal this SBP/DIC offset and every year it has been dropped by the conference committee.

Again, that is something nobody knows why. I, frankly, do not know why and I am on the conference. With this amendment we rectify a longstanding injustice to widows and dependents whose spouses or parent died, of a military service-related cause, who are sacrificing a dollar of the DOD Survivor Benefit Plan for every dollar of the VA Dependency and Indemnity Compensation they receive.

Finally, after all these years it is going to become a reality. I applaud the Senator from Florida, Mr. NELSON, for bringing it up. I encourage everyone to agree to this amendment. I think it will be agreed to because it has had favorable treatment from our defense committee, our Armed Services Committee, for a number of years now.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, before I ask for a quorum call, if the quorum call is put in motion here, is the time charged against both sides on the Vitter amendment?

The PRESIDING OFFICER. We are on the Nelson amendment so no time would be charged.

The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, first I wish to say to our colleague and fellow member of the Senate Armed Services Committee from Oklahoma, I was very moved by your remarks on this particular program, as requested by our colleague from Florida. This will have my support. But your voice has added a great deal of significance to the fundamental necessity for this body to go ahead with this amendment. I judge you, too, are a cosponsor on this amendment?

Mr. INHOFE. That is correct. I say to the Senator from Virginia, we have been working on this, you and I together, along with several other Senators on both sides of the aisle, for 8 years now that I know of. This should be the day that we come to the happy conclusion and make sure it does happen.

I wonder why things that are so right are so long in coming. He and I both know, after the years we have served, it is not all that easy sometimes. I thank the Senator for all of his support for the survivor benefits and all the things we have done since—actually prior to 2001.

Mr. WARNER. Mr. President, I thank the Senator. If it is one hallmark he has in the Senate, it is his tenacity, year after year after year. So stick with it—whether it is this program or your beloved highway programs, which you fight for, or your beloved WRDA bill, which you fight for. It is a long list.

I thank the Senator from Oklahoma. Mr. INHOFE. I thank the Senator from Virginia.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WYDEN. 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. DORGAN. Would the Senator from Oregon yield?

Mr. WYDEN. I will yield.

Mr. DORGAN. Mr. President, I ask unanimous consent that I be recognized following the presentation from the Senator from Oregon.

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

Mr. WYDEN. First, I wish to note that my friend and colleague, Senator SMITH, was just on the floor. I wish to commend him for all the work he has done for the vulnerable families in our country. He and Sharon, of course, have suffered the loss, a loss almost unbearable to all of us who are parents. They have done everything they possibly could to stand up for other families across the country.

Since our colleague spoke, and very movingly, on the floor, I wish to take

a special note, before I begin my comments on another subject, of his advocacy because I think it has been extremely important for millions of families in our country.

#### MINERALS MANAGEMENT SERVICE

Mr. President, I have come to the floor to talk about a new report that the Interior inspector general has released on the offshore oil and gas leasing program.

Several years ago, I stood on the floor and spoke for several hours in an effort to draw the Senate's attention to the mismanagement of this offshore oil and gas leasing program. Today we have learned, with the inspector general's report, that nothing has changed. What they have shown, the inspector general in this report, is that the Royalty-in-Kind program, one of the key royalty programs that they looked at, is a horror story of mismanagement and misconduct.

The inspector general looked at the Minerals Management Service, and said, with respect to this royalty program, there is a "culture of ethical failure." Nearly one-third of the entire staff of the Royalty-in-Kind program accepted gifts and gratuities from the oil and gas companies with which they were conducting official business.

There are stories of drug use. There are stories of inappropriate sexual relationships. The inspector general confirmed that two Royalty-in-Kind employees were running a side consulting business for oil and gas companies with which the Royalty-in-Kind program was doing business.

The inspector general's report detailed how Royalty-in-Kind managers, instead of working for the taxpayers' interests, were working for their own self-interest, ingratiating themselves with the very oil companies they were charged to negotiate fair deals with on behalf of American taxpayers.

Now, some are probably wondering exactly how much money has been lost as a result of this mismanagement and misconduct. The bottom line from the inspector general's investigation is there is no way to determine how extensive the abuses in this program have been. There is no way to determine exactly how much money the American taxpayer has lost. Because the record keeping has been so shoddy, it is not possible to figure out exactly what these losses are.

I am very hopeful, as a result of this extraordinarily important report by the inspector general, that it will be possible to clean house finally at the Minerals Management Service. I hope it will be possible.

You say to yourself: How can it be that these things are done at this agency today? What would it take to get a serious audit program at the Mineral Management Service? I hope it will be possible now to make changes in this program, to make it crystal clear that the Federal Government will no longer employ someone serving an interest other than the public's.

Whether you are a secretary or manager or the guy or the gal who is cleaning up, if you want to work for the public, then you need to take the public's trust seriously.

Now, you say to yourself, this should pretty much go without saying. But particularly this afternoon, as the Congress is on the eve of a historic debate about the future of energy policy, you ought to say: Let's clean up the abuses that are taking place in existing leasing programs that are going to continue and possibly be expanded under the legislation that the Congress will consider shortly.

Some of the Minerals Management Services problems also involve a law that was written originally in the mid-1990s, when the price of oil was low. When the price of oil was around \$15 a barrel, the Congress said: Let's give oil companies a financial incentive to drill on new leases in the Gulf of Mexico. The law said that while the oil companies were drilling on public land, they didn't have to pay the Federal Government the required royalties until the price of oil rose high enough for the companies to make a profit, obviously a little bit different time than today. Oil prices, of course, have not stayed low. It turns out that royalty relief didn't phase out the way it should have.

We learned the Minerals Management Service, the part of the Interior Department charged with issuing and administering offshore leases, bungled things so badly they forgot to include provisions in the leases requiring royalties on those particular leases. The Government Accountability Office has estimated that just this dereliction of duty would cost American taxpayers as much as \$11.5 billion. The Government Accountability Office recently has updated that amount and the impact is several billions of dollars higher.

The Congress has held hearings on this management failure, but the fact is, nothing has been done to fix the problem.

To add further insult to the injuries suffered by taxpayers, the oil companies operating in the gulf, led by Kerr McGee, sued the Federal Government, claiming they shouldn't pay royalties on any of the oil from any of the 1995 to 2000 leases, no matter how high the price of oil went. They got a judge in Louisiana to agree with them. The Federal Government is appealing the case.

Senator KYL and I have been working on a bipartisan basis to try to get this corrected, but in the 2005 Energy bill, the Congress extended the exemptions for new leases in the Gulf of Mexico from royalty payments for both oil and natural gas wells, despite the fact that oil was already \$50 a barrel. This is a loophole that remains in effect until June of 2010 and is going to allow current and future leases in the Gulf to continue to avoid even more royalties while additional profit is generated at record prices.

The Bush administration has proposed repealing these 2005 royalty relief provisions, but they are still in place.

This is the time to get control of this runaway stallion. We are talking about millions, certainly billions, in terms of the cumulative cost of the program, and these practices take your breath away.

Let me read from one paragraph from the summary the inspector general has issued. One paragraph talking about three employees says: The results of this investigation paint a disturbing picture of three senior executives who were good friends and remained calculatedly ignorant of the rules governing postemployment restrictions, conflict of interest, and Federal acquisition regulations to ensure that two lucrative contracts would be awarded to a company created by one of them and then later joined by another.

These are such clear examples of abuse that no matter what one says, you have to say this is unacceptable. The inspector general found that between 2002 and 2006, nearly one-third of the entire Royalty-in-Kind staff socialized with and received a wide array of gifts and gratuities from oil and gas companies with which the Royalty-in-Kind Program was conducting official business. We are talking about 135 occasions involving gifts and gratuities. They went on to say that the inspector general discovered a culture of substance abuse and promiscuity in the Royalty-in-Kind Program, alcohol abuse associated with the program, where there was socializing by staff with the industry.

I have suggested two steps today that strike me as obvious changes that should be put in place. First, there needs to be an effort to clean house at the Minerals Management Service so that we get these practices behind us. We also have to get back in the serious business of auditing these programs where millions and billions of dollars are involved.

I want to commend particularly the inspector general of the Department of the Interior for his outstanding work in putting together this report. This is one of a series of reports that the inspector general has issued in this area. I and the chairman of the Energy Committee, Senator BINGAMAN, have worked closely with colleagues to try to get these changes put in place. Senator BINGAMAN in particular has offered a number of promising legislative changes to deal with the royalty issue.

I wanted colleagues to know in particular about this Office of Inspector General inquiry into the Minerals Management Service, given the debate that is about to begin in the Senate.

We will be, as far as I can tell, spending much of the remainder of this session talking about these and similar programs. I happen to think it is possible for us to do our work in a bipartisan fashion, get in place energy changes that will allow us, in the area

of alternative energy supplies and renewables, to make significant progress. I have made it clear that particularly with respect to additional opportunities for drilling, be it in the Gulf of Mexico, and maybe other areas, I am open. What I am not open to is the continued abuse of taxpayers in these essential programs involving public resources. We are talking about public lands. We are talking about public resources. It is one thing when private companies drill on private lands. It is quite another when they are developing energy on public lands and, in my view, taking advantage of programs that were set up years ago when the price of oil was \$15 a barrel.

It is time to clean house at the Minerals Management Service. It is time to get back in the business of accountability and rigorous oversight of these leasing programs that involve such extensive amounts of taxpayer funds.

I hope all colleagues will look at the report issued by the inspector general of the Department of the Interior. It provides a clear roadmap for how the Congress ought to proceed in terms of correcting these programs, ending the pattern of abuse and mismanagement, and changing the channel from the current horror show of mismanagement and misconduct at the Minerals Management Service.

I yield the floor and suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

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

Mr. DORGAN. Yes.

Mr. LEVIN. Could we have a time set for the Senator's presentation? Can he give us an idea about how long he would be?

Mr. DORGAN. I would expect to be about 15 minutes. Is there some intervening business the Senator wishes to conduct?

Mr. LEVIN. That is helpful. I wonder if Senator DORGAN could be recognized for 15 minutes. I will ask unanimous consent to extend it, if necessary, but it will give us an idea how we can proceed, and then I ask unanimous consent that following Senator DORGAN, the Chair recognize the managers.

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

Senator DORGAN is recognized for 15 minutes, and then the managers will be recognized.

Mr. DORGAN. I thank Senators LEVIN and WARNER for their leadership on the Defense authorization bill and the Armed Services Committee which brings to us the Defense authorization bill. They held a hearing on the subject

of Iraq contracting at one point in their committee, and I went to testify before that hearing. It is interesting that at that hearing my testimony about a range of issues with respect to subcontractors doing contracting in Iraq was contradicted by an Army general. That Army general is now under investigation because it is anticipated that Army general did not provide truthful testimony to the committee. One of the things I wanted to talk about today was about the issue of profound waste of money with respect to Iraq contracting. But then I want to talk about how much money we have committed and how much we have appropriated and, for that matter, authorized to Iraq at a time when the special inspector general for Iraq tells us that that country is pumping out about 2 million barrels of oil a day, selling it on the open market, amassing substantial cash for their own country, and the Iraqi treasury is now expected to have a surplus of around \$50 billion. The Government of Iraq is accumulating a surplus of about \$50 billion currently, and it is estimated to be \$79, perhaps \$79 billion by the end of the year.

Contrast that with this country. Iraq is pumping oil, 2 million barrels a day, selling oil. We go up to the gas pump and put gas in our cars and pay money that ends up in Iraqi banks. In fact, that Iraqi money is in the Federal Reserve Bank in the United States. Meanwhile, Americans are paying high prices for oil, part of which ends up in Iraqi coffers, and Iraq has about \$50 billion, while we are up to our neck in debt. It is unbelievable. We have a fiscal policy that is wildly out of control. We are going to borrow \$600 to \$700 billion this year. We are spending money for reconstruction in Iraq.

Let me show a picture of something called the Whale. The Whale is a facility that has been built in Iraq, and it is a facility called the Kahn Bani Sa'ad prison. If we take a look at this picture, we see bricks falling all over, an unbelievable mess. This doesn't look like a building. It looks like a construction site that is under substantial disrepair.

Let me tell the story about the Kahn Bani Sa'ad prison. Our Government told them that they had to build this prison. We are going to build this with American money. The Iraqi said: We don't need this prison. We won't use this prison. If you are going to build it, it is built in the wrong location, but we don't want this built.

The American Government said: We are going to build this prison. They contracted with Parsons Corporation for \$30 million. My understanding is that after spending \$30 million, they actually got rid of that contractor and brought another contractor in and spent another \$10 million. Here it sits. They call it the Whale. It sits on the sands of Iraq, paid for with American taxpayer money, never used, will never be used. It is shoddy construction,

bricks are falling apart. It is unbelievable. It is a hood ornament on incompetence in my judgment, the Whale.

How much more of this should we do? I have spent a career on the Senate floor talking about how miserable the oversight has been with respect to these contractors. Here is one small but illustrative example. A contractor was supposed to be buying towels for the troops, little hand towels, Kellogg, Brown & Root, a subsidiary of Halliburton, buying hand towels for the troops. Henry Bunting, a purchasing employee, is told: Buy hand towels for the Army. So he orders some white hand towels.

His supervisor said: You cannot do that. You have to buy hand towels with "KBR" embroidered on them, the name of the company.

He said: That will triple or quadruple the price of these towels.

His supervisor said: That doesn't matter. This is a cost-plus contract. The taxpayers will pay for that.

So the towels ordered for American troops were towels with "KBR" embroidered on them—Kellogg Brown & Root—at triple or quadruple the cost to the American taxpayer.

There were \$85,000 trucks left behind to be torched—brandnew \$85,000 trucks left beside the road in Iraq to be torched—because they had a flat tire, they did not have a wrench to fix it, or had a plugged fuel pump and they did not have the tools to fix it. These weren't dangerous areas where there was a concern about being attacked. These were pacified areas where a repair could have been made. But the decision was to just have the truck torched, because taxpayers could just buy new ones.

You think these are stories that are wild? No. That is just the beginning. I have held 17 hearings on it.

I say to Senator WARNER, he will recall the day I came to the committee and testified about this issue. He will recall a General Johnson who testified just after me and said: Senator DORGAN is wrong about this. Then he told you what he thought the truth was. It turns out he deceived the committee.

That General Johnson is now under investigation by the Secretary of Defense. I asked the Inspector General to look into the testimony—my testimony and his. Several weeks before General Johnson came before the Armed Services Committee, the Inspector General had furnished a report, an interim report, to the military saying exactly the opposite of what General Johnson told the Armed Services Committee.

I appreciate the fact that Senator WARNER held that hearing, and I also appreciate the fact that Secretary Gates is now investigating because, if anything, we desperately need people who come to this Congress to testify to tell the truth and not deceive the Congress. That particular issue was a water issue that was providing water—this was Halliburton and Kellogg

Brown & Root providing water—to the military bases in Iraq. The allegation has been since sustained, by the way, by the inspector general's report.

Mr. WARNER. Mr. President, I do recall very vividly the Senator coming before the Senate Armed Services Committee—I believe I was chairman at that time—

Mr. DORGAN. I say to the Senator, you were the chair of the hearing

Mr. WARNER. For the purpose of bringing to the attention of the committee this very important issue.

Mr. DORGAN. Mr. President, that particular issue was the provision of water to the military bases in Iraq. We discovered the nonpotable water that was sent to the bases for showering, shaving, brushing their teeth was twice as contaminated as raw water from the Euphrates River because the contractor was not doing its job and not testing the water.

Well, I will not go on. I could go on at great length talking about the unbelievable waste. But what I do want to say is this: In recent months, what we have discovered is that in the country of Iraq they are amassing a very substantial amount of money. At the moment, we believe it is \$50 billion and expected to grow to \$79 billion in budget surplus in their bank accounts by the end of this year.

It seems to me from an infrastructure standpoint it is time—long past the time, in fact—for Iraqis, who have money in the bank—and a lot of it—to begin providing their own needs and infrastructure and investment. It is interesting to me and somewhat depressing, I would say, that in this year we are building somewhere close to 950 water projects in the country of Iraq. Let me say that again: about 950 water projects in the country of Iraq—with American taxpayers' money at the same time the President has recommended that we cut \$1 billion out of water project investment in this country. It does not make much sense to me.

Now, here is what I propose. There are three accounts for which we have appropriated American taxpayers' dollars in which a substantial amount of that is as yet unspent and, in fact, a substantial amount unobligated. I believe when we have some billions of dollars that have previously been appropriated but are unobligated, that at this point—given the fact that Iraq has substantial surpluses and we have substantial deficits, given the fact that we have spent somewhere now over two-thirds of a trillion dollars in the pursuit of the war in Iraq and Afghanistan, and so much of it has been infrastructure investment in addition to replenishment of the military accounts—I believe it is time for us to take at least a baby step and say: Do you know what. With respect to that which has been appropriated but is yet unobligated, it is time to ask the Iraqis to pay for the cost of this with their surplus that sits in a Federal Reserve bank.

Now, let me provide some evidence of all of this.

The New York Times of August 6, that is last month:

Soaring oil prices will leave the Iraqi government with a cumulative budget surplus of as much as \$79 billion by year's end, according to an American federal oversight agency. But Iraq has spent only a minute fraction of that on reconstruction costs, which are now largely borne by the United States.

Does this make sense? Does anybody think this makes sense? We are deep in debt. They have massive cash reserves they are building every single day by pulling up 2 million barrels of oil and selling it on the market, and we are told we should keep paying for these costs? It does not make much sense to me.

A Government Accountability Office report to Congress from last month:

[From 2005 to 2007], the Iraqi government was unable to spend all the funds it budgeted, especially for investment activities.

I am not talking about the surplus now. The surplus is that which is over the amount of money the Iraqi Government was going to spend. They could not spend the amount of money they decided to spend, and yet they have accumulated large surpluses beyond that.

Significant amounts of unspent money from the 2006 and 2007 Iraqi budgets remain available for further infrastructure investment by the Government of Iraq.

That is from the Special Inspector General for Iraq Reconstruction Report to us dated July 30.

Iraq Deputy Prime Minister Salih said, as noted in the special inspector general's report to Congress on July 30:

Iraq does not need financial assistance. "Iraq does not need financial assistance."

This is just another example of that which I have held 17 hearings on. This is an April 30, 2006, article:

A \$243 million program led by the United States Army Corps of Engineers to build 150 health care clinics in Iraq has in some cases produced little more than empty shells of crumbling concrete and shattered bricks cemented together into uneven walls. . . .

This is a picture of a man named Judge Al Radhi. Judge Al Radhi was selected by us, by the Coalition Provisional Authority, by Mr. Bremer, to be the Commissioner of Public Integrity in Iraq. He found \$18 billion of graft and corruption. He found examples where we appropriated money for Iraq to buy airplanes, warships, and tanks, and there are no airplanes, warships, and tanks purchased with that money. The money is gone, but the equipment does not exist. By the way, one of the Ministers from the Government is now living in a plush place overseas, and the money apparently is in a Swiss bank. This man, by the way, was not even supported by our own State Department. Eventually, the Iraqi Government wanted to get rid of him, and they did. A substantial number of the people who worked for him were assassinated. They tried to kill him a couple of times. He came. He had the courage to come and testify before a committee

hearing that I requested before the Senate Appropriations Committee.

He said \$18 billion was taken—most of it American money. He talked about the Ministers who took it and where they are now and the tanks and ships and planes that were supposed to have been purchased with our money that did not exist. The money is gone. The equipment does not exist.

Well, Mr. President, that is a long way of saying that, obviously, I am impatient about all of these issues, having held a lot of hearings on all this. My colleague, Senator LEVIN, has spoken of this issue often, recently, and going back some long while on the subject of who should bear these costs.

If the Iraqi Government has substantial amounts of money in bank accounts in surplus—\$50 billion now and \$75, \$79 billion by the end of the year—should they not bear the cost of some of their own reconstruction rather than continue to ask—after 5 long years—the United States, which is deep in debt, to have to bear this cost and bear the burden? The answer clearly is yes. We ought to ask Iraq to do more.

Now, I am going to offer an amendment. I am not asking us to take a giant step. But let's at least take a baby step in the right direction, a reasonable step toward common sense, to say: Do you know what. We are off-track in fiscal policy. We have an unbelievable mess, and it is time to start taking a look at some of this spending and using a deep reservoir of common sense on this issue. At this point in time it is reasonable for us to say if the county of Iraq is selling 2 million barrels of oil a day, amassing very large amounts of surplus in their treasury, we ought to be relieved of the burden of using American money to build infrastructure in Iraq that could easily, and should be, built with Iraqi money.

It is not the case of us abandoning the Iraqi Government. But it is the case of saying we ought to expect them to do for their own, which they can. Again, I just refer to the comment that was made by the Deputy Prime Minister of Iraq, who said:

Iraq does not need financial assistance.

That ought to be an invitation, finally, at long last, for us to use some common sense in the way we begin to address these issues.

There are appropriated funds that are as yet unspent and unobligated. It seems to me appropriate for us at this point to begin to look at finding ways to decide that those funds, rather than being spent and burdening the American taxpayer, should be covered by the surpluses that exist in bank accounts with the name of the county of Iraq on the account.

Mr. President, I intend to work with my colleagues on the amendment I will offer. But I did want to describe the reason for it today. I appreciate very much the time offered to me by the chairman and ranking member.

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

Mr. LEVIN. Mr. President, I commend the Senator from North Dakota. This subject, which he has described, is a subject which every American—at least those I have spoken to—understands. Regardless of their position on the Iraq war, regardless of whether they believe we did the right thing going in, regardless of whether they are critics of the Bush administration's policies, this cuts across every single line. I have not talked to anybody, at least in my State of Michigan, who believes that when Iraq has \$80 billion in surplus funds sitting in banks, some of which are our banks drawing interest from our taxpayers—we have paid billions of dollars in interest on Iraqi surplus accounts coming from sales of oil, much of which comes to America, much of which ends up in our tanks at \$4 a gallon, enriching themselves at the expense of the American taxpayers. Why in heaven's name they are not paying for the kinds of items which Senator DORGAN has described beats me and I think it absolutely stuns at least every American I have spoken to when they hear about it. This cuts across all the positions on the war and the success of the surge or the lack of success because it hasn't accomplished its purposes.

This issue is a critically important issue. It is shocking. It is unsustainable, it is untenable, it is unconscionable that Iraq is not paying for the kinds of reconstruction efforts the Senator has described.

Senator WARNER and I wrote a letter some months ago, and we received a response on this subject which provides a lot of the information to which Senator DORGAN has referred. I commend Senator WARNER because he has been active in trying to probe this area: How many surplus funds are there and how much is being added every day and what are they being spent for? So we have been able to accumulate a lot of information which I believe will be very supportive of an amendment which Senator DORGAN may offer and hopefully will put in a form which can command bipartisan support of the Senate.

Mr. DORGAN. Mr. President, if I might just make an observation, let me also thank Senator WARNER from Virginia for his work on this, and the Senator from Michigan, and say that this publication—and I know the two of you have been very supportive of it—by the special inspector general for Iraq—this is dated July 30, so it is 2 months ago, a month and a half old. This publication has some unbelievable information in it about what is necessary, what kinds of expenditures exist in the major reconstruction accounts. There is at the moment \$7 billion in the three reconstruction accounts that is unspent and unobligated.

As I move this amendment, I wish to work with both of you to see if we can construct the amendment in a manner that meets your needs and my needs because I believe this will make real progress.

Again, I thank both the chairman and the ranking member for their work on these issues. I am well aware of the letter they wrote some months ago.

Mr. WARNER. Mr. President, if I might add, I appreciate the sentiments of both of my colleagues. It has been a joint effort by Senator LEVIN and me.

Mr. President, I ask unanimous consent to have the letter we prepared printed in the RECORD after this colloquy.

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

(See exhibit 1.)

Mr. WARNER. I wish to also bring to the Senator's attention—he already knows, but those following the debate should have been advised that this letter prompted a GAO study, and that study, which was released recently, received widespread attention, not only here in the Senate and in the House of Representatives but throughout the Government and other circles. So I would say we are well along in achieving some—what I would call better accounting for these dollars, better control over the expenditures.

We have heard that the report is prepared by Stuart Bowen, whom I see regularly, three or four times a year, and I know my colleague and others feel likewise. I have a high regard for the work he and his staff have done through the years with that report. There was a time when there were elements of the Government—I won't get into specifics—which wanted to abolish that department. I think the Senator from Michigan remembers that. We stepped in and said in very simple language: No way; they are going to continue.

Mr. DORGAN. Mr. President, if the Senator will yield for a question or comment, I think the special inspector general, Stuart Bowen, has done a terrific job. I would commend all of my colleagues to take a look at the reports the special inspector general has issued. They are unbelievably valuable to us.

The Senator is correct. There were some who were pushing very hard to eliminate the special inspector general, and it was the fight waged by Senator LEVIN and Senator WARNER to say that would not make sense at all. So I appreciate the work of Inspector General Bowen, and I appreciate the work of my colleagues.

#### EXHIBIT 1

U.S. SENATE,  
COMMITTEE ON ARMED SERVICES,  
Washington, DC, March 6, 2008.

Hon. DAVID M. WALKER,  
*Comptroller General of the United States,*  
Washington, DC.

DEAR MR. WALKER: Nearly five years ago, on March 27, 2003, then Deputy Secretary of Defense Paul Wolfowitz, in testimony before the Defense Subcommittee of the House Appropriations Committee, was asked whom he expected would pay for the rebuilding of Iraq. He answered that "there's a lot of money to pay for this. It doesn't have to be U.S. taxpayer money. And it starts with the

assets of the Iraqi people . . . the oil revenues of that country could bring between 50 and 100 billion dollars over the course of the next two or three years. . . . We are dealing with a country that can really finance its own reconstruction and relatively soon.”

In fact, we believe that it has been overwhelmingly U.S. taxpayer money that has funded Iraq reconstruction over the last five years, despite Iraq earning billions of dollars in oil revenue over that time period that have ended up in non-Iraqi banks. At the same time, our conversations with both Iraqis and Americans during our frequent visits to Iraq, as well as official government and unofficial media reports, have convinced us that the Iraqi Government is not doing nearly enough to provide essential services and improve the quality of life of its citizens.

According to the U.S. Department of State's Iraq Weekly Status Report for February 27, 2008, the Iraq Oil Ministry goal for 2008 is to produce 2.2 million barrels per day (MBPD). To date through the 24th of February, the 2008 weekly averages have ranged from a low of 2.1 MBPD to a high of 2.51 MBPD, missing that goal for one week only. Exports are over 1.9 MBPD, with revenues estimated at \$41.0 billion in 2007 and \$9.4 billion in 2008 year to date.

Extrapolating the \$9.4 billion of oil revenues for the first two months of 2008 yields an estimate of \$56.4 billion for all of 2008. And that figure will probably be low given the predictions for oil prices to continue to rise over the coming year. In essence, we believe that Iraq will accrue at least \$100.0 billion in oil revenues in 2007 and 2008.

We request you look into this matter and provide answers to the following questions:

What are the estimated Iraqi oil revenues each year from 2003–2007?

How much has Iraq and the United States, respectively, spent annually during that time period on training, equipping and supporting Iraqi security forces, and on Iraq reconstruction, governance, and economic development?

What are the projections for oil revenue and spending for 2008?

What is the estimate of the total Iraqi oil revenue that has accumulated unspent from 2003–2007, and the expected estimate at the end of 2008?

How much money does the Iraqi Government have deposited, in which banks, and in what countries?

Why has the Iraqi Government not spent more of its oil revenue on reconstruction, economic development and providing essential services for the Iraqi people?

Your assistance in this matter would be appreciated.

Sincerely,

JOHN WARNER,  
Member.

CARL LEVIN,  
Chairman.

The ACTING PRESIDENT pro tempore. The Senator from Michigan has the floor.

Mr. LEVIN. Mr. President, I note the absence of a quorum.

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

The bill clerk proceeded to call the roll.

Mr. SESSIONS. 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. SESSIONS. Mr. President, I wish to express my appreciation to Senator

LEVIN and Senator WARNER and the staff and other members of the Armed Services Committee who have worked hard to produce a bill that I think does the job pretty well to meet the challenges we have and at the same time has bipartisan support, which is important for passage as it is one of the realities of this Senate. So I think we have done fairly well.

I wish to share some thoughts about some issues in general.

I think it was Fareed Zakaria who wrote a book not too long ago noting that perhaps we had reached the end of history or beyond history. I understand he has since indicated that is not a viable philosophy anymore. I saw the cover, I believe, in the Weekly Standard recently which said: “The Return of History.” History teaches us that this is a dangerous world. We wish it were not so. We wish we did not have to have a Defense Department. We wish there were no such thing as war. I respect people who are prepared to be total pacifists in their lives, but for most of us who lack that kind of faith, we believe we have to be prepared to defend our legitimate national interests around the globe and do those things with courage and fidelity and to think ahead, to be prepared, and that peace is most often accomplished through strength. I believe we have a pretty good recognition of that in this bill, and that is why I support it out of committee.

I wish to note the unease we have seen in some of the nations of the world. We know about the rogue nations. But it has been very troubling, I have to say, what Russia is doing today. It seems in their statements, in their comments, in their actions, and in their military aggression that they are not seeking to align themselves with nations of good will that seek to work in ways that avoid military conflict, that act in ways that are just and fair to their neighbors. So that is a big problem, some of the things they have been saying to the Czech Republic and Poland about missile defense; some of the threats they have raised toward the Baltics; the military attack they launched in Georgia; their rhetoric in Georgia; their rhetoric toward the United States represents almost bizarre activity. That is something I had hoped wouldn't happen. I think President Bush has done everything he could, saying that he divined in examining Mr. Putin that he had a good heart, but it looks as if that heart is—if it was good then, it is getting darker and darker today. I just wish it weren't so, but I am afraid it is so.

We are looking at what is happening in China, whose economy continues to grow. There is a very nationalistic impulse in China. Their military is growing at a rapid pace. It is technologically advanced. We spend billions and billions of dollars on developing weapons systems and research and development. Too often, China steals that information and then produces a

system that may well be comparable in some aspects for a far less investment than we put into it.

So those are things we face in the world today. I think a wise nation, a mature nation understands that you have to be prepared, that you have to be ready to defend your values, and that allowing nations that do not share our values to achieve military parity or advantage is not a good thing.

I wish to share, along those lines, a resolution I will be offering. It will be to call on this Senate to exercise its prerogative to make a statement through a sense-of-the-Senate resolution that we affirm the action taken by the Czech Republic and Poland to accept and participate in our goal of establishing a third site for missile defense in Europe. Missiles launched by Iran would pass over Europe before they reached the United States. Truly, Iran does not have that capability today, but our intelligence experts tell us they are moving forward with progress toward that goal. They also seem totally unrepentant with regard to their determination to build nuclear weapons, which is even more problematic as we think about the possibility that they could launch a nuclear weapon attack against our allies or even against the United States. Central Europe represents a good location to place another missile defense system.

I heard someone suggest: Well, the Russians have a right to be concerned. We were concerned when the Russians put missiles in Cuba. But, of course, those were offensive nuclear weapons designed to kill people. What we are talking about is operating with independent, sovereign nations to put a system up that would have limited capability to protect us from missile attack. It has no offensive capability. It is a defensive, peacekeeping weapons system.

For reasons that go beyond my comprehension, the Russians have apparently felt that they have a right to decide what the people of Poland do or what the people of the Czech Republic do. They are going to tell them that they can't have such a system. They at one time were under the Soviet boot, so now the Russians have a right to tell them that they can't—as an independent, sovereign, democratic Nation—make a decision that is in their interests and in the world's interests and in Europe's interests and in NATO's interests to place a limited missile defense system there. What kind of mentality is that? I say that because that ought to give us concern in this body. We ought to be concerned about that kind of mentality. It spilled out in a military attack in Georgia. It was not coincidental that while the Russian troops were still attacking in Georgia, high Government officials from Poland and the Ukraine and, I believe, Estonia came to Georgia and stood with them because they have a real sense that they might be next. They have not forgotten what Mr.

Putin said last year or the year before—less than 2 years ago. He said the greatest disaster of the 20th century was the collapse of the Soviet Union.

What does that have to say about Russia's mentality and approach to life today? We were at a NATO conference not too long ago, and one nation that had been under the Soviet Communist boot, in response to that, and after our discussion, said they thought that may have not been the worst thing in the 20th century. They said they thought it was the best thing that happened in the 20th century. That is the kind of reality we are dealing with in the world. It tells us we are not beyond history. History is here. It has not gone away.

We need to be very smart about how we utilize our limited financial resources to prepare ourselves for the future. These are problems we have to think about. Of course, we have the immediate threat of terrorism. We know the history of the attacks on the United States, on our warship, the USS *Cole*, in a neutral harbor; marines have been attacked; the Khobar Towers—by a group of people whose stated objective was to destroy us. Bin Laden declared war on the United States. That is what he said on his Web site—that he was at war with us. He killed so many of our people on 9/11, and destroyed the trade towers and attacked our own Pentagon, our own military headquarters right here in the United States. Is that not an act of war? Is that not consistent with a desire to destroy the United States? They had the Capitol or the White House in their sights, had it not been for the American heroes who took that plane down in Pennsylvania. So I guess we have to prepare for that. I wish it weren't so. I wish we could sit down with these terrorists and have a few hours of discussion and reach some accord that would result in us not having to prepare to spend billions of dollars to defend our interests around the world, and they would stop attacking us. But that is not likely to happen. That is not going to happen in the short term.

President Bush was right, fundamentally, in his decision that we would not sit on defense and wait to be attacked again. He made a fundamental decision that the best way to preserve, protect, and defend the United States of America is for our military to quit being on the defensive and allowing terrorists to be treated as a law enforcement problem and, after they attack you, you see if you cannot investigate and figure out who it is and perhaps prosecute somebody. We needed to defend America and stop the attacks before they came. That is what I believe history will give him high marks for. It has been going on 6 or 7 years and we have not had another attack on this country. It has been a challenge for us. We have called on our military to perform to the highest level. We have sent them time and again into dangerous places. We have extended their deployment.

We hated to do that, but we have done it. They have met the challenge and they have answered the call. They have been successful in protecting us. We don't know how things will come out, but I believe we will be able to see the government reach maturity in Iraq—a decent and good government that is a positive force in the world, and likewise in Afghanistan.

I think we should be prepared as a Senate to affirm the action of Poland in recent weeks to approve the deployment of 10 missile interceptors in Poland. That could be effective against an Iranian attack or maybe a mistake. It would not be enough to stop the hundreds of missiles the Russians have, for Heaven's sake. It would not be able to do that, but it would be able to protect Europe, and even the United States, from the long-range missiles that Iran is striving to build right now. It is also a good way to bind our countries in mutual security and mutual interests, and it affirms the Czechs' and the Poles' commitment to democracy and freedom, to the Western way of life, to the values we share, and a rejection on their part of terrorism and bullying. We will be offering that resolution, and I will talk more about it.

We also need to be sure that we follow through on the authorization to send this bill and actually see that the money gets appropriated in the next aspect of Defense spending. For example, I will note that our committee, I am most proud to say, has fully funded and given the authorization to fund the site for the Czechs and the Poles, who have supported the President's request in that regard. I think it was a very important decision on our committee. Other committees of the Congress that have relevant jurisdiction to put out the money have not been as supportive. I am proud that our committee has been. It is important for these other committees—it is important in the geopolitical world we are in that our friends, our allies, free sovereign nations, Poland and the Czech Republic, have stood up to pressure from Russia and they have stood up to leftist complaints, and they have agreed to deploy this system.

We ought to affirm it with a strong vote on this resolution and, ultimately, in passing an appropriation that is adequately funded. It is not going to be difficult to put this system in place. It would require some little differences in the missile system. We need a two-stage instead of a three-stage rocket. That is not hard to adjust to. But the main guidance systems, the high technology, would be the same. We are on track to do this.

Our bill that Senators LEVIN and WARNER have moved forward to the floor does the right thing. I hope this Congress will explicitly express our appreciation to the Poles and Czechs and reaffirm our commitment to financially complete that project.

I see other colleagues here. I yield the floor.

The PRESIDING OFFICER (Mrs. MCCASKILL). The Senator from Virginia is recognized.

Mr. WARNER. Madam President, I yield the floor to the assistant leader.

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

AMENDMENT NO. 5414

Mr. KYL. Madam President, I send an amendment to the desk for myself and Senators VITTER, INHOFE, MARTINEZ, WARNER, and LEVIN.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. KYL], for himself, Mr. VITTER, Mr. INHOFE, Mr. MARTINEZ, Mr. WARNER, and Mr. LEVIN, proposes an amendment numbered 5414.

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

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

The amendment is as follows:

(Purpose: To make available from Research, Development, Test, and Evaluation, Defense-wide activities, \$89,000,000 for the activation and deployment of the AN/TPY-2 forward-based X-band radar)

At the end of subtitle C of title II, add the following:

**SEC. 237. ACTIVATION AND DEPLOYMENT OF AN/TPY-2 FORWARD-BASED X-BAND RADAR.**

(a) AVAILABILITY OF FUNDS.—Subject to subsection (b), of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide activities, up to \$89,000,000 may be available for Ballistic Missile Defense Sensors for the activation and deployment of the AN/TPY-2 forward-based X-band radar to a classified location.

(b) LIMITATION.—

(1) IN GENERAL.—Funds may not be available under subsection (a) for the purpose specified in that subsection until the Secretary of Defense submits to the Committees on Armed Services of the Senate and the House of Representatives a report on the deployment of the AN/TPY-2 forward-based X-band radar as described in that subsection, including:

(A) The location of deployment of the radar.

(B) A description of the operational parameters of the deployment of the radar, including planning for force protection.

(C) A description of any recurring and non-recurring expenses associated with the deployment of the radar.

(D) A description of the cost-sharing arrangements between the United States and the country in which the radar will be deployed regarding the expenses described in subparagraph (C).

(E) A description of the other terms and conditions of the agreement between the United States and such country regarding the deployment of the radar.

(2) FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

Mr. KYL. Madam President, I express my strong support for the amendment I offered on deploying an advanced early warning radar to an allied country from near term ballistic missile threats.

This is a commonsense amendment and I hope it receives wide, bipartisan support from my colleagues.

We all know what other countries are developing: We are now living in a world in which at least 27 nations have ballistic missile capability, and the knowledge to build and use them is rapidly proliferating.

Most recently, Iran's clumsy missile test earlier this summer may not have demonstrated new technology, but it certainly demonstrated the desire to be in the club of the nations with ballistic missile and weapons of mass destruction capability. As the latest IAEA report informed us, the Iranian missile threat is real and growing.

General Obering, director of the Missile Defense Agency, offered compelling illustrations of this growing threat in his testimony earlier this year to the Senate Armed Services Committee: "Iran continues to pursue newer and longer-range missile systems and advanced warhead designs."

"Iran is developing an extended-range version of the Shahab-3 that could strike our allies and friends in the Middle East and Europe as well as our deployed forces. It is developing a new Ashura medium-range ballistic missile capable of reaching Israel and U.S. bases in Eastern Europe."

"Iranian public statements also indicate that its solid-propellant technology is maturing; with its significantly faster launch sequence, this new missile is an improvement over the liquid-fuel Shahab-3."

The amendment offered provides funding for the Missile Defense Agency to deploy an early-warning X-band missile defense radar to an allied nation, which press reports have noted was agreed to in meetings with senior DOD leaders and the allied nation's defense leaders. Due to the sensitive nature of preparations for this deployment, details concerning the specific location and operational concept have not been publicly revealed.

However, spokesman for the Missile Defense Agency said the new system could double or even triple a threat missiles' range of identification, which would be particularly useful should countries such as Syria or Iran launch an attack against a critical allied nation.

The new capability will improve the allied nation's missile defense capability, allowing it to engage threats such as the Iranian Shahab-3 ballistic missile. A defense security expert said the significance of the deal is that it will add "precious minutes" to its early warning ability.

The newly deployed early warning radar will also provide an important element of the U.S. missile defense network, providing ascent and mid-course coverage of missiles, launched from Iran, as well as the eastern Mediterranean.

Mr. President, this amendment is common sense and I urge my colleagues to support it. Rogue nations

such as Iran are dangerous and represent a vital threat to our own security and the security of our allies.

Iran possesses ballistic missiles and is rapidly developing more advanced, long-range missiles.

The U.S. must act responsibly, take this threat seriously, and take the necessary steps to protect our deployed forces and our allies.

Madam President, I thank Senator LEVIN and Senator WARNER for their cooperation in considering this amendment. This is a rather last-minute request. The committee would not have been able to put it in the bill because the request came up very recently from the Department of Defense. There is still an aspect of it that is classified. It has to do with the deployment of an X-band missile defense radar to an allied country. This amendment will allow the administration to go forward with that plan. I understand there is no opposition. I don't need to discuss it further.

Mr. WARNER. Madam President, I commend our distinguished colleague for this amendment. It is one that was specifically requested by the administration. I think in a most cooperative way, our distinguished chairman has joined in. It relates to the missile defense system which is so essential to our Nation and indeed much of the free world.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Madam President, I thank Senator KYL for not just the amendment but his willingness to work to craft the language in a way that I think has improved it, narrowed it in a number of ways, but also meets the needs of the Defense Department and our allies.

Mr. WARNER. Madam President, I urge consideration of the amendment.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment.

The amendment (No. 5414) was agreed to.

Mr. WARNER. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Madam President, I ask that Senator LEAHY's amendment No. 5323 be considered.

The PRESIDING OFFICER. Without objection, the amendment is once again pending.

The Senator from Virginia is recognized.

Mr. WARNER. Madam President, on this side, I saw that the amendment was sent to the Judiciary Committee. The distinguished Senator from Alabama, Mr. SESSIONS, reviewed it. I know of no request for a recorded vote.

The PRESIDING OFFICER. The yeas and nays have been ordered on the amendment.

Mr. LEVIN. Madam President, I ask unanimous consent that the yeas and nays be vitiated on the amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

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

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

AMENDMENT NO. 5323

Mr. LEVIN. Madam President, is the pending amendment now the Leahy amendment No. 5323?

The PRESIDING OFFICER. Yes, it is.

Mr. LEVIN. I don't know of any further debate.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to amendment No. 5323.

The amendment (No. 5323) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 5280

Mr. LEVIN. Madam President, I ask unanimous consent that the Senate resume consideration of the Vitter amendment No. 5280 and that all debate time be yielded back, except for 2 minutes equally divided; and that at 6 p.m., the Senate proceed to vote in relation to the Vitter amendment; that upon disposition of the Vitter amendment, the Senate resume consideration of the Nelson amendment and proceed to vote with respect to that amendment, provided that the 2 minutes of debate be made available prior to the vote; and that the other provisions of the previous order governing prohibition on intervening amendments prior to a vote and any other appropriate restrictions remain in effect.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Madam President, reserving the right to object, and I will not object, I think we should either order the rollcall votes now or inform colleagues there will be rollcall votes.

Mr. LEVIN. I believe when we say the Senate proceed to vote at 6 o'clock—the unanimous consent request does intend to provide for rollcall votes on both amendments described. I thank my friend from Virginia for that clarification.

Mr. WARNER. I want my colleagues fully informed.

Mr. LEVIN. I also ask unanimous consent that it be in order to request the yeas and nays at this time.

The PRESIDING OFFICER. With respect to both amendments?

Mr. LEVIN. With respect to both amendments.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. No objection.

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

Mr. LEVIN. I ask for the yeas and nays on both amendments.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. LEVIN. Madam President, we had a very brief discussion whether the second vote will be a 10-minute vote. It is part of the order.

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

Without objection, it is so ordered.

Mr. LEVIN. I thank all our colleagues. I thank the Senator from North Dakota for his patience.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, the bill on the floor of the Senate is the Defense authorization bill. It has much to do about the security of this country, talking about "defense." Tomorrow will be the seventh anniversary of the attacks on September 11, 2001.

I was sitting here thinking that on that morning at 9 o'clock, I was part a regular Tuesday morning meeting of the Democratic leadership here in the Capitol Building. We saw on television what happened to the trade towers in New York. We heard the television reports, and then we saw the plume of smoke come from the Pentagon. Then someone from security rushed into the room and indicated they felt there was an incoming plane to strike the Capitol Building, and we were very quickly evacuated. That was 7 years ago tomorrow.

Standing in the beautiful morning sun that day looking up into the sky and seeing F-16 fighter planes flying air cover over the Capitol of the United States was a pretty remarkable sight, knowing our country had been attacked. Then in very short order we discovered who attacked our country that day, who attacked the World Trade Towers, who attacked the Pentagon, who brought down the plane in Pennsylvania. We discovered it was a group called al-Qaida and a leader named Osama bin Laden who not only plotted the attack but boasted and took credit for the attack. That was 7 years ago tomorrow.

Because we are talking about national security in the Defense authorization bill, I wanted to call my colleagues' attention to the fact that on August 12, 2008, a speech was given here in Washington, DC, by the National Intelligence Officer for Transnational Threats. He addressed the Washington Institute Special Policy Forum. What he said in many ways tracks with what we heard last summer from the National Intelligence Estimate.

Let me put up a chart with some words from the National Intelligence Estimate because it is relevant to what we are talking about here on the Defense authorization bill, that is, de-

fending our country, keeping America free. Here is what last year's July 2007 National Intelligence Estimate says. This is the declassified version of what had previously been and what was a classified intelligence estimate:

Al-Qaida is and will remain the most serious terrorist threat to the homeland . . . we assess the group has protected or regenerated key elements of its homeland attack capability, including: A safe haven in the Pakistan Federally Administered Tribal Areas, operational lieutenants, and its top leadership.

Think of that. In July 2007, 6 years after America was attacked by Osama bin Laden, and our National Intelligence Estimate was telling us that organization has regenerated its leadership, has developed new training camps, has, in fact, a secure hideaway. This says "safe haven." Can you imagine? Now it is 7 years after the attack, and our intelligence community still says those who boasted of murdering thousands of innocent Americans have a "safe haven." There ought not be an acre of ground on this planet that is safe for those who murdered those innocent Americans 7 years ago tomorrow.

Let me read what was said by Mr. Ted Gistaro, who is the National Intelligence Officer for Transnational Threats. Here is what he said in August:

Al-Qaida remains the most serious terrorist threat to the United States. We assess that al-Qaida's intent to attack the U.S. homeland remains undiminished. Attack planning continues. In spite of successful U.S.-allied operations against al-Qaida, the group has maintained or strengthened key elements of its capability to attack the United States in the past year.

This from our intelligence community.

Finally:

Al-Qaida has replenished its bench of skilled midlevel lieutenants capable of directing global operations. It now has many of the operational and organizational advantages it once enjoyed across the border in Afghanistan. Al-Qaida is identifying, training, and positioning operatives for attacks in the west, likely including in the United States.

All of this from top intelligence officials in our country. Seven years after we were attacked by those who boasted about engineering and planning the attack to murder innocent Americans, those who have promised to do it again, we are told by our national intelligence folks that they have regenerated their capability, they have resurrected their training camps, they are recruiting new recruits to al-Qaida, and that the most significant threat to the United States is al-Qaida, the most serious terrorist threat to our homeland.

Now, I don't understand. We are, of course, bogged down in a lengthy war in the country of Iraq. Iraq did not attack our country on 9/11/2001; al-Qaida did. We are bogged down in a war in Iraq. We see Afghanistan slipping through our fingers with the resurrection of the Taliban. And even more im-

portant, we are told that the most serious threat to our country—we are told by intelligence estimates—is al-Qaida, which is growing in strength. So here we go again.

In August of 2001, the Presidential daily brief said that Osama bin Laden wanted to:

Bring the fight to America; wanted to conduct terrorist attacks in the U.S.; wanted to retaliate in Washington; wanted to hijack a U.S. aircraft.

The August 2001 intelligence briefing to President Bush talked of "Patterns of suspicious activity in this country consistent with preparations for hijackings or other types of attack." It said that "The FBI is conducting approximately 70 full field investigations throughout the United States that it considers bin Laden related."

That was August of 2001. Seven years later, the greatest threat to our country is al-Qaida and its leadership. That is unbelievable to me. And we see, beginning last year—and I have shown my colleagues this before—beginning last year, September 11:

Al-Qaida's Return. The Terrorists Have a Sanctuary Once Again.

October 3 last year:

Pakistan seen losing the fight against the Taliban and al-Qaida. Military officials say the insurgents have enhanced their ability to threaten not only Pakistan, but the United States and Europe as well.

The same article says:

Pakistan's government is losing its war against emboldened and insurgent forces, giving al-Qaida and the Taliban more territory in which to operate and allowing the groups to plot increasingly ambitious attacks.

CIA Director Hayden, on "Meet the Press" this year, just months ago, said this:

It is very clear to us that al-Qaida has been able, over the past 18 months or so, to establish a safe haven along the Afghanistan-Pakistan border area that they have not enjoyed before; that they are bringing operatives into that region for training.

I have flown over that area in an airplane. You can't see a border. I understand you can't distinguish between Afghanistan and Pakistan. You look down and see mountains and you see rugged terrain. You don't see any kind of border. I understand how difficult it might be to deal with al-Qaida in that region. What I don't understand is why it has not been the singular priority of our country to bring to justice those who planned the attacks against our country on 9/11/2001. And if someone says it has been a priority, show me the evidence. Seven years later and we have "safe havens" or "secure areas," both terms used by our intelligence to describe areas of the ground on this planet where it is safe and secure for al-Qaida to recruit new soldiers, to train new soldiers, to plan new attacks against our country. That is unbelievable.

In my judgment, it must be a priority for us to deal with the most serious threat to our homeland. That is

not my assessment, that is the assessment of the CIA Director and it is the assessment of the National Intelligence Estimate. That simply must be a priority.

In August 2001 the intelligence community said "Bin Laden is determined to strike U.S." That is what we knew. That is what U.S. leaders we were told in the intelligence briefings. In July 2007 the intelligence community told us: "Al-Qaida better positioned to strike the west." One would have hoped, with the hundreds and hundreds of billions of dollars we have spent in defense of this country and in this country's national security interests, that one of the major priorities would have been to bring to justice those who plotted the attack of 9/11/2001. Regrettably, that has not been the case.

I hope very much, as we pass this legislation, that things will change. We have very big challenges. A terrorist threat exists. It is serious. It is relentless. It seems to me we will best be served not by moving—as we have now for 5 years—our money, our effort, our treasury, and the lives of our soldiers to continue the war in Iraq but, rather, by addressing the worsening condition in Afghanistan and addressing the question of why we have not brought to justice Osama bin Laden and the al-Qaida leadership that is in a safe or secure sanctuary in the Pakistan border area.

Now, Madam President, this country has a lot at stake, and the fight against terrorism is a real fight. We have made a lot of very serious mistakes in the last years. Mistakes aren't Republican or Democratic, they are just mistakes our country has made. We are bogged down in a long, difficult war in Iraq. We have spent \$20 billion training Iraqi soldiers and police forces. We have trained half a million people in the country of Iraq. We have spent \$20 billion doing it. We have spent two-thirds of a trillion dollars in that war, and yet we are told we must remain in Iraq because the Iraqi people aren't capable of providing for their own security. We have trained half a million of them. If able-bodied Iraqis don't have the will to provide for security in Iraq, this country can't do that forever. It is their country, not ours. It is their responsibility, not ours.

This country was diverted to Iraq when, in fact, this country should have been in a position where, 7 years after the 9/11 attack of 2001, we wouldn't be describing Osama bin Laden and al-Qaida as the greatest threat to the homeland. But that is what has happened. We can't change what has happened, but it seems to me what we can change is what we are determined to do about it in the future.

It is my hope, as we discuss in some detail our national security and defense, the authorization of Defense expenditures, that we will decide this is not Osama bin Laden; this is Osama bin Laden, who threatens this country, who is the most significant

threat to our homeland, and who is resurrecting training camps and recruiting new soldiers for al-Qaida. It is our responsibility as a country to address that and to address it now.

Madam President, I yield the floor.  
The Senator from Florida.

DEPARTMENT OF INTERIOR IG REPORT

Mr. NELSON of Florida. Madam President, yesterday, I warned publicly that we could not trust the oil companies that want to drill in the waters off our most protected coastlines nor the Federal watchdogs charged with keeping a watchful eye over them. Now we have proof because just this afternoon the inspector general at the Department of the Interior has released this scathing report about the Mineral Management Service in the U.S. Department of the Interior and specifically an office that manages revenue from offshore oil drilling, and it concludes:

We also discovered a culture of substance abuse and promiscuity in the Royalty-in-Kind Program, both within the program—including the supervisor, Greg Smith, who engaged in illegal drug use and had sexual relations with subordinates—and in concert with the industry. Internally, several staff admitted to illegal drug use as well as illicit sexual encounters. Alcohol abuse appears to have been a problem when program staff socialized with the industry. For example, two program staff accepted lodging from industry after industry events because they were too intoxicated to drive home or to their hotel. These same program staff also engaged in brief sexual relationships with industry contacts. Sexual relationships with prohibited sources cannot, by definition, be arm's-length.

The inspector general's report goes on to say:

More specifically, we discovered that between 2002 and 2006, nearly one-third of the entire program staff socialized with and received a wide array of gifts and gratuities from oil and gas companies with whom the Royalty-in-Kind Program was conducting official business. While the dollar amounts of the gifts and gratuities was not enormous, these employees accepted gifts with prodigious frequency. In particular, two Royalty-in-Kind Program marketeers received combined gifts and gratuities on at least 135 occasions from four major oil and gas companies with whom they were doing business.

This is in the offshore leasing program, Madam President.

I continue the quote:

... A textbook example of improperly receiving gifts from prohibited sources. When confronted by our investigators, none of the employees involved displayed remorse.

It is bad enough that the Government employees who oversee offshore oil drilling are literally, as well as figuratively, in bed with big oil. The rest of the U.S. Government doesn't need to jump in bed with them.

Offshore drilling will not solve our energy crisis nor will it bring down prices at the pump. Instead, it will enrich the oil companies and reward the culture of corruption that has been fostered, funded, and now exposed by the inspector general of the Department of the Interior.

This comes out at a time that we are being told: Drill here, drill now, drill,

baby, drill—as if that were the solution. We should simply not allow ourselves to become a part of the agenda of the oil companies. Here we have an example from the inspector general of what is supposed to be the Government watchdogs overseeing a part of this offshore leasing program that uses sex and drugs and illegal gifts to foster their program.

I commend to my colleagues the three parts of the inspector general's detailed report along with the memorandum which is the cover memorandum from the inspector general, Earl Devaney, on the subject of the office of the inspector general investigation of the MMS, the Minerals Management Service, employees.

Madam President, I ask unanimous consent to have printed in the RECORD what is moving across the wire right now, the Associated Press story by Dina Cappiello, about this expose.

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

GOV'T OFFICIALS PROBED ABOUT ILLICIT SEX,  
GIFTS

(By Dina Cappiello)

WASHINGTON (AP).—Government officials handling billions of dollars in oil royalties engaged in illicit sex with employees of energy companies they were dealing with and received numerous gifts from them, federal investigators said Wednesday.

The alleged transgressions involve 13 Interior Department employees in Denver and Washington. Their alleged improprieties include rigging contracts, working part-time as private oil consultants, and having sexual relationships with—and accepting golf and ski trips and dinners from—oil company employees, according to three reports released Wednesday by the Interior Department's inspector general.

The investigations reveal a "culture of substance abuse and promiscuity" by a small group of individuals "wholly lacking in acceptance of or adherence to government ethical standards," wrote Inspector General Earl E. Devaney.

The reports describe a fraternity house atmosphere inside the Denver Minerals Management Service office responsible for marketing the oil and gas that energy companies barter to the government instead of making cash royalty payments for drilling on federal lands. The government received \$4.3 billion in such Royalty-in-Kind payments last year. The oil is then resold to energy companies or put in the nation's emergency stockpile.

Between 2002 and 2006, nearly a third of the 55-person staff in the Denver office received gifts and gratuities from oil and gas companies, the investigators found.

Devaney said the former head of the Denver Royalty-in-Kind office, Gregory W. Smith, used illegal drugs and had sex with subordinates. The report said Smith also steered government contracts to a consulting business that was employing him part-time.

Smith, contacted by e-mail by The Associated Press, said he had not seen the report and could not respond. He and nine other employees in the Denver office are mentioned in the reports.

The findings are the latest sign of trouble at the Minerals Management Service, which has already been accused of mismanaging the collection of fees from oil companies and writing faulty contracts for drilling on government land and offshore. The charges also

come as lawmakers and both presidential candidates weigh giving oil companies more access to federal lands, which would bring in more money to the federal government.

Mr. NELSON of Florida. Madam President, all of this is happening while we are considering what to do about energy. I hope we will remember that what we ought to do, what we need to do, is drill where it makes sense. But if you want to lower gas prices, we need higher miles per gallon on our cars. We need to increase our tax incentives to our consumers so they can buy more efficient automobiles and tax incentives to the industry so they can retool, as well as we need to increase our oil refining capacity. That is the way we solve the problem of being dependent on oil in this energy crisis we are facing.

Madam President, I see my colleague from New Jersey, who has been a kindred spirit on this question of drilling offshore, off of our two respective States. I do not know if the Senator heard what I just talked about, about the inspector general's report, about what has been going on, the hanky-panky that has been going on over at the Minerals Management Service at the Department of the Interior.

I yield the floor.

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

Mr. MENENDEZ. Madam President, while I did not come to the floor for purposes of talking about something both Senator NELSON and I are passionate about, which is making sure the Nation's energy challenge is met but making sure it is met in a responsible way, I must say I appreciate him coming to the floor with a revelation that just came out and is being reported. It calls into question the nature of the decisions, the information and the substance of looking at drilling policy, as has been suggested, when there are clearly influences here that are geared toward supporting big oil versus what is the ultimate interest of the American people in achieving energy security and independence. I will be speaking about that and joining Senator NELSON in the near future.

I am concerned at what the inspector general's report says. It should be alarming to every Member of the Senate. I appreciate the Senator from Florida bringing it to the attention of the Senate.

Madam President, I ask unanimous consent to speak as in morning business.

Mr. WARNER. If I might ask the Senator, about how long would the Senator wish to speak?

Mr. MENENDEZ. About 10 minutes.

Mr. WARNER. I thank the Senator.

Mr. MENENDEZ. Madam President, what I came to the floor to talk about is Osama bin Laden. None of us will ever forget—no one in this country will ever forget—the shock and the horror we felt, 7 years ago tomorrow, when we realized that a group of terrorist murderers had taken 3,000 American lives,

taken down two of our monumental skyscrapers, and taken a chunk of our military headquarters at the same time, as well as downed a plane in the fields of Pennsylvania.

I know this is true for every American. It is seared into our hearts as well as in our mind. I know it specifically by virtue of the hundreds of New Jerseyans who were lost on that fateful day.

Before long we learned the name of the organization that plotted and executed this plot. They are called al-Qaida. Although he had already been a deadly force before that fateful day, each and every American would soon learn the name of the evil mastermind behind this carnage, Osama bin Laden.

As a country, we were unified in our grief and unified in our resolve to find bin Laden dead or alive, as our President said. There was no reason to think we would not succeed. We live in the greatest country on the Earth, with the greatest military in the world and the greatest resolve of any people. We are the country that taught man to fly, that has helped save the world from marauding dictators, and put a human being on the Moon. If we set our mind to capturing or killing the people responsible for this mass murder, then we were going to get the job done.

Here is the thing. As we speak here today, 7 years have passed since those terrorist attacks, and where is Osama bin Laden? Where is the man who killed 3,000 of our fellow Americans? Where is our Nation's No. 1 enemy? He was allowed to get off the hook. He was allowed to rebuild his terrorist organization to pre-9/11 strength, as has been noted by testimony before the Senate Foreign Relations Committee, of which I am a member. It has been noted in various official reports. He was allowed to establish his own safe zone along the Afghanistan-Pakistan border.

I do not think any American would disagree that the words "Osama bin Laden" and "safe" should never be uttered in the same sentence. Why is he living in a safe zone? Why was he allowed to rebuild his terrorist organization? Why has he not suffered for the consequences of his mass murder?

I would say the answer to that question is because President Bush—who was so steadfast in his call to go after bin Laden and smoke him out of his hole, with the backing of a unified country in the days after September 11, when I was squarely with the President in that regard—decided not to commit the military force necessary to finish the job when bin Laden and al-Qaida were cornered in the mountains of Afghanistan. He decided to outsource the fighting to warlords in Afghanistan who took our money, put it in their pockets, and let bin Laden get away. He decided that the war against those who actually attacked us was not worth the absolute commitment of the most powerful, sophisticated, technologically advanced military in the world.

Instead, he committed the full force of the United States military to invade and police another country, Iraq, which had no part in the murder of 3,000 Americans.

As bad as that sounds, the reality is even worse than that. It was not just about the White House losing its focus. They misled the American people so they could start a new war. They assumed Afghanistan would stabilize itself and maybe bin Laden would turn up one day. So let's add up the running tally of these ill-fated decisions of President Bush: a forgotten war against the real terrorist threat in Afghanistan along the Afghan-Pakistan border, plus misleading the American people into a war of choice—not a war of necessity, where no one from al-Qaida or bin Laden was engaged; a stunning disaster of a war that had no connection to September 11—increased anger in the Middle East; squandered international goodwill; becoming entrenched as Iraq's military police force; a military stretched thin, less able to respond to the real challenges of this country where Afghanistan and Pakistan's border are.

I was there earlier in August with the distinguished majority leader. I heard what our generals said. They said they needed 10,000 troops minimally—now; not next year, now—to face the challenges they are having in the resurgence of the Taliban and the new tactics they have acquired from al-Qaida, an al-Qaida that is rushing over that border, plus \$600 billion in U.S. taxpayers' money, easily going well over \$1 trillion, to secure and rebuild another country that we were told—I sat at those hearings—we were told, when we asked how much is this engagement going to cost: Oh, we were told, not more than \$50 billion max.

Madam President, \$600 billion later, \$12 billion a month and rising—by the way, not only were we told it is not \$50 billion, we were told Iraq's oil would pay for all of it. What we have seen is \$600 billion of the taxpayers' money, later, rising clearly in excess of \$1 trillion and Iraq having a surplus in its budget. We are running deficits, Iraq has a surplus in its budget of anywhere between \$50 and \$70 billion, and yet we still continue to pay for their reconstruction. I was there this past January.

Of course, beyond all of this, beyond all of this, the most important, incalculable loss—over 4,100 American service men and women who have been lost in Iraq.

What does this all add up to? It adds up, in my view, to less security here at home, one terrorist mastermind responsible for the deaths of 3,000 dead Americans, plotting and planning yet again in his very own safe zone to pre-September 11 strength.

That is a huge challenge. I recently returned from a trip to Afghanistan with the distinguished majority leader and several of our colleagues. Our troops and their commanders are doing

a terrific job with what they have been given, as they always do.

But the message from everything I saw when I was there and heard from the people we always say let's listen to—the commanders in the field—well, I listened to General McKiernan, who is the commanding general not only of our troops but also the NATO forces there. I listened to General Schlosser, who is in the midst of that part of Afghanistan that is in the fight. They said clearly they needed extra troops.

I heard the President's decision: They will not get those troops, even though they need them until sometime next year. In the interim, the fight intensifies, the risks grow greater, and our challenges grow more difficult.

Afghanistan and Pakistan are the epicenter, the epicenter of the threat to our Nation. Things are not going to get better in that region or with our security here at home until we commit our focus to doing away with a resurgent Taliban and a resurgent al-Qaida once and for all.

Our focus must be on what are called the Federally Administered Tribal Areas, or FATA, those lawless areas along the Afghanistan-Pakistan border, our major challenges.

The Chairman of the Joint Chiefs of Staff said it himself in June, so let me quote him because this is the ultimate authority advising the President. He said:

I believe fundamentally if the United States is going to get hit, it's going to come out of the planning that leadership in the FATA is generating, their planning and direction.

It could not be said more powerfully by the Chairman of the Joint Chiefs of Staff and more clearly: That is where the threat is coming from. That is where we need to focus if we are to secure our Nation.

Our colleague, Senator MCCAIN, who is now the standard bearer for his party, has expressed his desire to keep our troops entrenched in Iraq even beyond what the Iraqis want and even beyond what President Bush has been calling for.

This does not help us with Afghanistan, this does not help us with Osama bin Laden, this does not help us target the threat of the Nation that is most vital. So I hope that after the solemn memorials and heartfelt remembrances we have tomorrow, on the seventh anniversary of September 11, after we continue to mourn and after we pray for those we have lost, when our thoughts turn again to preventing a repeat of September 11, making sure that "never again" means never again, I hope we can rededicate ourselves, as we did in the weeks following the attacks, to going after those responsible for this mass murder and ridding ourselves of that threat once and for all.

Let us not only follow bin Laden to the gates of hell, let us follow bin Laden to the cave in which he is in, in that region along the Afghan-Pakistan border.

It is never too late. It is never too late to bring the masterminds of September 11 to justice, to diminish the real challenge to our security, and to ultimately achieve what I truly believe is in the national security interest of the United States.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, with the concurrence of the distinguished chairman, I wonder if our colleague from Texas could be recognized. He is a very valued member of our committee. He wants to discuss, for 8 minutes, our bill.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Madam President, if I might inquire, I talked to the distinguished chairman. I know the Rules Committee is reviewing the amendment. I am a little confused, and maybe he can help. I understand there could be an objection to my calling up the amendment. But I know the chairman is trying to work with me in trying to work this out.

But if I only have 8 minutes to speak, and I do not know yet whether there is going to be an objection to calling it up, I guess all I can do is go ahead and call it up and see what happens. But I do not wish to dishonor the commitment I made to him to try to work with him. But I am in a little bit of a box.

Mr. LEVIN. If the Senator would yield, the Rules Committee has jurisdiction over the amendment, over the subject matter of the amendment. That is why we are asking the Rules Committee to give us their reaction. Before I can give unanimous consent to make it a pending amendment, I want to hear from the Rules Committee, which is part of the regular process of the Senate, since it is within their jurisdiction.

So if the Senator will bear with me, I do not know what I will do if the Senator asks unanimous consent until the Rules Committee replies. If I do not hear from them by the moment the Senator asks unanimous consent, if the Senator decides to do so, I will have to make up my mind without the benefit of their advice.

Mr. CORNYN. Madam President, I hope that after hearing the subject matter of this amendment, the distinguished chairman of the Armed Services Committee will agree with me that the subject matter is of overwhelming importance.

This has to do with the fact that in 2006—2006—it is estimated that only 5.5 percent of qualified military voters deployed overseas, as well as civilians eligible to vote in the 2006 election, only 5.5 percent actually had their votes counted.

Of the troops that attempted to vote by asking for their ballots in 2006, less than half, only 47.6 percent of their completed ballots actually arrived back at the local election office and

were counted. That is according to the U.S. Election Assistance Commission.

I know all our colleagues would agree that if there is anyone who deserves to have their vote counted, and certainly this is a fundamental civil right for all American citizens, but if anyone is entitled to the best efforts that this body could possibly supply to make sure their vote is actually counted, that it would be our men and women in harm's way, fighting to protect our very freedoms.

To me, this is an outrage of such proportion that I cannot believe the Department of Defense, knowing these statistics, is simply complacent about preserving and protecting the right of our deployed military and civilians overseas to vote in elections.

To me, this is an appalling feature of our absentee voting system, and we need to take action right now. Of course, the appropriate vehicle as we are talking about protecting the right of military voters is on the Defense authorization bill. We know time is running out, only 54 days, I believe, until the next general election. We need to do everything in our power to make sure their right to vote is protected.

That is why I decided to introduce a bill last May called the Military Voting Protection Act of 2008. Currently, I believe I have, to the stand-alone bill, 30 cosponsors.

I believe the Department of Defense, if it is unwilling to take the necessary steps to protect the rights to vote for our deployed troops, then it is up to us to direct them to do so, to mandate that requirement in law and to make it a priority, not something they get around to perhaps after they have done everything else.

Certainly, the Department of Defense can better use modern technology to protect the ability of our troops to participate in elections. We know it is also important to recognize the right of privacy and the integrity of the voting system by calling upon the Department of Defense to focus its efforts on secure, efficient systems that would achieve these important goals.

I have more extended remarks, but I do not feel they are necessary at this time. I have seen a letter from the Department of Defense about some of their responses to the bill I have introduced. I would say in each case it is classified more as bureaucratic gobble-dygook and not a serious effort to try to solve this problem.

I am actually very disappointed that the Department of Defense would take the position that preserving the votes of our deployed military is so unimportant that they would not welcome the participation of the Senate in finding ways to make sure every fighting man and woman's vote is counted.

I ask unanimous consent to call up amendment 5329 and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Reserving the right to object, I am constrained and will object at this time because of the reasons

I gave before. So I do object. I hope this objection can be dealt with overnight. I hope I can hear from the Rules Committee and understand what their position is. But at least at this time I will object.

The PRESIDING OFFICER. Objection is heard.

Mr. CORNYN. Madam President, I am sorry to hear the chairman has objected. Of course, there is no requirement that the committee pass on these matters. I understand his interest in getting their input, but I cannot imagine what sort of input the Rules Committee might give now or later that we could not work on this either as this bill proceeds to completion, I hope to completion this week or next or during the conference committee process.

But to object to my ability to actually get it pending before the Senate is regrettable. At this point, I have no other recourse.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I think the distinguished chairman and I are aware the Senate would now turn to the highway bill. I believe the distinguished chairman of the Environment and Public Works Committee will be arriving, and the distinguished ranking member is present on the floor at this time. Perhaps they could advise us with regard to the amount of time that would be required to have to act on this.

Mr. INHOFE. Madam President, first of all, let me thank the distinguished ranking member for the fine work he is doing on the Defense authorization bill. We have to get this done at a later time because there will not be time.

Right now I would like to address some of the comments that were made in the last few minutes about what some people misinterpret as not a successful operation in Iraq. I think it is amazing that you can be successful, all of our troops over there bathe in the success we have had in Iraq and still refer to it as an invasion instead of a liberation. Later on I will address those remarks.

Right now it is my understanding—I would ask if it is accurate—that the chairman and myself, the ranking member of the Environment and Public Works Committee, will be involved in about either 1 hour or 90 minutes equally divided, I would ask the Chair. This is on the highway trust fund fix.

#### RESTORING HIGHWAY TRUST FUND BALANCE

Mrs. BOXER. Madam President, I ask unanimous consent that the Finance Committee be discharged from further consideration of H.R. 6532, and that the Senate then proceed to its consideration; that the only amendment in order be the Baucus amendment which is at the desk; that the amendment be considered as agreed to and the motion to reconsider be laid upon the table; and that there then be 90 minutes of

debate with respect to the bill, as amended, with the time equally divided and controlled between the leaders or their designees; and that upon the use or yielding back, the Senate proceed to vote on passage of the bill, as amended, without further intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Reserving the right to object, Madam President, it is my understanding that under the current unanimous consent agreement, we will begin voting on two amendments on the Defense authorization bill at 6 o'clock; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. LEVIN. Would the unanimous consent request of the Senator from California modify the existing unanimous consent?

The PRESIDING OFFICER. The vote that is scheduled to occur at 6 p.m. will occur unless an agreement specifies differently.

Mr. LEVIN. It is my understanding that this agreement does not specify differently, and on that basis I do not object.

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

The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 6532) to amend the Internal Revenue Code of 1986 to restore the Highway Trust Fund balance.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, this is an important moment for us, not just for us as legislators acting responsibly but for our States and for the working people of this country. We were perilously close to having a shortfall in the highway trust fund which would have resulted in slowing down contracts on repairing bridges, building highways, et cetera. Six times the Senate has brought up legislation to restore money to the highway trust fund and protect those jobs, but until now my Republican friends on the other side of the aisle have put up roadblocks and filibustered us.

Today, at a hearing we held on the status of our bridges, the condition of our bridges, the Bush administration itself urged us to act. I was very grateful to Senator INHOFE for his work. Because we have been facing objections from Senators DEMINT, GREGG, and others, we were unable to move forward. We are very grateful we have reached this moment so we may vote on this important legislation and solve the immediate crisis.

We all know what has been happening with the trust fund. First, \$8 billion was borrowed from the trust fund in 1998. We need to restore those funds. That is what we are doing today. Beyond that, we have to figure out a way to finance highways and transit systems and repair bridges and the rest with a more secure source of funding.

Senator INHOFE and I are working together on that, along with Senators ISAKSON, BAUCUS, and the rest of the members of the Environment and Public Works Committee. We know our colleagues in the House are doing it as well. We are going to have to look at how we keep pace with the many billions of dollars needed for repair. We have to make sure we pay attention to our Nation's infrastructure if we care about a thriving economy, moving goods, moving people, all the rest. If we ignore this, it is to our detriment. We saw a bridge collapse in Minnesota. We were reminded of that today at the hearing. All of us were appalled to see what that looks like. I know bridges in California, in Oklahoma, bridges all over the country are in need of repair. We can't play politics. That is why we have been on the Senate floor. We have sent letters, asked our friends to back off. If they want to make a statement about how to fund transit and highways, that is very appropriate as we write the new highway bill.

What is happening out there is, obviously, because of the horrible price of gas, which, thank goodness, has come down a little bit, people are turning away from driving or they are doubling up. They are switching to hybrid cars. Hopefully, soon we will see more opportunities for electric cars. As a result, however, the trust fund, which gets its funding from the gas tax, has been going down. That, coupled with the borrowing that we did in 1998 from the trust fund, has led us to this day.

I don't have much more of a statement except I want to thank certain people who weighed in to push us and my friends on the other side. I hope they were pushed by this to back off and say: Let's have a clean bill. Let's fix the problem. Then we will debate how we get a highway trust fund that is necessary for the needs of the country.

AAA was very helpful, as was the American Association of State Highway and Transportation Officials; the American Society of Civil Engineers; the American Road and Transportation Builders Association; the American Highway Users Alliance; the American Trucking Association; the Associated General Contractors of America; the National Association of Counties; the National Association of Manufacturers; the National Governors Association; the National Conference of State Legislatures; Midwestern Governors' Association; the Coalition of Northeastern Governors; the Transportation Trades Department, AFL-CIO; the U.S. Chamber of Commerce.

Again, what we are doing is simply restoring the revenue that was shifted out of the trust fund 10 years ago when the balances were high. What we are doing is saying to many working people that we are not going to let them run the risk of being laid off, fired, having to come home and tell their family they can't work. We know that is a fact because each billion dollars of

Federal funding is estimated to support 34,000 jobs. If we didn't act on this and that \$8 billion was not restored, we would have lost 379,000 jobs all across America; in my own State, 32,000 jobs. This is not the time to play games. In August, we lost 84,000 jobs in America. Imagine if we had added another 379,000 lost jobs.

Today, through the wonders of communication I can say to State and local officials watching us have confidence that the flow of funds to build and operate transportation systems, to build highways and bridges, to make sure communities are insured, those funds are going to be there. Again, as we move behind this crisis, I do look forward to working with my colleagues on both sides of the aisle. Senator INHOFE and I, Senators BAUCUS and ISAKSON, we call ourselves the big four of the committee. We have met. Our staffs are meeting every day. We are meeting. We are coming up with principles, what is the fair way to fund infrastructure needs. These meetings have been very important. They are not ideological. They are only business. How do we take care of business? That means moving goods, people, keeping the country going. I can't tell my colleagues how pleased I am that we can have the opportunity today to vote on a clean bill, simply restoring the \$8 billion that was borrowed from this fund and sending a signal to the 300,000-plus people who would have lost their jobs, at least this is some bit of good news for them in what has been a very bleak economy.

I yield the floor and reserve the remainder of my time through the leader's office on our side.

AMENDMENT NO. 5427

(Purpose: To change the date of restoration.)

The PRESIDING OFFICER. Pursuant to the previous order, amendment No. 5427 is agreed to.

The amendment (No. 5427) was agreed to, as follows:

On page 3, line 2, strike "September 30, 2008" and insert "the date of the enactment of this Act".

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. Mr. President, I ask unanimous consent that time on the Republican side be allocated as follows: 15 minutes for Senator DEMINT, 10 minutes for Senator GREGG, 10 minutes for Senator COBURN, 10 minutes for Senator INHOFE.

Mr. INHOFE. I don't object, Mr. President, but I would also like to be included in that particular order just given.

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

The Senator from South Carolina.

Mr. DEMINT. Mr. President, I would like to address the issue of this highway bill and the charge that it has been held by me and a few others. The fact is, this \$8 billion highway trust fund bailout has not been held up. The

only request was that it come to the floor with some debate and the opportunity for amendment, which is the normal Senate process. The request was that this \$8 billion be passed in secret essentially with no vote and no debate. Our only request as Senators was that we have a chance to bring to light why this happened.

A few years from now—maybe even a few months—many of my colleagues are going to wake up and look at our Nation's finances and wonder how we got in this mess. We are running this country into the ground, and we are actually on the verge of an economic crisis because of incredible overspending and a huge growing debt. One bill after another comes up, and we pass it almost without thinking and spend more and more borrowed money.

Today's votes are creating tomorrow's fiscal disaster. This \$8 billion highway trust fund bailout is only one example among many I would like to mention over the next few minutes.

During the previous year, the Democratic-controlled Congress has produced a parade of fiscally irresponsible bills that have mortgaged our Nation's future and could ultimately bankrupt the Nation and harm the future for our children and grandchildren. If we look at the 2008 appropriations bills, at the end of 2007 Congress passed a bloated budget bill. Supposedly, they were going to get things under control, but this exploded with over 10,000 earmarks. On top of that, there were a number of budget tricks and gimmicks that hid at least \$14 billion of extra spending.

Not too long after, we brought up the farm bill. This was reauthorizing an antiquated farm program that cost taxpayers billions and increased costs to consumers all across the country. This was a \$600 billion bill over 10 years. It was all borrowed money. We don't have this money to spend. Yet we continue to spend it. It included numerous wasteful, unnecessary earmarks that had nothing to do with a solid farm bill. Just a few examples would be \$257 million in tax earmarks for Plum Creek Timber Company. This is the Nation's largest private landowner, a multibillion-dollar company with over \$7 billion in capitalization. Yet we believed we needed to give them \$257 million.

The language in the farm bill also requires the Forest Service to sell portions of a certain mountain to a ski resort and over \$1 million to the national sheep and goat industry—all worthy causes, I am sure, but not worthy of more borrowed money and more debt on the future of Americans.

The so-called stimulus package, over \$100 billion was supposed to help solve our problems. Certainly, it didn't. We sent checks to all Americans but did little to fix the problem. Over \$100 billion more in borrowed money that we didn't have, just sending checks to people to build up our political clout rather than do something for the country.

We need to have a predictable Tax Code, lower our corporate tax rate, make the current tax rates permanent so businesses and investors know what their tax rate will be in the future. But we don't debate that. We just send out checks with borrowed money.

Everyone knows more and more about the housing bill. The housing bill bailed out mortgage companies that had made bad loans and ultimately included a section that allowed the U.S. Government to essentially nationalize the mortgage industry. As part of that bill, we created a \$4 billion deficit spending slush fund for community development block grants and millions that went to a very suspect group, the ACORN group. That seems to be more of a political group to get out the vote for some of our colleagues.

Now, we know we have taken over these two large companies of Fannie Mae and Freddie Mac. Now the taxpayers are on the hook for what could be hundreds of billions of dollars because of the lack of congressional oversight over the last several years. As part of that bill, I had asked for one amendment that would stop the lobbying and the contributions to Congress by these two corporations that we are now bailing out. But instead of giving me that amendment, the majority leader kept the Senate here until Saturday to avoid that one vote that would have done what all of us know needs to be done and stopped the political influence from these companies for which we are supposed to be providing oversight.

Today we are talking about \$8 billion that we are going to borrow and put in the highway trust fund. Supposedly back in the late 1990s, \$8 billion was taken as part of an agreement to set up a separate trust fund. I will take them at their word for that. But we have had numerous opportunities this year to save more than that amount of money, if we knew we needed it. Frankly, the Department of Transportation says we probably only need about half of that right now. Yet we are going to take \$8 billion from the general fund, borrow it, and put it in the trust fund.

Highway infrastructure is one of the most important things we can do as a Nation.

But much of this bill is not about roads and bridges. It is numerous, wasteful earmarks that I am afraid could end up as part of this \$8 billion. The current bill includes \$45 million for a magnetic levitation train project in Las Vegas; \$2.5 million for landscaping enhancements along a freeway; \$3.3 million for a bike trail in Laredo, TX. This list could go on page after page. These are not priority projects. They do not deserve us going into more debt as a nation to borrow this money.

We have had numerous opportunities to cut these projects so that the highway trust fund would not go broke. Only a few months ago, we had a transportation technical corrections bill. We had almost a billion dollars of projects

that were no longer needed or wanted by the States. Yet, instead of saving that \$1 billion, we added back essentially the same amount of new projects.

Now we are here at the trough again, and we have a crisis, and we will put a lot of people out of work if we do not produce this bill. That is why we have agreed to forgo the opportunity to offer amendments, even though we should not pass an \$8 billion bill without the opportunity to debate it in more detail.

I wish to remind my colleagues, we do not have this \$8 billion. It is borrowed money, and we are going to move it from one account to another, and borrow it from who knows where—China or somewhere else—because we do not have that money. But there are numerous problems with this, and we need to recognize that the earmarks, the wasteful earmarks, are taking priority national projects and putting them places they do not need to be. Our lack of an energy policy in this Nation that has run up the cost of gasoline has restricted the ability of Americans to travel, and that in itself has reduced the revenues to the trust fund. So we have caused this problem ourselves by congressional mismanagement, and now we want the taxpayers to bail us out again.

Again, this is a bill I think we need as far as funding projects. But the way it is done, and the fact that it is done with no more accountability on earmarks and the things that have caused the problems, makes it very difficult to support the bill, even though I see long-term highway funding being one of the most important things we can do.

I hope the chairman and ranking member of the committee will consider next year, as we go into reauthorizing a highway program, the fact that the Federal Government should no longer be involved in non-Federal projects around the country. We have an opportunity to devolve this program to the States, where the money would stay at home and be used for real priorities, not for things I decide or another colleague decides they want for somebody back home where the State does not necessarily want it to go.

Obviously, we have talked a lot about the “bridge to nowhere” and other projects such as that across the country. But I hope I will get the support of my colleagues to move this back to the States, give them the ability to manage their own programs over the years, and stop this wasteful spending at the Federal level.

Again, there are a number of amendments we would have liked to have had the opportunity to offer, and I wish to warn my colleagues, the pattern that is developing here is that we are passing bills by unanimous consent, with no debate, no amendments. This goes on bill after bill. We are passing very bad legislation with very little accountability to the American people.

But I appreciate the passion of Senator INHOFE and others who know we

need to push this through, and it is not fair to the States or to the workers to blindsides them with shortfalls as we have. But the shortfalls are of our own doing, and it is because of our own waste and incompetence here in Congress that we have ended up with this problem and more debt on the American people. I hope next year we will go about doing it in a much better way than we have done in the past.

With that, Mr. President, I yield back.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I come to the floor this evening to talk about the emergency we are facing in the highway trust fund. The highway trust fund is the primary means of funding all of our highway construction and repair projects in every State in this Nation.

Last Friday, President Bush's Transportation Secretary, Mary Peters, acknowledged finally what we on this side have been warning about for months: that the highway account of our highway trust fund is broke.

We have been hearing denials of this crisis for some time, but the Bush administration has now finally taken a closer look at the real receipts that are coming in from the Federal gas tax and discovered their estimates have been off by some \$3 billion just since May. Now they tell us they are preparing to default on their bills to our States.

Let me make it very clear to everyone how serious the impact could be. If we do not pass the bill that is before the Senate this evening, my Transportation Appropriations Subcommittee is going to be forced to slash money for Federal highway investments in every State across the country, and it is going to cost each of our States tens of millions of dollars in the next month alone.

Not only does this threaten the safety of our Nation's roads and bridges, it could also very easily mean tens of thousands of jobs lost, as the Federal Government defaults on the contracts in every State of our Union.

Now, this nightmare is going to become a reality just as the unemployment rate has reached the highest it has been in nearly 5 years. Our country lost 84,000 jobs in August alone—84,000 jobs—which came on top of job losses in July and June and, in fact, every month of this year.

We know people across this country are hurting. Many are wondering how they are going to be able to pay their bills as the weather now starts to get colder and they have to begin turning on their heat.

If we do not shore up this trust fund, we are going to be forced to halt ongoing highway projects dead in their tracks. That means thousands upon thousands of people who go to work every day in the construction industry in our Nation to build our highways and bridges are going to be told to go home and do not come back to work the next morning.

The urgency of this bill is very critical. We cannot delay it. I hope we can put aside the ideology and partisanship for the evening and everyone can work together for the good of the Nation on this critical issue because we literally cannot afford to wait any longer.

I want to explain the situation so my colleagues understand where we stand this evening. This coming Thursday—that is tomorrow—may be the last time the Federal Government will be able to reimburse 100 percent of their expenses. The Department of Transportation has told my Transportation and Housing Appropriations Subcommittee that on Thursday, September 18—that is a week from tomorrow—reimbursements could drop to as little as 64 percent of the funds that States are due. They simply have to offer the States an IOU for the rest.

In my home State of Washington, 21 percent of the transportation budget is supported by the Federal gas tax. Local agencies spend between \$15 million and \$30 million per month in Federal dollars. If the Federal Government has to cut back or cut off funds, Washington State will lose between \$33 million and \$54 million a month over the next 5 months.

That is only one State, one example in this country. In other States, the Federal Government's share is a lot bigger than in Washington State. In fact, at a hearing this morning, the Oklahoma Transportation Director, Gary Ridley, testified to the Senate about the impact it will have in his State. In answer to questions, he said, in Oklahoma, 85 percent of the State's construction program—85 percent—is paid for with Federal funds. He said the kind of crisis we are talking about will have a “dramatic effect” on his State's ability to move forward on road construction.

He told us that in Oklahoma they just opened bids on \$80 million in highway work, including a \$40 million project to replace a bridge in Oklahoma City that has been identified as having numerous safety vulnerabilities. But Mr. Ridley testified this morning he has had to ask his State highway commission to hold off on those contracts. In fact, he said he might even have to stop all right-of-way acquisition and construction projects until we here in Congress find a solution to this trust fund crisis.

So this is a desperate situation in every State across the country. What is most disturbing to me is it is not as though we did not know this was coming. I have been sounding the alarm about the highway trust fund for almost 2 years. My Democratic colleagues and I have warned repeatedly that we face a looming disaster. We have proposed a solution that would enable these funds to stay solvent, so our States are whole, so our construction industry can continue during this construction season to move forward on these critical safety transportation projects. We have made it clear that

without action this year, we would face a financial disaster, and that it was coming upon us very fast.

Well, the situation is so serious that after months of blocking our legislative solution, this administration, the Bush administration, did a 180 and is now asking us—in fact, telling us—we have to get a bill on the President's desk by the end of this week. So I am very hopeful this evening we can finally move this bill and provide a solution to our States.

What this bill does is replace \$8 billion that was taken out of the highway trust fund back at the end of 1998. This is not a bailout from the general fund of the Treasury. That \$8 billion was collected from our gas taxes for the purposes of being deposited into the highway trust fund.

Now, at the time, the trust fund was flush with money and people did not think we needed it. Well, clearly, we need it now. We are proposing to restore that \$8 billion that was paid in gas tax receipts to the trust fund, and we are not asking for a penny more.

This is not new to anyone in this body. We have debated this proposal before. I and my ranking member on the Transportation Appropriations Subcommittee, Senator BOND, included this proposed transfer in our Transportation, Housing and Urban Development appropriations bill. So it has been a bipartisan effort in our Senate Transportation Subcommittee.

In fact, Democrats also tried to pass this proposal back in June on the FAA bill. We included it in the tax extender package. We tried to pass it as part of the stimulus bill.

Well, we are back this evening. We have another chance. We are working on a bipartisan basis to move this critical bill forward, and I urge my colleagues again to get this done this evening because, as I said, we are going to start seeing severe consequences to this crisis if we do not act and work together on this now.

As I said, this Thursday—tomorrow—could be the last day that our States are fully reimbursed for construction work. So by this time next week, States may have to start doing without. The stakes could not be higher. Mr. President, 84,000 jobs were lost last month. We cannot afford to put another job at risk. But, importantly, these construction contracts are out there and we are in the middle of construction season. Our States need to know we stand by our word and this money is going to go out to them in a timely fashion.

I thank my Democratic colleagues, as well as our Republican colleagues, who have been working with us this evening in a bipartisan way to finally move this bill forward and solve this crisis that is in front of us.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, we do not have a UC on the majority side, but we do on the minority side. So our next speakers will be in the order of 10 minutes for Senator GREGG, 10 minutes for

Senator COBURN, and then I will wind up the final 10 minutes.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, there is no question there is a serious problem out there relative to the financing of already let contracts in road construction and that it is unfair to those people who have had those contracts and those people who are working on those projects that they should be blindsided by the fiscal irresponsibility of the Congress. But it is also inappropriate to the taxpayers of the United States that we should correct this problem in a way which does even more egregious harm to the future of this country by significantly expanding the deficit.

Just yesterday, we learned that the deficit of the United States has doubled under this Congress. It has gone from \$163 billion to \$407 billion. This is a huge increase in the deficit. What does the deficit mean? We are passing debt on to our children which they all have to pay for. Now we are going to, with this bill, add another \$8 billion to that deficit—\$8 billion. That is big money. Eight billion dollars would run the State of New Hampshire for at least 2 years, probably for 2½ years, so it is a lot of dollars. So this decision, the way it is being executed, the way we are approaching solving the problem of the highway trust fund running short of funds, although it needs to be done—we need to address the issue of let contracts. The way we are trying to correct the problem is the wrong way. We shouldn't be adding to the deficit to do this.

This is pretty much a self-inflicted wound, and it is really an intentionally self-inflicted wound. When the SAFETEA bill was passed, it was passed with the knowledge—the open knowledge, which was pointed out on this floor by a number of us—that the revenues in the highway trust fund, which would come from gas tax and which had always paid for highway construction, were not going to be enough to meet the largess of that bill. The avarice of our colleagues to spend money far outweighed the money that was coming into the trust fund.

We knew that in the term of SAFETEA that this was going to happen, that the lines were going to cross and that the trust fund would be depleted. That depletion was accelerated, obviously, by the fact that energy prices went up and people, rightly and appropriately, started to aggressively conserve their use of gasoline, and that was good for the country and good for ourselves in dealing with this issue of gas prices. However, it had the effect of reducing the revenues into the trust fund. So the day of reckoning, which was inevitable under the original SAFETEA bill, was accelerated and, according to the administration, occurred sort of out of the blue because 2 weeks ago they were saying they would have vetoed a bill such as this that added to the deficit, and now they are saying they support it. So they reversed their position on the basis of in-

formation they received in the last 2 weeks about the status of the trust fund.

Why was the original SAFETEA bill so out of whack? Well, it was out of whack because it included 6,000 earmarked special projects—some of which were listed by my colleague from South Carolina, Senator DEMINT—which totaled \$24 billion of spending, which we didn't have money to pay for, yet we put them on the books anyway. Then, a year ago or so, when we could have contracted those projects, we went by lapsing those projects which nobody wanted to pursue—\$1 billion worth—we decided not to. We decided instead to expand projects and add even more projects.

There has been a representation that this \$8 billion raid on the general fund by the highway fund is just a repayment for a loan that occurred in the late 1990s, as it is represented—1998, I believe it was—when the highway trust fund allegedly transferred \$8 billion to the general fund. Well, that is truly a straw dog argument because those monies never had any practical effect on Federal spending or the Federal deficit—that transfer, that event—but this event does. This is real dollars. This event is a real \$8 billion increase in the deficit. Somebody is going to have to pay for it, and the people who are going to have to pay for it basically are these young men and women right here who are serving us as pages. When they get out—they are juniors in high school, and when they get out of high school and go to college, which I am sure they all will, when they graduate they are going to start a job, and when they start that job they will find there is a big tax bill, and a large chunk of that tax bill is going to be for debt we are running up here today. So 8, 10, 12, 15 years from now, when they are starting to make their living and trying to raise their children, trying to send their kids to college, trying to buy their first home, they are going to be limited in what they can do. Why? Because they are going to have to pay a huge amount of taxes for costs which are being incurred right here today by adding to our deficit, and this is \$8 billion of our costs that we are putting onto the next generation.

This is not the correct way to do it. There are ways to pay for this. There are ways to do this that do not involve that. The cleanest would be to simply borrow the money—not from the general fund but from the mass-transit accounts which have the money—and that was what the administration suggested. It was rejected by the House because the House didn't want to be responsible. Now we are in this tight timeframe, and it is claimed that we can't have any amendments here in the Senate. We simply have to take care of this. Actually, there is some legitimacy to the tight time argument, but

it doesn't mean we shouldn't have any amendments to discuss this.

I proposed an amendment, Senator DEMINT proposed an amendment, and Senator COBURN.

My amendment was to try to avoid this in the future by reinstating rules around here which used to discipline our spending but which were, in the dark of night, eviscerated by those who wanted to spend a lot of money we don't have out of the highway trust fund. Two rules—one, that this should have a scoring event and should be subject to pay-go. How can a group of folks around here who carry a pay-go flag around as if it is the banner of fiscal responsibility say that pay-go shouldn't apply to a transfer which is going to create an \$8 billion deficit—an \$8 billion add-on to the deficit? Inexcusable. That was part of my amendment, to make pay-go applicable here.

The second part was to reinstitute what is known as the Byrd Rule. BYRD developed language which said that as the trust fund—as it became apparent that the trust fund monies were not going to meet trust fund obligations, you reduce the obligations, and that was called the Byrd Rule. It was the responsible way to govern. You pay as you go. As money comes in, you spend the money. If you have a trust fund that funds a project, as that trust fund has money to pay for that project, you spend the money to pay for that project. But when SAFETEA was passed, everybody knew that a lot more money was being promised than was going to come in, so a little game was played in the middle of the night: Let's put a knife into the Byrd Rule. Let's cut it in half. Let's eviscerate it. That is exactly what happened. So I am just suggesting that we reinstitute the Byrd Rule. It won't apply to this event, but at least prospectively it will. Fiscal responsibility—that is all I am asking for.

Unfortunately, it has been represented that we can't take up any amendments because we have to do this in a matter of hours or else these contracts can't go forward. Well, we could obviously have taken up the amendments. Clearly, we are going to spend 2 hours debating this. I only wanted 15 minutes to debate my amendment. It clearly could have been done in this 2-hour period. No, the issue was that we didn't want to take up any amendments that might make people have to take a hard vote. That was the issue: a hard vote on fiscal responsibility, on the issue of putting pay-go back in place and putting the Byrd Rule back in. So, using the leverage of people being put out of work and contracts which had been let not being paid for, the other side has been able to successfully get around making those hard votes. I recognize the eccentricity of the situation, but it still doesn't look well, and it is not correct.

At some point, we are going to have to face up to this, you know. One generation should not do this to another

generation. One generation should not constantly run up the debt on the next generation and take credit for the spending today which they are not willing to pay for. It is just not right. As a politician running for reelection, I shouldn't say: Oh, I got this project for my State, we are going to build this program right here, and then not be willing to say I was willing to pay for it also; instead, say: Oh, well, as to paying for it, I am going to let my children and my grandchildren, my neighbors' children and my neighbors' grandchildren worry about that problem. I am just going to do the project and take credit for it.

So what we are doing here is totally inappropriate from a fiscal standpoint, but obviously the timing of this is such that we are not going to get these votes. I intend to return to this amendment. I will find someplace to stick it on, and then everybody will have to vote on this, hopefully, at some point in the future.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, seeing no one on the other side of the aisle, I yield to the junior Senator from Oklahoma, Mr. COBURN, for 10 minutes.

The PRESIDING OFFICER. The junior Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, I have listened to the debate today and the majority leader's remarks this morning, and I do appreciate the job my senior Senator has done in trying to secure funds for infrastructure through the trust fund. I intend to support passing this. Begrudgingly I will support it because I think it is the wrong way to do it. It is not wrong to put the additional money in there; it is wrong to not pay for it.

I can't help but note that the Senator from Washington stated that this is an emergency. Well, you haven't seen anything when you start talking about the emergencies we are getting ready to face. What about the emergency when, by law, Social Security benefits get cut, when we can't make Medicare trust fund payments? What emergency are we going to have? How is this going to compare to that? We are not allowed to do anything on this bill except debate.

I wonder what the American people would think, that we are going to spend an additional \$8 billion that we don't have—whether it is owed to the trust fund or not, we don't have it—that we are going to collect that money but we are not going to pay for it out of some of the \$300 billion-plus waste we now know exists every year in the Federal Government? Imagine if you applied that to your own situation. You have a family. You have an emergency, as the Senator from Washington said, but you know that about 12 percent of everything you spend in your household is wasted. Are you going to go out and make a note at the bank

and have your kids be responsible for paying for it or are you as a family going to get rid of some of the 11 percent or 12 percent of pure waste, pure fraud that you have going on in your family budget? None of us in America are going to do that. We wouldn't do that to our kids. We wouldn't do that in our family budget. But that is exactly what we are doing here today. This is a small one. This is a small one we are facing.

We didn't have an amendment on the floor to say we will pay for this \$8 billion by reducing the fraud in Medicare from \$80 billion to \$72 billion. There is \$80 billion a year in fraud in Medicare. We weren't offered the opportunity to offer that amendment to get rid of the fraud in Medicare so we could afford to do this. It was just released 2 weeks ago that 31 percent of the payments Medicare makes are improper payments, with 80 percent of them overpayments. That is not included in the \$80 billion worth of fraud. There is not any opportunity for us to offer an amendment to offset that incompetence and clean that up so we can pay for this.

There are similar projects in Medicaid. The Social Security disability trust fund—the GAO tells us there is \$2.5 billion a year in fraud in the Social Security disability trust fund. We didn't have an opportunity to offer an amendment to get rid of that fraud to help pay for some of this \$8 billion shortfall.

The American people are going to be scratching their heads. We are going to borrow more, and we are not going to eliminate any of the other problems, any of the other excess, or any of the other waste or fraud, which came to over \$382 billion this past year of American taxpayers' money that was unwisely spent.

We weren't given an opportunity to get rid of the performance bonuses at the Pentagon that are \$8 billion that they pay every year to Pentagon contractors who do not meet the performance requirements of their contracts but they pay them anyway. There was no opportunity for us to offer that amendment, to be able to pay for this rather than charge it to our children.

There is \$15 billion worth of excess costs associated with no-bid contracts at the Department of Homeland Security. There is no opportunity to offer an amendment to change the discipline in the contracting at Homeland Security, which we could have easily done and mandated to pay for this. There is no opportunity to do that.

There is \$4 billion in wasted excess payments for crop insurance every year. We, in fact, passed a farm bill, but we didn't fix that.

That is \$4 billion a year of hard-earned taxpayer money that goes out the window, which doesn't benefit anybody. Yet we are not given an opportunity to try to grab that to pay for this, and \$10 billion is wasted a year, at a minimum, on IT contracts in the

Federal Government. There is no opportunity to offer to save that money to pay for the highways.

The American people have to be scratching their heads and saying: What are we doing? Why aren't we addressing the real issues? We need to build infrastructure, take care of our highways and bridges and our roads. That is what the trust fund is for. Why would we not pay for it when we have such a large amount of fraud, waste, and duplication in the Federal budget?

I could go on and on. There is mismanagement of U.N. contributions. We know at least \$2 billion out of the \$6 billion we send to U.N. is pure waste every year. There is no opportunity to offer that amendment against this. There is no opportunity whatsoever to say we are not going to send another penny to the U.N. until they show us how they are spending American taxpayers' money. The only government that is less efficient than ours is the U.N. The only one that obfuscates more of the numbers than ours is the U.N. The only one with less transparency than ours is the U.N. There is no opportunity to do that.

We wanted to offer an amendment because part of the problem with the highway trust fund is that too much of the money doesn't go for bridges, roads, and highways. My senior Senator is committed to making sure we get back on that with the next Transportation bill. We have 242,000 bridges in disrepair in this country—242,000. This body rejected fixing that. Instead, we went on to build bike trails. Which do you think is more of a safety concern, building bike trails or building bridges?

I hope the American people are paying attention to what we are doing and that they become very dissatisfied with what we are doing. We have earned our 11-percent approval rating. How we are handling this bill today exactly fits the expectations of the American people—that Congress doesn't get it, that we are different, that we don't have to meet the expectations that every small business and every family does. We don't have to eliminate waste because it may be hard to do or we may have to take a hard vote. We just fit the mold of their expectations. It is time for us to change that, not just for us but for the generations that follow.

I will state to you today that the estimates for next year's budget deficit are far under what it will actually be. We will be much closer to \$1 trillion than we will be to \$500 billion. Think about \$1 trillion. That is \$3,300 for every man, woman, and child we are going to spend next year that we don't have. We are not going to add it to the seniors because they are never going to pay it back. If you are born today, instead of owing \$410,000, which you will ultimately be responsible for in terms of unfunded liabilities, we are going to move you to about \$500,000. None of our kids can afford that. We are stealing America away from our children. The

process—not the goal; the goal is a worthy one—under which we are doing this is something that cannot continue if our Republic is to survive.

Of every republic in the history of the world that has failed, none of them failed because they were conquered from without. Every one of them failed on fiscal issues. We should wake up. We should start addressing the waste, fraud, abuse, and duplication in the Federal budget before we ask the next child or grandchild to take on debt for our benefit.

Like I said, I support that we are putting the \$8 billion in there. What I don't support is the process under which we cannot eliminate other waste, fraud, and other duplication to be able to pay for it. We do a disservice to our country and to ourselves, and we do a disservice to the body of the Senate.

With that, I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Minnesota is recognized.

Ms. KLOBUCHAR. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. There is 28½ minutes remaining.

Ms. KLOBUCHAR. I thank the Chair.

Mr. President, I am here to talk about the need to replenish the funds in the highway trust fund. I have to tell you, I have visited our State, and you know that about a year ago a bridge just fell down in the middle of the Mississippi River. I was thinking as I listened to the Senator from Oklahoma talk about the promises that we make to our children, that we make to future generations. I think the people of this country think we made a promise to them that we are going to have safe roads and safe bridges. We didn't keep up that promise to the 13 people who died that day when they plummeted into the Mississippi River. We didn't keep the promise to the hundreds of people who were injured in all the cars that went crashing down on an eight-lane highway in the middle of the Mississippi River six blocks from my house. We need to keep that promise.

When you look at the history of the highway trust fund, it was raided once before, many years before I came to Congress, by the exact amount of money. I believe it was something like \$8 billion. It was raided of that money, and it was taken out of the fund and put into the general fund.

What we are doing today, at the request of the Bush administration, is taking that money from the general fund and putting it back into the highway trust fund because we have a promise for public safety to the people of this country.

My colleagues have been talking about priorities. I think there has been an issue of priorities. I would like to pay for some of the things that are going on in this country when we see that deficit. I can tell you how I would do it, how I would pay for that deficit. I would start bringing our troops home from Iraq. That is \$10 billion a month.

It is ironic—that figure—because Senator INHOFE was at the hearing we had in the Environment and Public Works Committee about bridges and about the expenditures on bridges and trying to keep bridges safe, with Congressman OBERSTAR and others. One of the witnesses told us that it would be about \$10 billion a year to start bringing up our bridges to safety over the next few years. I thought that is exactly the amount of money we are spending per month in Iraq. So that is one way we can get the money if we really wanted to and if some of my friends on the other side would have the will to want to pay for this important infrastructure investment.

Another is to close the loopholes that have allowed people to store money in the Cayman Islands and hide their money. Another is to change the capital gains rate. Another is to roll back tax cuts on the wealthiest people, couples making over \$250,000 a year and individuals making over \$200,000 a year. That would bring in between \$50 billion and \$60 billion a year.

I don't have trouble trying to find money to pay for this. We have been unable to get our friends on the other side—whether it is the AMT fix or any other tax fixes for the middle class, we have been unable to get them to pay for this. We are left where we are now with a request from the administration to pay for this from the general fund so we don't have contractors or people out of work who are supposedly working on construction projects. This means something to me because I see it every day. That bridge is going up and it is going to be opening on Monday. It is kind of ironic to me that we are debating whether we are going to replenish our Nation's highways—when everybody is giving glorious speeches about the need to invest for infrastructure—on the anniversary of that bridge going up again. Some people are actually saying we should let this highway trust fund die on the vine and let these jobs die on the vine.

I am going to use some examples for bridges. We learned today that fully one-quarter of America's 600,000 bridges have aged so much that their physical condition, or ability to withstand current traffic levels, is simply inadequate. One of the things we have seen on our roads and bridges in the last few years is that we are seeing something of a boon in our world economy, with the new energy economy. We are seeing wind turbines being transported on our roads and rails. We are seeing biofuels and more wear and tear on our roads and rails.

As we move to the next century, economics with the next century energy, looking at more of our energy being produced from the workers and farmers of this country, we cannot be stuck in last century's transportation system. I am not going to pretend that replenishing the money into the highway trust fund is going to bring us to where we need to be with public transportation and where we truly need to go

with infrastructure in this country to compete on the world stage. At least it will stop the bleed so we are going to be able to keep up with the ongoing projects we have right now.

I am glad the administration is finally supporting doing something about this. It has been sad that we have gone to the other side three times to try to fund this important transit fund. As President Kennedy once said, building a road or highway isn't pretty, but it is something that our economy needs to have. We see that with that bridge in Minnesota, but we see it over and over again in the rural areas with the development of the wind farms and development of solar and ethanol.

Just to give you a sense of what we are seeing in our State, for the first 6 months in 2007 ethanol production in the United States totaled nearly 3 billion gallons or 32 percent higher than the same period last year. Of course, we are going to move to cellulosic, but that will still meet transportation needs in rural areas. Currently, there are 128 ethanol plants nationwide, with total annual production capacity nearing 7 billion gallons, and an additional 85 plants are under construction. Total ethanol production is expected to exceed 13 billion gallons per year by early 2009.

In terms of transportation, this means that an average square mile of land in southern Minnesota, which generates now the equivalent of 80 loaded semitrucks per year, could soon produce double that or 160 loads of grain per year. So we are seeing more wear and tear on our roads. It is a good thing. We want to produce wind and solar and biofuel and homegrown energy in this country. That will mean having a transportation system that can keep up with our growing economy.

Mr. President, I will end with what I began with. We are going to be opening a new bridge in Minnesota. Every time I go by that bridge, which is six blocks from my house, I always think about that schoolbus with kids in it that was perched precariously and by some miracle it didn't go over the side. Every kid was saved. They called it the miracle bus. We have a promise to those kids that were on that bus that this isn't going to happen again. We will keep our roads and highways as a No. 1 goal of our Government—public safety. That means not just safety on our streets but safety in our streets. That means better roads, bridges, and a better transportation system. So that is why we would have liked to have done this in another way, but we are in a crisis situation with our transit funds, and we should support it and replenish the funds.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, let me conclude on our side and then, hopefully, we are going to go to Senator MURRAY after that and then to a voice

vote. Where we are right now is, last Friday I was notified by the Department of Transportation that the highway trust fund would run out of money sometime in the next 2 weeks. As recently as this summer, DOT said it was going to be all right for another year. We understand. A lot of people don't understand this.

The Federal gas tax is not a percentage, it is a centage. That means for every increase that we have in the price of gas, the revenues go down. Consequently, they have gone down in such a way that could not have been anticipated at the time. That, combined with the busy construction season, caused the trust fund's balance to go from \$4.2 billion at the end of July to less than \$1.4 billion in the beginning of September.

In my State of Oklahoma, our director is Gary Ridley, who I believe is the best director in the United States of America. He was forced to take dramatic action—and I think prudent action—when he said we would have to cut by \$80 million the projects in August that were postponed.

Here is what we are up against. These are projects that have already been bid, people have been hired, the shovels are in their hands ready to do something, and all of a sudden they have to stop doing it which creates all kinds of problems.

Furthermore, at the point the trust fund officially runs out of money—which will be within the next 8 days unless we do what we are doing today, which I am confident we will—work on countless projects currently under construction will be halted. In other words, projects already under construction will be stopped.

The uncertainty over the Federal Government's ability to make good on financial promises made in law is forcing States to substantially disrupt their highway programs. It is a lot more serious than just stopping programs because if you stop programs, you are breaching contracts. You will have lawsuits and penalties that will come in and end up costing a lot more money. This is why we say what we are facing is, indeed, a crisis.

Once a project is canceled or delayed and jobs are lost, it is not as simple to restart the project, as there will be penalties to the States and, in many cases, a new contracting process.

Despite the arguments to the contrary, in my opinion, H.R. 6532 is not a raid on the general fund. In fact, the opposite is true. Let me go over this point to be sure we all understand.

I do not find disagreement with anything my three Republican colleagues said here. They are talking about a lot of things that had very little to do with this bill. I certainly agree with my junior Senator in his discussion about the United Nations, about the Social Security trust fund problems, and spending in general. What happened here—and I was mistaken not too long ago. I said it was the 1998 Bal-

anced Budget Act. It was not that. It was actually in TEA-21. Nonetheless, back in 1998, they took \$8 billion out of the trust fund and put it into the general fund. That is critical, we understand, because this is a moral issue. Probably the most popular tax in America today is the tax we have on our highways because people know when they buy a gallon of gas, that money is going to go to repairing highways, bridges and overpasses and make them safer for everyone in America. That is fine, but when they find out we have raided that trust fund and have taken \$8 billion out and put it into the general fund, that is morally wrong.

I argued since that time—I can remember being on the floor 10 years ago, in 1998, saying this is wrong, we shouldn't be doing it. I have been trying to rectify that problem since 1998.

We are in a position where we can look at it this way: that we are rectifying something that should not have happened 10 years ago. We are giving back the \$8 billion to the trust fund. That is not fiscally irresponsible. I think it is the right thing to do.

While I agree with my colleagues the highway program has grown to include things that are not in the Federal interest and doing nothing to save lives or reduce congestion or relieve the problems of transportation, which is a crisis in America, these issues are more appropriately dealt with in the national highway reauthorization bill for 2009.

I plan to play a very important, significant role. I will continue to be one of the big four, as Senator BOXER referred to it, during that time. I have felt for a long time—and I agree with my junior Senator—that there are a lot of items that should not be in a Transportation reauthorization bill. Over the years, more and more projects have crept in.

It is interesting that Senator BOXER, who is considered one of the most liberal Members of this body, and myself, who has been ranked recently as the most conservative Member of this body, agree in this area. While I am conservative, I have said I am a big spender in two areas. One is national defense and the other is infrastructure. That is what Government is supposed to be doing.

Talk to anyone, and they will tell you it is a crisis out there with our bridges. Oklahoma is dead last in the condition of our bridges. They don't realize it, but we are No. 3 from the top in terms of number of bridges, only exceeded by Texas and California. Yet we are a relatively small State. So we have this problem. We have to deal with it, and Government has to do it.

When the Federal highway system was chartered back in 1953 during the Eisenhower administration, I believe, we have been doing highways and funding them the same way since that time. Up until about 7 or 8 years ago, we always enjoyed a surplus in the highway trust fund. That is why people

are always targeting it, saying there is a surplus there, let's throw in the bike trails, let's throw in all these other projects about which Senator COBURN was talking. I agree with him they should not have been there.

One of the ways we are going to meet this crisis—and I am going to try to do it—is to make sure everything we do is directly related to safety on the highways and safety in transportation. Intermodal, sure, we have to consider we have channels, we have barge traffic, we have trains, we have all these things that are important. But we do have a serious problem, and anyone who doesn't think we have a serious problem in transportation in America has not been out driving around.

I don't argue with those who feel this process is not right. I don't like this process. I was hoping we would be all right when we passed the 2005 Transportation reauthorization bill. I was elated. I knew we were going to be in good shape on that bill. All these things happen, but when they happen, we have to correct it. You can't say this is the wrong way to do it. I have to do it and whatever way is right. That is my opinion. Maybe I am in the minority, but when we are defending America and working on infrastructure, Government has to perform.

I would only say I do not disagree with my colleagues who do not like the way this happened. I don't like the way it happened either. I wish it did not happen that way. I can tell you we are going to have to do something. I don't agree this is a bailout. I don't call it a bailout. I think it is one of the two prime responsibilities of Government, and we are going to have to do it. What we are doing now is not enough.

Let me speak to my colleagues who have complaints about what is in a highway reauthorization bill. When the 2009 reauthorization bill takes over from the 2005 bill, I will expend as much energy as I can to keep on the track of safety and moving America and not all these other things special interest people want. I think those things are fine, but they should stand on their own two feet. I believe we have the opportunity now to get this done.

While I don't like the way it happened, I can tell you it had to happen. We cannot stop construction in America at a time that is already a crisis. In the absence of passing this bill today, that is exactly what will happen.

I encourage everyone to vote for it. I hope we are going to be able to do it on a voice vote. I understand other speakers wish to be heard. I will go ahead and set an example and yield back the remainder of our time on this side, hoping we can get to the vote.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, how much time is available?

The PRESIDING OFFICER. Twenty minutes.

Mr. BAUCUS. On this side?

The PRESIDING OFFICER. Yes.

Mr. BAUCUS. Mr. President, I rise to discuss legislation vital to this Nation's transportation infrastructure. The highway trust fund, the means by which we fund our Nation's roads, highways, and bridges, is in trouble. Tomorrow, the U.S. Department of Transportation will slow down payments to States for infrastructure investments. That is highway projects. This is happening because forecasts now suggest that a shortfall of billions of dollars to the highway trust fund will occur in the near future.

The shortfall stems from the agreement of the 2005 highway bill negotiations, when the Bush administration and the Republican-led Congress agreed to spend down the balance of the fund.

Last year, we learned the trust fund would run out of money faster than anticipated. Accordingly, the Finance Committee reported out a bill at that time to address the problem. We tried to move a \$5 billion highway fix earlier this year as part of a larger FAA reauthorization bill, and that proposal was blocked. So we had to find other ways to pass this critical highway fix. In the meantime, the highway trust fund problem worsened. As gas prices rose dramatically, fuel tax receipts, which finance the lion's share of the highway trust fund, dropped sharply. In short, as Americans drive less and purchase less fuel, the trust fund shortfall has worsened, even more so than we previously expected.

So we tried to pass the highway trust fund as a stand-alone bill. Recognizing the dramatically worsening state of the fund, we proposed an \$8 billion fix—not \$5 billion but up to \$8 billion. In fact, the \$8 billion fix matched the amount that was taken from the highway trust fund when its balance was deemed to be too large back in 1998.

We worked with the House in developing that measure, and the House sent it over to the Senate with a resounding vote of 387 to 87. We attempted to clear that bill through the Senate by unanimous consent on June 26, but the bill was blocked again.

Then before Congress recessed in August, I again attempted to move this \$8 billion highway trust fund fix as part of the Jobs, Energy, Families, and Disaster Relief Act. But that measure also failed to pass.

Ensuring the highway trust fund remains solvent means my State of Montana will not have to suffer more than \$98 million in funding cuts, as well as approximately 3,500 job losses in the next year.

Nationwide, the industry experts tell us the funding cuts to States would be at least \$14 billion, with job losses approaching 400,000 if we fail to address this trust fund need. This will occur at a time when nationwide unemployment is at its highest level in 5 years.

In transferring \$8 billion from the general fund into the highway trust fund, we will ensure delivery of the full \$41.2 billion in guaranteed highway funding for fiscal year 2009.

It is important to remember the States have been relying on the 2005 agreement between the Bush administration and Congress when developing State budgets over the last several years. They relied on us.

Fixing the highway trust fund will preserve Federal funding for roads, highways, and bridges, and it will preserve good-paying jobs that rely on construction and maintenance projects.

An important point here, too, is no offset is required to fix the highway trust fund and that is because the \$8 billion transferred is intergovernmental. The Congressional Budget Office indicates this fix does not constitute a spending outlay and, thus, would not violate the pay-go rules. Likewise, the Joint Committee on Taxation confirms this transfer will have no revenue effect.

I am pleased the Bush administration has finally come to its senses and realized the need to address this problem. I am pleased my colleagues in the Senate across the aisle have removed their objections, and I am pleased we are now finally going to do what needed to be done for over a year.

I wish to note that the chairman of the Subcommittee on Transportation, the senior Senator from Washington, has joined me in doing everything she could do to get this problem fixed. She talked with me innumerable times and many Senators. She was very concerned about this situation and worked so hard. She deserves the lion's share of the credit for all the work she has done. I congratulate her for her staying efforts in that regard.

We should not delay any further. We should remember the old adage: There are no Democratic roads, there are no Republican roads, only American roads. We need to fix this trust fund now. Our States and constituents are relying on it.

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

The PRESIDING OFFICER. All time is yielded back.

The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. Under the previous order, the bill having been read the third time, the question is on passage of the bill, as amended.

The bill (H.R. 6532), as amended, was passed, as follows:

H.R. 6532

*Resolved*, That the bill from the House of Representatives (H.R. 6532) entitled "An Act to amend the Internal Revenue Code of 1986 to restore the Highway Trust Fund balance.", do pass with the following amendment:

On page 3, line 2, strike [September 30, 2008] and insert the date of the enactment of this Act

Mrs. MURRAY. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009—Continued

AMENDMENT NO. 5280

The PRESIDING OFFICER. Under the previous order, there is now 2 minutes, equally divided, prior to a vote on the Vitter amendment.

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

The PRESIDING OFFICER (Ms. CANTWELL). Without objection, it is so ordered.

AMENDMENT NO. 5280

Mr. LEVIN. Madam President, what is the order now?

The PRESIDING OFFICER. The pending question is the Vitter amendment.

Mr. LEVIN. And is there a time agreement on debate?

The PRESIDING OFFICER. There was to be 2 minutes equally divided at 6 p.m.

Mr. LEVIN. Does the Senator from Louisiana wish to go first or second?

Mr. VITTER. I would like to go first, and I may reserve some time.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Madam President, I rise in strong support of the amendment pending before us and would ask all my colleagues to look favorably upon this amendment.

The committee had decided to cut \$411 million from the Missile Defense Agency budget. That is a significant amount of money. This amendment would not restore all of that; it would restore \$271 million of that amount. I think that is very justified considering the significance of missile defense, particularly in a post-Cold War world, with threats such as North Korea and Iran and even the technological uncertainty of the Chinese military.

In addition, the committee itself noted that the Joint Chiefs staff report said that we need about twice as many THAAD and Standard Missile-3 interceptors as the number currently planned. This amendment would help get us to that point.

The PRESIDING OFFICER. The Senator has used 1 minute.

Mr. LEVIN. Madam President, I will take 30 seconds and yield 30 seconds to my friend from Florida.

On the four items that the Vitter amendment adds money to, the committee either already added more than the administration requested or fully funded. On THAAD, we added \$115 bil-

lion; on targets, we fully funded; and on the Aegis and the SM-3 missile, we added \$100 million. So on the items he adds money to, we either added money or fully funded. We did not cut those items.

Mr. NELSON of Florida. Madam President, his cuts would allow the Secretary of Defense to make cuts across the board to the budget in order to fund his add-back, and that could be the Joint Strike Fighter, the B-52, the F-22, the Patriot Missile, and the LPD amphibious ship. This is not good policy. Our committee came out, on \$9.3 billion, and cut only 4 percent on national missile defense.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays were previously ordered. 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 Massachusetts (Mr. KENNEDY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

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

The result was announced—yeas 39, nays 57, as follows:

[Rollcall Vote No. 198 Leg.]

YEAS—39

Alexander	Craig	Isakson
Allard	Crapo	Kyl
Barrasso	DeMint	Landrieu
Bayh	Dole	Lugar
Bond	Domenici	Martinez
Brownback	Ensign	McConnell
Bunning	Enzi	Roberts
Burr	Graham	Shelby
Chambliss	Grassley	Specter
Coburn	Hagel	Thune
Cochran	Hatch	Vitter
Coleman	Hutchison	Voinovich
Cornyn	Inhofe	Wicker

NAYS—57

Akaka	Feinstein	Nelson (NE)
Baucus	Gregg	Pryor
Bennett	Harkin	Reed
Bingaman	Inouye	Reid
Boxer	Johnson	Rockefeller
Brown	Kerry	Salazar
Byrd	Klobuchar	Sanders
Cantwell	Kohl	Schumer
Cardin	Lautenberg	Sessions
Carper	Leahy	Smith
Casey	Levin	Snowe
Clinton	Lieberman	Stabenow
Collins	Lincoln	Stevens
Conrad	McCaskill	Sununu
Corker	Menendez	Tester
Dodd	Mikulski	Warner
Dorgan	Murkowski	Webb
Durbin	Murray	Whitehouse
Feingold	Nelson (FL)	Wyden

NOT VOTING—4

Biden  
Kennedy

McCain  
Obama

The amendment (No. 5280) was rejected.

Mr. LEVIN. Madam President, I move to reconsider the vote.

Mr. BAUCUS. Madam President, I move to lay that on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4979

The PRESIDING OFFICER. Under the previous order, there is now 2 minutes of debate equally divided on the Nelson amendment No. 4979. Who yields time?

The Senator from Florida is recognized.

Mr. NELSON of Florida. Senators, I can make this very quick. This is for the widows and orphans. This is removing the offset from the survivor's benefit that a military retiree pays, like an insurance premium, and gets a survivor's benefit. But, oh, by the way, under current law that survivor's benefit is offset—what they get out of the Veterans Affairs Department—in dependency and indemnity compensation.

We passed this overwhelmingly last year. We need a big vote so we can tell the conference committee not to gut it again.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Madam President, this is a very laudatory effort on behalf of our colleague. It is one I will personally support. I do, however, draw to the attention of all colleagues that it is a very expensive provision, but it is one that deserves the recognition that it has been given by our colleague and further consideration of the conference between the House and the Senate.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The yeas and nays have previously been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

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

The result was announced—yeas 94, nays 2, as follows:

[Rollcall Vote No. 199 Leg.]

YEAS—94

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

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

NAYS—2

Bunning Voinovich

NOT VOTING—4

Biden  
KennedyMcCain  
Obama

The amendment (No. 4979) was agreed to.

Mr. WARNER. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. LEVIN. Madam President, for the information of colleagues, what I am about to do is send a series of 14 amendments to the desk which I hope we will be able to adopt at this point by unanimous consent. The amendments include one on behalf of myself and Senator MCCAIN, which is a technical correction to the underlying bill; an amendment on behalf of Senators AKAKA and VOINOVICH requiring a report on the security clearance review process; an amendment on behalf of Senators BINGAMAN and DOMENICI requiring a report on the test and evaluation activities of the Department of Defense; an amendment on behalf of Senators COLLINS, LIEBERMAN, and others to ensure oversight and accountability in Federal contracting; an amendment on behalf of Senators COLLINS and LIEBERMAN to establish a governmentwide contingency contracting corps; an amendment on behalf of Senators LUGAR, BIDEN, and others to build operational readiness and civilian agencies; an amendment on behalf of myself, Senators MCCAIN and AKAKA, to establish the position of Director of Independent Cost Assessment; an amendment on behalf of Senators MCCASKILL and MCCAIN relating to a database for contracting officials; an amendment on behalf of Senators SMITH, BAYH, and NELSON of Florida relating to travel of family members of the Armed Forces with serious mental disorders; an amendment on behalf of Senators LIEBERMAN and COLLINS relating to ethics safeguards for employees; an amendment on behalf of Senators LIEBERMAN, COLLINS, and MCCASKILL regarding whistleblower rights; an amendment on behalf of myself and Senator WARNER codifying recurring authority on contributions to NATO; an amendment on behalf of Senator MCCONNELL on traumatic brain injuries; and on behalf of Senator MENENDEZ, an amendment regarding the Environmental Protection Agency. Those are the amendments I am hoping we can adopt at this time.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, at the moment, speaking for myself as one of the managers of the bill, I strongly support the package. We have worked on it together, as we have all the times we have managed these bills. I know of no objections that have been communicated to me, but I would like to ask the indulgence of the chairman for a few minutes such that I can check with my cloakroom staff.

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

The PRESIDING OFFICER (Mr. CASEY). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. 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, the Senator from Iowa wishes to speak as in morning business for up to 10 minutes. I have no objection, providing he would agree that at any time during that 10 minutes we could interrupt him, if we get unanimous consent agreement on the series of amendments I outlined. I hate to interrupt his remarks, but the timing is critical.

Mr. HARKIN. I have no problem.

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

Mr. WARNER. I thank my colleague.

I have been informed by our staff that there are objections to the procedure to have this package of amendments cleared at this time.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, this week is National Suicide Prevention Week. In honor of the families who have lost a military family member to suicide, I wish to speak now about an amendment I have to this bill to address one of the most critical issues facing our troops right now, the issue of suicide. The Joshua Omvig Veterans Suicide Prevention bill was signed into law this past November. But that has to do with veterans. However, the Department of Defense has reported an increase in suicides among Active-Duty soldiers. With extended combat tours to 15 months from 12 months, with many servicemembers on their third or even fourth rotation to Afghanistan or Iraq, the psychological strains are enormous. The Department of Defense Task Force on Mental Health has stated that both the VA and the Department of Defense are not prepared to deal with this increase in mental health needs of Active-Duty service men and women.

Nearly each year of the 5-year-old war in Iraq and the 7 years of war in Afghanistan, the suicide rate has increased. Last year suicides among Active-Duty soldiers reached their highest level since the Army began keeping records 28 years ago. Suicide was the leading cause of noncombat deaths in Iraq in 2007. This trend has begun to repeat itself in 2008. So far there have

been 62 confirmed suicides as well as 31 deaths under investigation that are suspected to be suicides, which means this year's gruesome numbers could surpass the record of 115 suicides set last year. The number of attempted suicides or self-inflicted injuries in the Army, approximately 2,100 last year, has risen sixfold since the Iraq war began. These startling statistics should serve as a wake-up call that suicide among soldiers and veterans is more than a small problem. It is rapidly becoming a very big problem. To address this critical concern, I worked with a number of my colleagues to introduce the Armed Forces Suicide Prevention Act, S. 2585, with 20 bipartisan cosponsors. The amendment I am offering to this bill merely adds the preventative measures from this carefully crafted bill, S. 2585, to the excellent underlying language that is in the Defense authorization bill before us.

The Defense authorization bill before us does increase mental health personnel and post-suicide investigations in the military. That is in the underlying bill. The amendment I am offering requires the Department of Defense to implement comprehensive suicide prevention programs within all branches of the military, including the National Guard and Reserves. Among other things, the amendment directs the Pentagon to conduct a servicewide campaign to reduce the stigma associated with mental health issues and to encourage servicemembers who are experiencing difficulties to seek help. It also engages military leadership by incorporating suicide prevention training for all servicemembers.

So this amendment takes the preventative measures from the bill we introduced with 20 bipartisan cosponsors and adds it to the underlying Defense authorization bill.

The language I am talking about was coordinated carefully with each branch of the Armed Forces, and their recommended revisions were incorporated. The bill complements other recent defense legislation such as the Wounded Warriors Act, addressing the well-being and welfare of our servicemembers and their families. This Armed Forces Suicide Prevention Act has the endorsement of the Iraq and Afghanistan Veterans of America, the Suicide Prevention Action Families Network, the National Military Families Association, and the National Alliance on Mental Illness.

We know these kinds of programs can make a big difference. In the early 1990s, one in every four deaths among Active-Duty Air Force personnel was from suicide. The Air Force implemented the kind of comprehensive suicide prevention program required by the bill we have introduced and by this amendment, and by 2002 the suicide rate had been reduced by over a third. Violent crime and family violence also were reduced after the preventative program was implemented.

We cannot just sit idly by and watch as these young brave Americans, who

are making great sacrifices, are left alone to fend for themselves, as they suffer the pain and anguish of post-traumatic stress disorder, the despair of losing friends to roadside bombs, or the depression and helplessness felt after multiple deployments that are stressing their families to the breaking point. This is not just about the armed servicemembers who commit suicide; it is about the deep and painful despair that drives them to do it. I know the Army says they have effective programs in place. But if that is true, where are the outcomes? Why do we have an ever-increasing suicide rate in the military?

The GAO just reported last week that the DOD—Department of Defense—does not even know if the post-deployment health reassessment surveys are being completed. Now, for those who may not have heard about this tool, the PDHRA, as it is called, surveys health and mental health concerns within 90 and 120 days of deployment. Well, how can DOD say they are good stewards of mental health when they cannot show us they are even doing these screenings?

The DOD's position on this amendment I am offering is that it "would establish a legislative mandate for programs already ongoing or within the Secretary's authority to establish. However, the administration supports the goals of this legislation and we look forward to working with Congress to address these concerns."

Well, they may have the current authority, but the numbers do not bear out they are actually doing it. Frankly, my staff has met—and I have also—with veterans in Iowa who say that while programs like this are in place and working well in some units, it is not a universal experience for Armed Services members. Too many brave young men and women are falling through the cracks, and the DOD is simply not doing a thorough job here. One ignored soldier who has had mental health problems—who is stressed out, who has seen his buddies' arms and legs disappear from bombings or had their lives taken away, who is on multiple deployments, and he has kids back home—one soldier with those kinds of stresses who is ignored is one soldier too many.

That is why Congress has to act to make this a priority. Yes, this is going to be a legislative mandate, and I intend it to be that. When GAO tells us that DOD cannot even tell us what they are doing, then I think it is time for a legislative mandate.

The military does an extraordinarily good job of treating our warriors' physical wounds and preventing death and disability. It is time to place an equal priority to treating their psychological wounds, their emotional wounds, and preventing suicides. That is exactly what this amendment will accomplish.

As I have said, there is already excellent language in the underlying Defense authorization bill to expand men-

tal health services for Active-Duty servicemembers. This amendment would add suicide prevention training for armed servicemembers and their families. It would add additional postdeployment assistance and a stigma reduction outreach campaign to aid in those efforts—a campaign to reduce the stigma of a soldier who is having mental health problems from seeking help.

We all know—those of us who have been in the military—what it is like. You do not want to admit you are having psychological problems, that this, somehow, is something you are not supposed to have happen to you. So you have to reduce the stigma of this so these young men and women who are having these problems will seek help and by getting that help will heal their psychological wounds.

It is a simple, commonsense approach to a pervasive, disturbing trend, as I said, a very growing problem in the military. So I hope all my colleagues can join with us to support the dedicated men and women serving our country and support this needed amendment.

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

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I see the chairman of the committee. I think the work on the bill tonight is concluded, and I recommend we go off the bill and open the floor to morning business, if that is agreeable.

Mr. LEVIN. Mr. President, would Senator SANDERS be willing, as a number of other colleagues are, that his remarks, although they relate to the bill, be in morning business?

Mr. SANDERS. Absolutely.

#### MORNING BUSINESS

Mr. LEVIN. In that case, Mr. President, I ask unanimous consent that we now move off the bill, move to morning business, and that Senators GRAHAM and LIEBERMAN be recognized and then Senator SANDERS be recognized.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, if I might say to my colleague, Senator GRAHAM has an airplane he is trying to catch.

Mr. LEVIN. Mr. President, I wonder if Senator GRAHAM could speak for just a few minutes, and then we could turn to Senator SANDERS and then to Senator LIEBERMAN.

Mr. President, I ask Senator GRAHAM, how many minutes does he wish?

Mr. GRAHAM. Three minutes.

Mr. LEVIN. Mr. President, I ask unanimous consent that we now move off the bill and go to morning business and that Senator GRAHAM be recognized for 3 minutes and then Senator SANDERS be recognized for up to 20 minutes. I want Senator LIEBERMAN to hear that request.

Mr. SANDERS. I say to the Senator, I listened to your speech.

Mr. LEVIN. That Senator SANDERS be recognized for up to 20 minutes and Senator LIEBERMAN be recognized for up to 20 minutes. That is my unanimous consent request.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. No objection.

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

The Senator from South Carolina is recognized.

Mr. GRAHAM. I thank the Chair.

#### IRAQ

Mr. GRAHAM. Mr. President, I just want to let my colleagues know where I am coming from, along with Senator LIEBERMAN, that amendment No. 5368, I believe it is, is an amendment offered by Senator LIEBERMAN and myself that speaks of the surge, the success of the surge, how vital it was that we turn Iraq around, and the fact that the surge has worked.

General Petraeus said today in the Washington Post, I believe, that Iraq is still the central battlefield in the war on terror. Senator OBAMA has disagreed with that on numerous occasions, saying it is Afghanistan and Pakistan.

The truth is, the battle regarding the war on terror is an idea, not a place, and the fight now is in Iraq. Bin Laden said: Go to the land of the two rivers. Make sure we win that battle. Bin Laden has always seen Iraq as an outcome-determinative event. So does General Petraeus. So does Senator MCCAIN, Senator GRAHAM, and Senator LIEBERMAN.

So the good news is that battle has taken place in Iraq between al-Qaida, the Iraqi people, and the coalition forces, and we have greatly diminished al-Qaida. They suffered a mighty blow at the hands of fellow Muslims who turned on al-Qaida after tasting their agenda. I cannot think of a more appropriate topic for the Senate to take up than to comment on what I think is the most historic, successful counterinsurgency operation in military history, to memorialize that it has worked, to acknowledge those who sacrificed to make it work, those who led our men and women in battle. This, to me, is very appropriate and important. It was a year ago today that General Petraeus testified about his plan in Iraq, and a year later we see stunning success militarily, economically, and politically. So I believe with all the passion I can muster about this topic that the Senate needs to take this up, discuss it, debate it, and vote on it.

I thank Senator LIEBERMAN for his steadfast leadership over the last year. I say to the Senator, you, my friend, will go down in history as being one of the Senators who stood up at a time when the country needed people to speak out. We turned this war around because of people like yourself and Senator MCCAIN but mainly because of

the leadership of General Petraeus and the men and women in uniform, Ambassador Crocker and his team, and the Iraqi people themselves.

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

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, I ask unanimous consent to speak for 20 minutes in morning business.

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

#### DEFENSE AUTHORIZATION BILL

Mr. SANDERS. Mr. President, the legislation we are dealing with today authorizes more than \$500 billion, and even in Washington that is a heck of a lot of money. That expenditure comes at a time when we have massive amounts of unmet needs in our country, when there is a crumbling infrastructure, a need to invest in sustainable energy, a need to address education, and many other needs. On top of all of that, we are looking at a \$9.5 trillion national debt and a record-breaking deficit.

I hear many of my colleagues come to the floor and speak about waste and fraud in all kinds of agencies and, frankly, that is appropriate. Our job as Members of Congress is to make sure we do our best to see that not one nickel—not one nickel—is spent in waste or in fraud or unwisely. But just as we should do that with the Department of Agriculture or with Human Services, we should also do it with the Defense Department; in fact, even more so with the Defense Department, because their budget is so huge—\$500 billion at a time of massive amounts of unmet needs in this country. It appears that not a week goes by when one doesn't open a newspaper or see a television program which deals with another example of horrendous waste, fraud, or abuse which takes place within the Department of Defense.

I know my colleagues on the Defense Committee, Senator LEVIN and Senator WARNER, are aware of these things and they are trying, but this is tough stuff. I think we have to raise our profile in addressing this waste, fraud, and abuse.

Just some examples: In March of this year, we learned that a 22-year-old Defense contractor peddled as much as \$300 million in old ammunition, much of it defective, to the Afghan Army and to their police forces. That is right. AEY, a fly-by-night company, landed the huge contract, despite its record of botched dealings with the State Department and Defense Department. In fact, the State Department had placed this company on a watch list of companies suspected of illegal arms transactions.

Further, the Pentagon inspector general revealed that \$321 million was paid out to cover salaries of 1,000 anonymous employees in the Iraqi Ministry of Finance. That amounts to \$320,000 per employee—not bad in Iraq where

people do very well if they make \$50 or \$60 a week, but we are not even sure that the employees saw any of this money.

We also learned not terribly long ago that the Army ousted the contracting officer overseeing Kellogg, Brown & Root's huge Iraq support contract when this distinguished public servant refused to approve paying the company more than \$1 billion in questionable charges. In other words, he did his job. He took a hard look at where this money was going. There were red flags popping up all over the place. He said: Wait a minute. We are not going to pay this money. His reward was not a commendation but his firing.

And on and on it goes. The Air Force paid a private U.S. contractor \$32 million to construct a Ramadi, Iraq airbase. That is OK, except the only problem is the contractor cashed a check and the facility was never built—\$32 million for a project never undertaken.

Another contractor was paid \$142 million to construct Iraqi prisons, fire stations, and police facilities that were either never started or never completed—\$142 million.

It is absolutely essential for us to provide the Pentagon with the budgetary means they need within that huge budget to root out waste, fraud, and abuse by contractors in war zones overseas. We also must take a close look at how money is misspent here at home—not just in Iraq or Afghanistan. The Air Force—the Air Force, needless to say—has a few airplanes, but apparently cannot ship a package directly from a depot in Corpus Christi, TX, to a National Guard unit in Oklahoma. Because of outdated freight forwarding rules, investigators discovered that one package took a 2,243-mile detour through Houston, TX, to Fort Wayne, IN, and then on to Dallas before it arrived at its destination in Oklahoma. The GAO is investigating the ridiculous shipping regulations that cost taxpayers millions of dollars.

Now, are all of these examples simply so-called bad apples or do they more likely represent a broken system with inadequate oversight? In my view, unfortunately, it is the latter. I think we have a broken system. I think we have billions and billions of taxpayers' dollars being wasted and not going where they need to go, which is to defend our country. The Pentagon's leaders have not done enough to ensure that a dollar spent means a dollar gained in national security.

Frankly, this is not a new problem. In 1940, Senator Harry Truman investigated waste and fraud by the U.S. military. During World War II he proposed the creation of a Senate special committee to investigate the national defense program. The Truman committee identified way back then in the 1940s more than \$15 billion in unnecessary and fraudulent defense spending. That is a huge amount of money. As Senator Truman put it at the time:

We intend to see that no man or corporate group of men shall profit inordinately on the blood of the boys in the fox holes.

I think what Truman said in the 1940s is absolutely true today.

Was Harry Truman unpatriotic for demanding increased congressional oversight on the War Department and defense contractors at a moment of national crisis during World War II? The answer is, of course, no, he was not. He simply demanded that, in his words:

Each dollar expended for war purposes would produce a dollar's worth of the necessary war supplies.

I think that is certainly a reasonable request supported by every taxpayer in this country.

That is why last year I and the Presiding Officer joined with other freshmen colleagues to introduce legislation calling for the creation of a commission on war contracting modeled on the Truman committee. We need such a bipartisan effort more now than ever. Today, government auditors have compiled lists of countless examples of risky and inadequate practices by the Defense Department in overseeing contracts.

The problem is not just private contractors. The Department needs to adopt better practices to stop blatant examples of wasteful and overpriced purchases.

Some examples:

The GAO—the Government Accountability Office—recently assessed 72 major weapons acquisition programs and reported a colossal \$295 billion in cost overruns on a \$1.6 trillion contract portfolio—\$295 billion in cost overruns. That is not a bad apple, that is not an aberration, that speaks to a system that is significantly broken. What is more, on average, these systems are delivered 21 months late. So these contractors end up getting far more than they were originally supposed to get and, to boot, they are almost 2 years late on delivering the product.

It gets even worse than that. The Defense Department has shelled out billions of dollars in bonuses to contractors who don't deserve them. According to one study, award and incentive fees totaling \$8 billion were granted even when the contractors did not deserve the bonuses under the Pentagon's own rules. What a bonus is supposed to be about is you get a reward when you do your job well, when you come in perhaps under contract, when you come in earlier than you had agreed to. That is what a bonus is. But unfortunately, these guys are getting these bonuses even when they perform poorly, and that is clearly unacceptable.

I wish to commend my colleagues, Senator LEVIN and Senator WARNER, for their initiative to establish a director of independent cost assessment. It is time for this Congress to impose effective acquisition controls and require the Pentagon to put its financial house in order. Even the Pentagon's own inspector general has admitted that:

The rapid growth of the DOD budget since fiscal year 2000 leaves the department increasingly more vulnerable to the fraud,

waste, and abuse that undermines the department's mission.

That is the Pentagon's own inspector general.

So it is time to engage in a serious debate over this Bush defense budget that elevates gold-plated technologies and huge contractor payouts over cogent and sensible strategy.

A little historical perspective is instructive. President Dwight David Eisenhower, a five-star general and the military commander of Europe during World War II, deplored excessive military spending and its diversion of resources away from pressing public needs—Dwight D. Eisenhower. A few days before he left office in 1961, President Eisenhower gave one of the most prophetic speeches ever given in the White House. Here is what Eisenhower—a Republican, I should add—what Eisenhower said:

In the councils of government, we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military industrial complex. The potential for the disastrous rise of misplaced power exists and will persist.—Dwight David Eisenhower.

Fast forward 48 years to the last months of George W. Bush's Presidency. It is remarkable how prescient Eisenhower's concerns were.

Today the budget of President Bush calls for a \$515 billion Pentagon budget. This is in addition—this is in addition—to the \$200 billion a year being spent on the wars in Iraq and Afghanistan, and it also does not include \$16 billion spent on nuclear weapons. That is why I proposed an amendment—a very modest amendment, I might say—to address one of the more egregious examples of wasteful spending in the Federal Government. The incredible amount of unneeded spare parts—what we are talking about is unneeded spare parts and other items—in the Army, Navy, Air Force, and other Department of Defense agency warehouses is measured in the billions of dollars. What we are talking about is unneeded spare parts. They don't need it, billions of dollars of unneeded spare parts.

Fixing the military inventory systems is the reason behind the amendment I have authored, along with Senator FEINGOLD and Senator WHITEHOUSE.

The Government Accountability Office—the GAO—has placed the Department of Defense inventory system on “high risk” lists year in and year out. In other words, there is a red flag attached to this line item.

The unneeded spare parts inventory and the inefficient inventory management systems are literally costing the taxpayers millions and millions of dollars each year. Worse, these unnecessary spare parts are clogging up the supply system, costing millions for storage, and are not providing the support needed for our service men and women for defending our country. More than half of the Air Force's secondary inventory—an average of \$31.4 billion—

was not needed to support service requirements. That is right. More than \$18 billion of its on-hand spare parts are beyond the needs of the Air Force. Imagine that: \$18 billion in unneeded spare parts. We have Air Force warehouses full of parts that are simply not needed.

It gets even worse than that. The Air Force has on order \$235 million in inventory already identified as ready for disposal. In case you didn't catch that: \$235 million in inventory already identified as ready for disposal. So \$235 million worth of parts not even delivered to the Air Force's warehouses will be ready for disposal by the time they arrive. Now, that may make sense to somebody—maybe the people who make money producing the stuff. It certainly does not make sense to me or, I expect, anybody else in this country. By the way, this is almost 20 percent of its total on-order inventory. It is a huge amount of inventory.

The Air Force has redefined terms and created new categories such as “Additional Applications Anticipated,” “Uneconomical to Terminate,” “Management Decision,” and “Data Error.” What they mean by data error is a series of computer entry mistakes amounting to \$96.5 million during one recent 3-month period alone. To my way of thinking, this is further evidence of the Air Force's inability to manage its inventory program. If data errors are rampant in the system, fix them. If the inventory problems can't be corrected without costing even more money, then something is wrong with the system.

This is not just an Air Force problem; it is Pentagon-wide. The numbers for the Navy and Army are also extremely troubling. The Army's numbers are incomplete because the Army could not provide data from two major agencies, including the communications and electronics commands, because their inventory computer systems were not compatible with other Army computer systems. This is with a budget of \$500 billion and we can't get computers to talk to each other. Ironically, the communications and electronics command is one of the commands responsible for Army hardware and software acquisition.

This underscores the serious problem of the inability of the Defense Department computer systems to interface with each other. My staff was actually told by an Air Force material command manager that Air Force inventory officers are still actually relying on computer systems that are based on decades-old designs.

Year after year, the nonpartisan research arm of Congress has exhorted the Pentagon to, 1, provide incentives to reduce purchases of unneeded on-order inventory; 2, conduct a comprehensive assessment of unneeded inventory items on hand; and, 3, take measures to address fluctuations in demand that produce these huge inventories.

Clearly, something must be done to set things right. It is time to get the Pentagon inventory system up to modern practices.

What does our amendment do? It does a few things. First, the amendment, offered by Senators FEINGOLD, WHITEHOUSE, and myself, will require the Secretary of Defense to develop a comprehensive plan for improving the inventory system, including each service's plan to improve audit systems for reducing the gap between projected requirements and actual requirements, improvements to information technology systems, personnel and training needs, contract reviews, and other relevant policy changes.

Second, this amendment will require a certification to Congress that the Army, Navy, Air Force, and Defense Logistics Agency have reduced their secondary inventory.

Third, this amendment strengthens the certification process by fencing off \$100 million in inventory purchases until the Secretary of Defense makes the required certifications.

This is a small but critical step toward fixing the DOD's inventory system. It is time for this Congress to impose long-needed improvement and require the Pentagon to put its house in order.

Frankly, this is just a small step forward. We have a lot more to do. This country faces enormous problems. We need money spent in many areas. We don't need to be wasting tens of billions of dollars. I look forward to working with my fellow Senators to see that this amendment becomes law.

#### IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering over 1,000, are heartbreaking and touching. To respect their efforts, I am submitting every e-mail sent to me through [energy\\_prices@crapo.senate.gov](mailto:energy_prices@crapo.senate.gov) to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

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

The gas prices have hit us so hard that my family cannot afford to fill up the tank but rather \$50 at a time. To fill up my diesel tank, it now costs \$160. We cannot afford vacations nor can we afford day trips to the mountains. If this is what the speculators wanted, well, they got it. We basically go to work to pay for fuel. I wanted to see my father this year in Bakersfield, California but

that is impossible now. That would be easily close to \$1,000 in fuel.

What is more frustrating is there is not a thing I can do about it. Groceries have gone up 20%, Idaho Power is planning on raising their rates, [the state of Idaho] wants to increase the car registration to \$150. I give up! When my taxes increase (sales, fees, ssn, state, fed) are more than 50%, I am planning on leaving the workforce and staying home to get all of the benefits of the poor and unemployed.

I am absolutely for a free market economy, but with all of the taxes and fuel charges and surcharges on items that require transit, it is going to break this family.

I am a [conservative, but have been disappointed with the partisan actions on many issues, including immigration, 2nd Amendment rights, national security. It sometimes feels like those we have elected to lead us have forgotten their responsibilities.]

Sincerely,

SAM, Boise.

I think we are technically smart enough to drill for oil without endangering the environment. I mean every place that oil can be found. If we listen to the extreme environmentalists, we will all starve to death in the dark!!!

STEPHEN.

The lobbyist for the oil companies are too rich and have too many politicians in their pockets. The Solar lobby consists of one man begging for tax brakes. Do the math. The federal government really does not [care] about what we, the American people think so, the best thing we (Idaho) can do is to declare sovereignty from the NeoCon/Zionist regime and just live our lives in peace and harmony. Stop killing for oil. Politicians are not intelligent enough to run my life. They are not intelligent enough to resolve the problems of the world today. You will never get anywhere with this. It is all a big joke. But, in the end, the joke will be on the politicians. You see, the Federal Reserve's dollar really is of no real value anyway. The fed has put America in debt that can never be repaid. The private bankers will repo the U.S. to be paid in full, soon. You have nothing to worry about since they already own you and your buddies in Washington. Stop wasting your time and grow a garden. Get right with God.

DOUG.

Energy prices are terribly high and that is uncalled for when we have resources in our own country available if we could lesson some of the ridiculous environmental laws that make it next to impossible to drill and refine our own oil. If we could use our own resources the price of crude oil should come down.

I am retired and live alone, so my fuel needs are not great. I have children and grandchildren whose energy needs are great and the rising prices of food, health care, etc. make life difficult for them. They work hard and some have their own businesses and they have a hard time making ends meet.

We need to make use of the nuclear resources that we already have in place in some areas of our state. Our population is growing and that brings a need for more energy for just living. We need a congress that will encourage not discourage the use of what we have while other sources of energy are being developed.

Sincerely,

FERN, Rigby.

I believe every Congressman should be tried for treason to this country who has not supported our energy independence!! They

have taken an oath to support the constitution and defend the USA from all enemies foreign and domestic!!! We have lost our sovereignty to the foreign oil countries and the problem lies at the feet of Congress!!! In such a court for treason there would be some found not guilty but there would be many who would be found guilty and should be dealt with accordingly!! Yes we need to protect our environment but if we go down as a sovereign nation, who in this world will take over our leadership on the issue of environment??? We have to get our oil and energy independence back so that we can lead the world in saving our environment!!! It is not just about money!!! It is about saving this sovereign nation!!!! Not only does our nation depend on it but all the nations of the free world depend on our survival.

LEE.

I often wonder whatever has become of Senators and Congressmen that love America beyond their own political gain? For years and years the Senate and the Congress have closed their eyes to passing bills that would have protected we Americans from the horrific gas prices we now face. This situation should never have happened! There is nothing that justifies this crisis!!! As the greatest nation on earth, we should not be dependent upon foreign oil We should never be dependent upon countries that despise America. We have enough oil in this nation to care for our own people!

How shameful what you Senators and Congressmen have done to us, the American people!!! Everyone is financially hurting. In our opinions, it is treason on your part! This situation is not going to get better until we drill here, drill now and pay less

We are disappointed and ashamed of our Senators and Congressmen who sat by, and continue to sit by and allow this nation to suffer financially. Do your job or resign!

LA VAR and MARLENA.

My husband has his own business and it is a small 2 man business but they are a valuable resource to our cities. They have a carpet/disaster and restoration company. They are always busy but because of the high price of everything especially gas it really makes it hard on them. They cannot raise their prices for fear of losing business but then again they have to pay the high price of gas to keep customers and keep them happy. It's a no win for them.

PAM.

As a citizen of the United States, and a resident of Idaho, I appreciate your call for suggestions. I have two children, 8 and 12 yrs of age—a boy and a girl. Some of the things that are affected are medical checkups that now go without being done, even with the ridiculous insurance coverage, and then entertainment. So with one big swoop, our lives have just changed in two dramatic ways, one essential at times, the other stress relief. Sad thing is I work in the oil and gas fields. I know that animal rights activists are full of crap for the most part. I see life in the fields far better off than whatever they seem to see. (Or do not see). It is safer for wild animals than it ever has been, and I just do not see why we do not drill more. I am not a huge fan of oil products being wasted, burned, and otherwise used, but let us be real. We have been addicted to this, and now rely on it. Drill, it is renewable. It regenerates, albeit at a slower rate than grass and weeds. Let us look at affordable solar harvest as well.

RICHARD, Firth.

As a small business owner (insurance agency), I have come to realize that this depend-

ence on the present energy sources is not just an incapacitation to private concerns, but will ultimately translate into higher ins. premiums due to increased repair costs arising from parts manufacture costs, repair shop employee costs etc.. This crisis will reach into every avenue of our lives. At 56, I am trying to plan for retirement. I am a licensed securities advisor, and as such probably have better information than most to help to arrive at a reasonable retirement income. However, my present plan, due to energy prices has become doubtful. If my situation is such, what of the common laborer? Will the gov't find themselves caring for the aged in an even bigger way than at present? Where will they get the funds with the increase of baby boomers and reduction of upcoming generations? The energy crisis will be a tremendous cost to our American way of life. I personally believe that all americans should be appraised of those in their voting district that do not support a more aggressive move into the future of energy independence. Perhaps those in elected offices will find themselves more interested in acting upon the will of the masses and less interested in the special interest groups, their money, and in particular the environmentalists. While the invironment must be preserved, it also must be utilized and not be allowed to go unmanaged. I appreciate your concerns, and would like to see someone provide the voting public, the "real time" voting records of those in office. It is always after the fact that the information is recieved, if at all. Only when one's livelihood is at risk, will a person act decisively. Perhaps that would apply to those in office as a result of instant notification of a negative vote.

Sincerely,

JERRY.

Sixteen years ago we moved 12 miles west of Blackfoot on a small acreage to raise our two daughters along with our dogs, cats, horses, and birds. Our oldest daughter has some learning disabilities and is now an active Special Olympics athlete. It was a long road to where she is today and that was an amazing journey. Not long after moving, through our church's children's ministry, we became aware of a great need for safe and nurturing homes for damaged children. We eventually adopted two boys and it was a good thing we lived in the country because they liked to make noise. Some years later we started to take in foster children and have now had about 30 needy kids in our home (at different times I assure you). Early in that venture we developed a relationship with the Shoshone-Bannock people at Fort Hall and they have great needs for homes to take care of their damaged children. Many of our foster kids have been native children and we now have three for which the tribe has allowed us guardianship. These children are very needy and spend time daily with various therapists and the oldest went to a developmental preschool this year. Because of their needs, and our oldest daughter's job at Wal-Mart, our vehicles do not even cool off most days. My wife makes several trips to Blackfoot and to various therapists every day. We travel 500 miles a week or more and the gas prices are painful. However, we just do what it takes. Relief from gas prices would be a wonderful blessing but it does cause a dilemma for us because we are very conservative and do not believe the government should solve all of our problems. However, there are appropriate issues for the government to take responsibility for and this may be one.

We have entrusted you with representing our interests to the federal government so please evaluate this issue very carefully and

if you can find a sound moral and ethical way to help us continue our contribution to our community and our neighbors please strive for that.

Thanks for your service.

DENNIS, *Blackfoot.*

First it is nice to hear that the Senate is at least thinking about it but I have to say that if the Senate needs families to write a few paragraphs to explain what impact these conditions are placing on the American family then I am not sure the Senate is in touch with reality as they should be.

I have worked hard all my life and have provided well for my family. I am very thankful for the opportunities given me. I know that with hard work, kindness for our fellow man we will continue to do well. However, these impacts will be negative in the long run. They are putting undue stress on my family, on my life and every discussion everyday is about these prices and the affects it has on every aspect of the economy. There will be less productivity, less education, more broken families due to the financial stress and probably most important less faith in our system.

The American public has a government in place that has become so out of touch with who it represents that I am not sure anything will or can be done. There is too much greed and dishonesty in our government system and those that lead this country are in it for their own prosperity and not the prosperity and best interests of the people. I feel the liberals only want power and control. And I am not sure what the Republicans represent anymore.

These energy prices impact every aspect of our lives, security and well being. If our government will not do the right thing immediately then there will be ramifications beyond belief and for generations to come. I am sure you know this but I hope you do . . . Our forefathers would have never have let this happen. We would be totally independent of all foreign control. They would have known the liberty and safety of this country would be at jeopardy.

Best Regards,

DAVID.

Today, I was in a grocery store where the fellow in line in front of me bought a small bag of tomatoes for \$7.00. Tomatoes are not in season here, and have to be shipped from California. The clerk said we will no longer be able to buy Cyrus O'Leary pies, as the company is located in Spokane, almost 100 miles away, and they are no longer willing to deliver further than 30 miles. We are going to have to change our ways of living, buying more locally produced goods. There is great opportunity here for new local businesses. People are going to have to once again learn how to eat the food that is in season. Maybe local butcher shops will once again thrive, and be able to compete with the giant slaughter houses. None of this local economic development will happen if we once again are able to buy cheap gas.

I do not favor anything that will bring the price of gas down. Our own natural reserves of oil in the ground should be saved for future generations to be used in manufacturing and other basic industries, instead of being burned up in internal combustion machines. I agree with you wholeheartedly that we need to turn to nuclear (providing there is adequate resources of uranium) and other non oil energy sources, and end our dependence on oil. Without the pain involved in high oil prices, there will not be the will to make this difficult transition. Please stop trying to extract the last drop of oil from the ground so we can have cheap gas, and start thinking about the future.

JANET.

This hits the nail on the head, Senator. Until we cut down on the long-range use of fuels in this country for private transportation, the costs will—most likely—continue to accumulate and even accelerate.

We see it on the highway as semi after semi tools along burning more fuel than an equivalent freight train to handle the same load. Somehow we have to come to grips with this or we are going to find ourselves either walking, or starving, or both.

We see it on the highways and bi-ways of this country as 4-wheelers burn up fuel for recreation that could be put to better use. And, if you so much as suggest this might be a waste of precious resources, your political career would be in jeopardy!

I appreciate the positive steps that you have taken in regard to legislation. The solutions are going to be hard—drill for oil, conserve what we have, eliminate unnecessary trips and combine errands to save gas. And quit using gasoline for recreational uses. These are some of the first steps.

But, ultimately, we are going to have to look deeply at the problem of public transportation in this country. People are too selfish and too intent on achieving their own ends to cooperate until the situation becomes dire.

But I am sure you will agree that this attitude of "you will have to pry my dead hands off the steering wheel (or handlebars) to get me to stop my wasteful practices" will actually only cease when we run out of oil or can no longer afford it. And that will be too late to do anyone any good.

Limited public transportation options mean that many of us do not have any choice but to keep driving and paying those ever-increasing prices for fuel

RAY.

#### TRIBUTE TO COLONEL ERIC J. WILBUR

Mr. GRASSLEY. Mr. President, it is my honor to pay tribute today to COL Eric J. Wilbur, Vice Commander of the 37th Training Wing at Lockland Air Force Base. On February 1, 2009, Colonel Wilbur will retire after a distinguished 20-year military career in which he has honorably and faithfully served his country. Among many other awards, Colonel Wilbur has been decorated with the Legion of Merit, the Bronze Star, and the Defense Meritorious Service Award.

I have always considered it a privilege to highlight the distinguished service of those men and women serving in the military, especially when they have Iowa ties. As an Iowa native and graduate of Iowa State University, I am confident that Colonel Wilbur retires not only with the esteem and admiration of his peers, subordinates, and country but also his hometown of West Union, IA, and all Iowans.

Through his distinguished career, Colonel Wilbur has been a noteworthy example of the definition of loyalty, dedication, and sacrifice. Today I would like to extend my personal thanks to Colonel Wilbur for faithfully serving his country with excellence, as well as my congratulations on his much deserved retirement. Men and women such as Colonel Wilbur deserve to be recognized for their service and patriotism.

#### ADDITIONAL STATEMENTS

##### CONGRATULATING LAURA SANDERS

● Mr. BUNNING. Mr. President, I congratulate Ms. Laura Sanders as Kentucky's 2008 No Child Left Behind American Star of Teaching. Initiated in 2004, the American Starts of Teaching is part of the U.S. Department of Education's Teacher-to-Teacher Initiative. By offering regional and district workshops, roundtables for teachers and principals, and digital learning, the Teacher-to-Teacher Initiative allows some of our nation's best teachers to share strategies to raise student achievement and inform teachers of successful research-based practices. Each year, over one million, students are taught by a teacher who participated in the Teacher-to-Teacher Initiative.

Ms. Sanders, a kindergarten teacher at Cumberland Trace Elementary School in Bowling Green, KY, has been recognized as one of Kentucky's top teachers. She developed teaching practices in her classroom along with research-based materials that have helped her students to consistently make clear improvements. Over the past 2 years, her students' reading scores have gone from the 50th percentile in the fall to over the 85th and 91st percentile the following spring. Ms. Sanders' ability to assess the individual needs of each student has enabled her to ensure that every child is working at an appropriate pace and level. Having already been a recipient of numerous awards for her contribution to education, her work is widely recognized.

I am proud to recognize Ms. Sanders for her ability to effectively challenge students at Cumberland Trace Elementary School, while at the same time sharing her techniques with other teachers—making a difference in the lives of students. Her work is an inspiration to the citizens of Kentucky and to teachers everywhere. I look forward to seeing all that she will accomplish in the future.●

##### HONORING THE HEALTH OCCUPATION STUDENTS OF AMERICA

● Mr. CORNYN. Mr. President, today I wish to recognize the Health Occupation Students of America, HOSA, for their accomplishments over the past 32 years. Composed of 100,000 students in nearly 3,000 chapters across the Nation, HOSA is providing the knowledge, skills and opportunity for secondary and postsecondary students to enter the health care workforce. Through health science curricula, personal development exercises, practical work in the health care field and medical competitions at the local and national levels, HOSA Advisors and students prepare a healthcare workforce not only to serve but also to lead our country.

Now more than ever, we need organizations like HOSA to address critical

shortages in the health care industry. Occupational programs in our high schools offer training for young students and often help them find a rewarding career path. Programs like HOSA direct students to worthwhile vocations while also leading the effort to stimulate industry and job growth.

The American healthcare system faces myriad, complex challenges: rising prescription drug costs, a lack of stable insurance coverage, and a medical bureaucracy that is increasingly difficult to navigate. Qualified healthcare professionals should not be one of them. HOSA has found a way to combine two very important needs in our economy: an educated workforce and competent health care professionals.

I am proud that Texas is home to HOSA National Headquarters and to 491 chapters, the most of any State in the Nation. HOSA is helping build a pipeline of skilled health care workers to ensure that health care in the United States remains a model of professionalism, compassion, and innovation to the world. I commend these talented and ambitious young men and women for their dedication both to the health care profession and to our Nation.●

#### REMEMBERING DON HASKINS

● Mr. CORNYN. Mr. President, today I wish to pay tribute to Don Haskins, a great Texan, legendary basketball coach, and remarkable man who passed away earlier this week at his home in El Paso.

Haskins, who started his career coaching small-town high school basketball teams, served as the head coach at Texas Western College, now the University of Texas at El Paso, UTEP, from 1961 to 1999. His decision to “put my five best guys on the court” in the 1966 NCAA national championship game against the Kentucky Wildcats is now widely regarded as a catalyst for racial integration in college sports. The Texas Western Miners, with an all-Black starting lineup, beat the Wildcats 72–65. Their inspiring story is told in the film, “Glory Road,” and the book of the same name.

Over his long career, Coach Haskins compiled a 719–353 record and earned a place in the Naismith Memorial Basketball Hall of Fame in 1997 and the Texas Sports Hall of Fame in 1987. Over the years, he turned down lucrative job offers in order to stay at UTEP. He retired in 1999 with the fourth best record in history that included winning seven Western Athletic Conference, WAC, championships and four WAC tournament titles.

While Coach Haskins was known for his tough and competitive spirit, he is also remembered for his selfless acts of kindness.

According to an Associated Press report, “USC coach Tim Floyd, a former Haskins assistant, said he once got a call from the mayor of Van Horn, a

small town about 120 miles east of El Paso, to thank Haskins for giving a ride to a family of five stranded along the highway.

“He’d been coyote hunting and saw a station wagon broken down,” Floyd recalled this week. ‘He put them (the family) in his truck, drove them to El Paso, put them up in a hotel for two nights, and gave them \$1,000.’

“The family drove to Los Angeles after Haskins also helped get their car repaired. The coach never told anyone about it, not even his wife, according to Floyd.

“Floyd said he never told the story before, mostly because Haskins wouldn’t have wanted anyone to know.

“I’m only telling it now because he’s gone,” Floyd said. ‘I want people to know.’”

In deciding to devote the best years of his life and career to the people of Texas, Coach Haskins built a legacy that will continue to inspire generations. I join with all Texans as we mourn his passing and extend our deepest condolences to his family.●

#### COMMENDING THE IDAHO ARMY NATIONAL GUARD UNIT

● Mr. CRAPO. Mr. President, in early August, I was informed that an Idaho Army National Guard Unit from eastern Idaho was awarded one of the U.S. Army’s highest commendations, the Meritorious Unit Commendation. The First Battalion, 148th Field Artillery Unit based in Pocatello served as part of the Idaho Army National Guard’s 116th Cavalry Brigade combat team in 2004 and 2005 in Iraq. Although part of a combat brigade, these citizen soldiers are doctors, dentists, electricians, lawyers, and other occupations as Idaho civilians. BG Alay Gayhart, Assistant Adjutant Army General for the Idaho Army National Guard, has rightly noted that these men and women utilized their civilian occupational skills in Iraq to help restore civic and governmental services to the country. I am honored to call myself a fellow Idahoan of these brave men and women, some of whom I had the pleasure of meeting prior to their deployment when they were at Fort Bliss, TX, at the end of the summer in 2004. I congratulate them on their professionalism, commitment to our mission, and am happy for their safe return to family and friends. I also keep the families and friends of those who made the ultimate sacrifice in prayer as they continue on without their loved ones.

Idaho has a proud history of military service. Her sons and daughters have been serving our Nation in uniform far from home since the days of the Spanish American War in the early 20th century. The deployment of the 116th Cavalry Brigade combat team from 2004 to 2005 was the largest deployment of the Idaho Army National Guard in history.

The Meritorious Unit Commendation is awarded to military commands that

display exceptionally meritorious conduct in the performance of outstanding service, heroic deed, or valorous actions. The unit was recommended for the award by the U.S. Army’s higher headquarters and was selected by the Pentagon for the commendations.●

#### DENISON COMMUNITY EDUCATION

● Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students’ test scores are among the highest in the Nation.

I would like to take just a few minutes, today, to salute the dedicated teachers, administrators, and school board members in the Denison Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of \$121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Denison Community School District received a 2002 Harkin grant totaling \$904,200 which it used to help with renovations at the elementary school including the installation of air conditioning. The district also received a 2005 construction grant to help build a new middle school and make renovations at the former middle school. This school is a modern, state-of-the-art facility that befits the educational ambitions and excellence of this school district. Indeed, it is the kind of school facility that every child in America deserves.

Excellent new schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Denison Community School District. In particular, I would like to recognize the leadership of the Board of Education, president Rod Bradley, vice president Brenda Martens, Mark Johnson, Kris Rowedder and Les Lewis and former board member Craig Dozark. I would also like to recognize superintendent Michael Pardun, former superintendent Bill Wright, business manager Larry Struck and the co-chairs of the Vote Yes Committee, Dr. Scott Bowker and Chad Langenfeld.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultra-modern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have to do better.

That is why I am deeply grateful to the professionals and parents in the Denison Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.●

#### ESTHERVILLE-LINCOLN CENTRAL COMMUNITY EDUCATION

● Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes, today, to salute the dedicated teachers, administrators, and school board members in the Estherville-Lincoln Central Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of \$121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Estherville-Lincoln Central Community School District received three fire safety grants totaling \$350,000 to make safety improvements throughout the district, including the installation of new fire alarm systems at the elementary and middle schools and replacement of doors and hardware at the high school. The Federal grants have made it possible for the district to provide quality and safe schools for their students.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Estherville-Lincoln Central Community School District. In particular, I would like to recognize the leadership of the Board of Education—president Molly Anderson, vice president Karen Butler, Nancy Anderson, Mike Karels, Don Schlitz, Jodie Grieg, and Duane Schnell and former board members, Gordon Juhl, Tom Ross, and Gary Feddern. I would also like to recognize superintendent Richard Magnuson, elementary principal Kris Schlievert, former middle school principal Steve Schroeder, former high school principal Susan Bish, business manager Kate Woods, maintenance supervisors Al Hall and Larry Enderson, Estherville Police Chief Eric Milburn and Estherville Fire Chief Randy Cody.

As we mark the 10th anniversary of the Harkin School grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultra-modern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have to do better.

That is why I am deeply grateful to the professionals and parents in the Estherville-Lincoln Central Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.●

#### MFL MARMAC COMMUNITY EDUCATION

● Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes, today, to salute the dedicated teachers, administrators, and school board members in the MFL MarMac Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal

name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of \$121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The MFL MarMac Community School District received a 2001 Harkin grant totaling \$162,500 which it used to help build an addition at the high school for the music programs and to remodel the former music classrooms to expand the library. The district also received a 2003 fire safety grant for \$25,000 to upgrade the fire alarm system in the Monona building. The Federal grants have made it possible for the district to provide quality and safe schools for their students.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the MFL MarMac Community School District. In particular, I'd like to recognize the leadership of the Board of Education, president Jill Winkowski, vice president Patti Ruff, Patty Burkle, Toni Niel, Brian Meyer, Terry Mohs and Greg Formanek and former members Craig Strutt, Norm Lincoln and Jerry Schroeder and superintendent Dale Crozier. I would also like to recognize the many individuals who served on the MFL MarMac facility committee which provided valuable input on meeting the needs of the school district.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultra-modern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have to do better.

That is why I am deeply grateful to the professionals and parents in the MFL MarMac Community School District. There is no question that a quality public education for every child is a

top priority in that community. I salute them, and wish them a very successful new school year.●

#### POSTVILLE COMMUNITY EDUCATION

● Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes, today, to salute the dedicated teachers, administrators, and school board members in the Postville Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of \$121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Postville Community School District received a 2002 Harkin grant totaling \$1 million which it used to help build an addition to the elementary school that included a new media center and administrative offices. The district also received a 2003 grant totaling \$265,408 for renovations at the high school. The Federal grants have made it possible for the district to provide quality and safe schools for their students.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Postville Community School District. In particular, I'd like to recognize the leadership of the Board of Education, president Brad Rekow, Jeff Cox, Laura Lubka, Jamie Smith and Dan Schutte and former board members Staci Malcom, Kathy Ohloff, Gary Catterson, Dennis Koenig and Dennis White. I would also like to recognize the chairman of the district's capital campaign, Cloy Kuhse, superintendent Darwin Winke, former superintendent David Strudthoff and architect Mark Moine of Gardner Architecture.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings

and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultra-modern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have to do better.

That is why I am deeply grateful to the professionals and parents in the Postville Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.●

#### HONORING DR. AL LORENZO

● Mr. LEVIN. Mr. President, the importance of providing access to a quality education is one of our most important goals as a nation, as our children and grandchildren compete in an ever increasingly complex workplace. Those who dedicate their lives to this mission have chosen one of the most rewarding and satisfying life paths. For 29 years, Dr. Albert Lorenzo served as president of Macomb Community College, skillfully charting a course that has greatly benefitted not only those who have been directly affiliated with the college, but also the surrounding community. His commitment to educating students has transformed countless lives.

July 1, 2008, marked the end of an era for one of Michigan's premier educational institutions, Macomb Community College, and the end of a richly rewarding journey for Dr. Lorenzo. I, along with my Michigan colleague, Senator STABENOW, would like to sincerely thank him for a job well done and for making such a significant contribution to the lives of the people of Macomb County and the State of Michigan.

Dr. Lorenzo was installed as the fourth president of Macomb Community College in July 1979 and navigated the college through significant transition and growth. Upon his retirement, he was the longest-serving community college president in Michigan. Under his leadership, Macomb Community College began offering classes leading to various bachelor degrees in 1991, filling an important void in the community. Dr. Lorenzo is also credited with creating the first ever university center model, which is now used in community colleges throughout the country. Macomb's University Center facilitates partnerships with eight universities and institutions, working to bring higher educational opportunities to this underserved community in

Michigan. The college is flourishing, with an enrollment of approximately 27,000 students and with three out of every four Macomb County college students beginning their college careers at MCC.

In addition to his commitment and success at MCC, Dr. Lorenzo has been a leading member of the Macomb community. Over the years, he has been active on several corporate boards and policy commissions, has worked with several national advisory groups and has been appointed by both Governor Engler and Governor Granholm to economic advisory boards.

Al Lorenzo has also been recognized nationally for his many publications and has been awarded 12 major leadership awards, as well as 2 honorary doctoral degrees. He has received numerous other commendations, including the Tom Peters Leadership Award, and the March of Dimes Citizen of the Year Award. Additionally, he was named President of the Year by three national associations.

Al will be devoting the next chapter of his life to solving the economic and educational challenges that face Macomb County and Michigan by working with Oakland University as they expand their services in Macomb County. We know our colleagues in the Senate join us in recognizing Dr. Al Lorenzo, his wife Katherine, and their family on his retirement. He has left an enduring mark on the educational landscape in Michigan, and we wish him many more years of service and success as he begins this new endeavor.●

#### ANNIVERSARY OF MARIAN HIGH SCHOOL

● Mr. LEVIN. Mr. President, I would like to offer my warmest congratulations to the students, faculty and staff of Marian High School on the 50th anniversary of the school's founding. This is indeed an important milestone, and the many contributions they have made are evident throughout the Detroit community.

For a half century, the faculty and staff of Marian High School have worked tirelessly to educate young women and prepare them for college and the workforce. The school's emphasis in service instills the values of leadership and responsibility in Marian High students, and the strong academic curriculum, vast array of sports and activities, and qualified staff has contributed mightily to the success of many women over the years.

Education is an investment in the future of our Nation, and students and schools must aspire to high standards. Throughout the last 50 years, the faculty and staff of Marian High School have met this challenge by fostering a nurturing and safe environment for its students to grow and develop. The most recent example of this is the class of 2007, which produced five National Merit Scholars, 37 Phi Beta Kappa Honorees, and numerous other scholarship

winners. Students at Marian continued to consistently score above State and national averages on the SAT and ACT tests, a testament to the high standard of excellence cultivated at Marian High School.

I know my Senate colleagues join me in extending my congratulations to the faculty, staff, alumni, and students of Marian High School on the school's 50th anniversary. I wish them the best as they continue this important work for another half century.●

#### WEST VIRGINIA ANGELS IN ADOPTION

● Mr. ROCKEFELLER. Mr. President, today I honor the love and commitment exhibited by two of my fellow West Virginians, Jeff and Amy Dunford of Spanishburg, my 2008 nominees as West Virginia's Angels in Adoption. I have participated in this program by the Congressional Caucus on Adoption since its inception, and I am proud to talk about this year's West Virginia family.

In 2003, Jeff and Amy made the wonderful decision to become foster parents. They, like many caring West Virginia families, opened up their home and created a loving environment for children in need of such a place.

The Dunfords started with a sibling group, and by the spring of 2005, the Dunfords have successfully adopted three children, all the while continuing to provide both a short-term and long-term home for additional foster children. In fact, it was not long after the adoption process was completed that another sibling group was placed in the Dunford home. These three boys, all under the age of 3, would also be adopted by the Dunfords.

Being a foster and adoptive family always has its challenges, as well as its unique rewards. Taking care of young children often means sleepless nights, unexpected emergency room visits, and countless parent-teacher conferences. They were also faced with situations unique to foster families, including biological parent visits and counseling sessions. Through it all, the Dunfords faced these challenges with love and determination and now six children have a permanent and loving home.

Today, the Dunford family consists of Jeff and Amy, Jeremy, Walter, Holly, Richard, Greg, and Christopher. Jeff and Amy continue to be active in the foster care system, providing assistance with recruitment and training.

Jeff and Amy are a testament to the wonderful men and women involved in foster care and adoption services. Throughout my Senate career and as a member of the Congressional Coalition on Adoption, I have worked hard in a bipartisan manner to expand and support adoptive and foster parents. Over the years, progress has been made, and since the 1997 Adoption and Safe Family Act which I fought for, adoptions for foster care have doubled—a true

sign of success. But with over 100,000 children still in foster care and waiting to be adopted, there is more to do.

This year, I am working with a bipartisan coalition to expand the adoption incentives program, improve adoption assistance and on programs enhancing foster care. As important as policy can be, the true heroes are the parents like the Dunfords, who have selflessly opened up their home to vulnerable children. I hope their story, and the stories of all this year's Angels in Adoption, will inspire my colleagues and families nationwide to promote adoption and other supports for vulnerable children.●

#### MESSAGE FROM THE HOUSE

At 2:45 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R.6168. An act to designate the facility of the United States Postal Service located at 112 South 5th Street in Saint Charles, Missouri, as the "Lance Corporal Drew W. Weaver Post Office Building".

H.R.6575. An act to require the Archivist of the United States to promulgate regulations to prevent the over-classification of information, and for other purposes.

H.R.6630. An act to prohibit the Secretary of Transportation from granting authority to a motor carrier domiciled in Mexico to operate beyond United States municipalities and commercial zones on the United States-Mexico border unless expressly authorized by Congress.

#### MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 6168. An act to designate the facility of the United States Postal Service located at 112 South 5th Street in Saint Charles, Missouri, as the "Lance Corporal Drew W. Weaver Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 6575. An act to require the Archivist of the United States to promulgate regulations to prevent the over-classification of information, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 6630. An act to prohibit the Secretary of Transportation from granting authority to a motor carrier domiciled in Mexico to operate beyond United States municipalities and commercial zones on the United States-Mexico border unless expressly authorized by Congress; to the Committee on Commerce, Science, and Transportation.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-7500. A communication from the President of the United States of America, transmitting, pursuant to law, a report relative to the continuation of the national emergency

with respect to certain terrorist attacks; to the Committee on Banking, Housing, and Urban Affairs.

EC-7501. A communication from the Chairman and President, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Singapore; to the Committee on Banking, Housing, and Urban Affairs.

EC-7502. A communication from the Chairman and President, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to the Republic of the Philippines; to the Committee on Banking, Housing, and Urban Affairs.

EC-7503. A communication from the Chairman and President, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. Exports to Hong Kong; to the Committee on Banking, Housing, and Urban Affairs.

EC-7504. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" ((73 FR 46809)/(44 CFR Part 65)) received on August 27, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-7505. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" ((73 FR 46811)/(44 CFR Part 67)) received on August 27, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-7506. A communication from the Associate General Counsel for Legislation and Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Eligibility of Students for Assisted Housing Under Section 8 of the U.S. Housing Act of 1937; Conforming Amendment to Include Students with Disabilities Receiving Assistance as of November 30, 2005" ((RIN2501-AD43)(FR-5226-F-01)) received on August 27, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-7507. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Addition of Kosovo in the Export Administration Regulations" (RIN0694-AE34) received on August 29, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-7508. A communication from the President of the United States, transmitting, pursuant to law, the District of Columbia's Budget Request Act for fiscal year 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-7509. A communication from the Chairman, National Endowment for the Arts, transmitting, pursuant to law, a report relative to the organization's inventory of commercial activities for fiscal year 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-7510. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, a report relative to the Commission's FAIR Act inventory for fiscal year 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-7511. A communication from the Chief of Staff and Director of Communications, Office of Special Counsel, transmitting, pursuant to law, the Office of Special Counsel's

Buy American Act report for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-7512. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to the Department's inventory of non-inherently governmental activities during fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-7513. A communication from the Acting Director, Strategic Human Resources Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Critical Position Pay Authority" (RIN3206-AK87) received on August 26, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-7514. A communication from the Deputy Director, Strategic Human Resources Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Federal Employees Dental and Vision Insurance Program" (RIN3206-AL03) received on August 26, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-7515. A communication from the President of the United States of America, transmitting, pursuant to law, a report relative to the export to the People's Republic of China of items that will not measurably improve the missile or space launch capabilities of the People's Republic of China (one two-inch fluid energy mill); to the Committee on Foreign Relations.

EC-7516. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, a correspondence from the Chairman of Bahrain's Council of Representatives; to the Committee on Foreign Relations.

EC-7517. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, weekly reports relative to post-liberation Iraq for the period of June 15, 2008, through August 15, 2008; to the Committee on Foreign Relations.

EC-7518. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the employment of an adequate number of Americans during 2007 by the United Nations; to the Committee on Foreign Relations.

EC-7519. A communication from the Acting Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2008-129-2008-139); to the Committee on Foreign Relations.

EC-7520. A communication from the Acting Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2008-140-2008-147); to the Committee on Foreign Relations.

EC-7521. A communication from the Secretary General, Inter-Parliamentary Union, transmitting, documents relative to the International Day of Democracy; to the Committee on Foreign Relations.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DODD, from the Committee on Foreign Relations, without amendment:

S. 3052. A bill to provide for the transfer of naval vessels to certain foreign recipients (Rept. No. 110-451).

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. COLEMAN:

S. 3460. A bill to establish a pilot program to demonstrate best practices, innovation, and knowledge transfer regarding cyber security within State governments; to the Committee on Homeland Security and Governmental Affairs.

By Mr. FEINGOLD:

S. 3461. A bill to evaluate certain certification programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCHUMER (for himself and Mrs. CLINTON):

S. 3462. A bill to ensure that the courts of the United States may provide an impartial forum for claims brought by United States citizens and others against any railroad organized as a separate legal entity, arising from the deportation of United States citizens and others to Nazi concentration camps on trains owned or operated by such railroad, and by heirs and survivors of such persons; to the Committee on the Judiciary.

By Mr. TESTER (for himself and Mrs. FEINSTEIN):

S. 3463. A bill to amend the Energy Policy Act of 2005 to establish pilot project offices to improve Federal permit coordination for renewable energy; to the Committee on Energy and Natural Resources.

By Mr. BAUCUS (for himself and Mr. HATCH):

S. 3464. A bill to amend the Trade Act of 1974 to improve the international protection and enforcement of intellectual property rights, and for other purposes; to the Committee on Finance.

By Mr. WICKER:

S. 3465. A bill to reserve certain proceeds from the auction of spectrum, including the auction of the D-block of spectrum, for use to provide interoperable devices to public safety personnel; to the Committee on Commerce, Science, and Transportation.

By Mr. FEINGOLD:

S. 3466. A bill to improve the job access and reverse commute program, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. KLOBUCHAR:

S. 3467. A bill to extend through April 1, 2009, the MinnesotaCare Medicaid demonstration project; to the Committee on Finance.

By Mr. SCHUMER (for himself and Mr. ALEXANDER):

S. 3468. A bill to amend title XVIII of the Social Security Act to continue the ability of hospitals to supply a needed workforce of nurses and allied health professionals by preserving funding for hospital operated nursing and allied health education programs; to the Committee on Finance.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. Res. 653. A resolution celebrating the outstanding athletic accomplishments of

The Ohio State University football team for achieving its 800th all-time victory; to the Committee on the Judiciary.

By Mr. BROWN (for himself, Mr. VOINOVICH, and Mr. HATCH):

S. Res. 654. A resolution honoring the life and recognizing the accomplishments of the Honorable Stephanie Tubbs Jones, Member of the House of Representatives for the 11th Congressional District of Ohio; considered and agreed to.

By Mrs. CLINTON:

S. Con. Res. 97. A concurrent resolution expressing the sense of Congress regarding sexual assaults and rape in the military; to the Committee on Armed Services.

#### ADDITIONAL COSPONSORS

S. 507

At the request of Mr. CONRAD, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 507, a bill to amend title XVIII of the Social Security Act to provide for reimbursement of certified midwife services and to provide for more equitable reimbursement rates for certified nurse-midwife services.

S. 826

At the request of Mr. MENENDEZ, the names of the Senator from West Virginia (Mr. BYRD) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. 826, a bill to posthumously award a Congressional gold medal to Alice Paul, in recognition of her role in the women's suffrage movement and in advancing equal rights for women.

S. 903

At the request of Mr. DURBIN, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 903, a bill to award a Congressional Gold Medal to Dr. Muhammad Yunus, in recognition of his contributions to the fight against global poverty.

S. 1001

At the request of Mrs. HUTCHISON, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1001, a bill to restore Second Amendment rights in the District of Columbia.

S. 1232

At the request of Mr. DODD, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 1232, a bill to direct the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop a voluntary policy for managing the risk of food allergy and anaphylaxis in schools, to establish school-based food allergy management grants, and for other purposes.

S. 1375

At the request of Mr. MENENDEZ, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 1375, a bill to ensure that new mothers and their families are educated about postpartum depression, screened for symptoms, and provided with essential services, and to increase research at the National Institutes of Health on postpartum depression.

S. 2059

At the request of Mrs. CLINTON, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 2059, a bill to amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews.

S. 2261

At the request of Mr. KOHL, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 2261, a bill to restore the that agreements between manufacturers and retailers, distributors, or wholesalers to set the minimum price below which the manufacturer's product or service cannot be sold violates the Sherman Act.

S. 2310

At the request of Mrs. CLINTON, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 2310, a bill to establish a National Catastrophic Risks Consortium and a National Homeowners' Insurance Stabilization Program, and for other purposes.

S. 2641

At the request of Mr. GRASSLEY, the names of the Senator from Illinois (Mr. OBAMA) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 2641, a bill to amend title XVIII and XIX of the Social Security Act to improve the transparency of information on skilled nursing facilities and nursing facilities and to clarify and improve the targeting of the enforcement of requirements with respect to such facilities.

S. 2892

At the request of Mr. LEAHY, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 2892, a bill to promote the prosecution and enforcement of frauds against the United States by suspending the statute of limitations during times when Congress has authorized the use of military force.

S. 2908

At the request of Mr. BROWN, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 2908, a bill to amend title II of the Social Security Act to prohibit the display of Social Security account numbers on Medicare cards.

S. 2998

At the request of Mr. NELSON of Florida, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 2998, a bill to require accurate and reasonable disclosure of the terms and conditions of prepaid telephone calling cards and services, and for other purposes.

S. 2999

At the request of Mr. BROWN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2999, a bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of

1986 to require group and individual health insurance coverage and group health plans to provide coverage for individuals participating in approved cancer clinical trials.

S. 3078

At the request of Ms. COLLINS, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 3078, a bill to establish a National Innovation Council, to improve the coordination of innovation activities among industries in the United States, and for other purposes.

S. 3080

At the request of Mrs. FEINSTEIN, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 3080, a bill to ensure parity between the temporary duty imposed on ethanol and tax credits provided on ethanol.

S. 3200

At the request of Mr. KERRY, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 3200, a bill to develop capacity and infrastructure for mentoring programs.

S. 3246

At the request of Mr. CARDIN, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 3246, a bill to amend the Internal Revenue Code of 1986 to allow the Secretary of the Treasury to set the standard mileage rate for use of a passenger automobile for purposes of the charitable contributions deduction.

S. 3325

At the request of Mr. LEAHY, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 3325, a bill to enhance remedies for violations of intellectual property laws, and for other purposes.

S. 3327

At the request of Mr. KERRY, the names of the Senator from Wisconsin (Mr. KOHL) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 3327, a bill to amend title XIX of the Social Security Act to improve the State plan amendment option for providing home and community-based services under the Medicaid program, and for other purposes.

S. 3361

At the request of Mr. VITTER, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 3361, a bill to amend title IV of the Social Security Act to require States to implement a drug testing program for applicants for and recipients of assistance under the Temporary Assistance for Needy Families (TANF) program.

S. 3362

At the request of Mr. KERRY, the names of the Senator from Arkansas (Mr. PRYOR) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 3362, a bill to reauthorize and improve the SBIR and STTR programs, and for other purposes.

S. 3377

At the request of Mr. COLEMAN, the name of the Senator from North Caro-

lina (Mrs. DOLE) was added as a cosponsor of S. 3377, a bill to amend title 46, United States Code, to waive the biometric transportation security card requirement for certain small business merchant mariners, and for other purposes.

S. 3392

At the request of Ms. KLOBUCHAR, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 3392, a bill to amend Homeland Security Act of 2002 to establish an appeal and redress process for passengers wrongly delayed or prohibited from boarding a flight, or denied a right, benefit, or privilege, and for other purposes.

S. 3406

At the request of Mr. HARKIN, the names of the Senator from Iowa (Mr. GRASSLEY) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 3406, a bill to restore the intent and protections of the Americans with Disabilities Act of 1990.

S. 3408

At the request of Mr. BAUCUS, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 3408, a bill to amend title XI of the Social Security Act to provide for the conduct of comparative effectiveness research and to amend the Internal Revenue Code of 1986 to establish a Comparative Effectiveness Research Trust Fund, and for other purposes.

S. 3429

At the request of Mr. SCHUMER, the names of the Senator from Iowa (Mr. HARKIN), the Senator from Georgia (Mr. ISAKSON) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 3429, a bill to amend the Internal Revenue Code to provide for an increased mileage rate for charitable deductions.

S. 3458

At the request of Mr. BUNNING, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 3458, a bill to prohibit golden parachute payments for former executives and directors of Fannie Mae and Freddie Mac.

S.J. RES. 27

At the request of Mrs. DOLE, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S.J. Res. 27, a joint resolution proposing an amendment to the Constitution of the United States relative to the line item veto.

S. RES. 636

At the request of Mr. LIEBERMAN, the names of the Senator from Georgia (Mr. CHAMBLISS), the Senator from North Carolina (Mr. BURR), the Senator from North Carolina (Mrs. DOLE) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. Res. 636, a resolution recognizing the strategic success of the troop surge in Iraq and expressing gratitude to the

members of the United States Armed Forces who made that success possible.

AMENDMENT NO. 4979

At the request of Mr. NELSON of Florida, the names of the Senator from New Jersey (Mr. LAUTENBERG), the Senator from New Hampshire (Mr. SUNUNU) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of amendment No. 4979 proposed 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.

AMENDMENT NO. 5266

At the request of Mr. REID, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of amendment No. 5266 intended to be proposed 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.

AMENDMENT NO. 5271

At the request of Mr. VOINOVICH, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of amendment No. 5271 intended to be proposed 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.

AMENDMENT NO. 5281

At the request of Mr. NELSON of Nebraska, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of amendment No. 5281 intended to be proposed 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.

AMENDMENT NO. 5282

At the request of Mr. NELSON of Nebraska, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of amendment No. 5282 intended to be proposed 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.

AMENDMENT NO. 5298

At the request of Mr. ALLARD, the names of the Senator from Wyoming (Mr. ENZI), the Senator from Mississippi (Mr. COCHRAN), the Senator

from Georgia (Mr. CHAMBLISS), the Senator from Florida (Mr. MARTINEZ), the Senator from Alabama (Mr. SESSIONS), the Senator from Kansas (Mr. BROWNBACK), the Senator from North Carolina (Mr. BURR), the Senator from South Carolina (Mr. DEMINT), the Senator from Nevada (Mr. ENSIGN), the Senator from Arizona (Mr. KYL), the Senator from Virginia (Mr. WARNER), the Senator from Missouri (Mr. BOND), the Senator from Texas (Mrs. HUTCHISON), the Senator from Idaho (Mr. CRAPO), the Senator from Kentucky (Mr. MCCONNELL), the Senator from Ohio (Mr. VOINOVICH), the Senator from Minnesota (Mr. COLEMAN), the Senator from Oklahoma (Mr. INHOFE), the Senator from South Carolina (Mr. GRAHAM), the Senator from Kentucky (Mr. BUNNING), the Senator from Georgia (Mr. ISAKSON), the Senator from Tennessee (Mr. CORKER) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of amendment No. 5298 intended to be proposed 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.

AMENDMENT NO. 5302

At the request of Mr. NELSON of Florida, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of amendment No. 5302 intended to be proposed 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.

AMENDMENT NO. 5319

At the request of Mr. SUNUNU, his name was added as a cosponsor of amendment No. 5319 intended to be proposed 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.

AMENDMENT NO. 5320

At the request of Mr. SANDERS, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of amendment No. 5320 intended to be proposed 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.

AMENDMENT NO. 5323

At the request of Mr. LEAHY, the names of the Senator from Iowa (Mr.

GRASSLEY), the Senator from Oregon (Mr. WYDEN), the Senator from Missouri (Mrs. MCCASKILL) and the Senator from Virginia (Mr. WEBB) were added as cosponsors of amendment No. 5323 proposed 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.

At the request of Mr. WHITEHOUSE, his name was added as a cosponsor of amendment No. 5323 proposed to S. 3001, supra.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FEINGOLD:

S. 3461. A bill to evaluate certain certification programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. FEINGOLD. Mr. President, today I introduce a simple bill that is the first step toward helping American workers and businesses. The Skills Standards Certification Evaluation Act of 2008 will require the Secretaries of Labor and Commerce to evaluate skills standards certification programs that have been developed with Federal funding.

Skills Standards Certifications have emerged in the past 2 decades in response to job growth in high-technology and varied industries. The training or classes usually take weeks or months, rather than years. Often, they are developed in response to the needs of one industry or even one company, though the skills may be applicable more widely.

The Federal government has taken conflicting approaches to skills standards certifications over the past two decades. That is why, as part of the Skills Standards Certification Evaluation Act, I require a recommendation from the Secretaries of Labor and Commerce on how Congress ought to move forward with funding for these certification programs. Both the national, top-down, and a local, bottom-up approach have been tried, and a thorough evaluation will make clear how we can move forward to get the most out of the funding the Federal Government provides.

These certifications have a tremendous benefit for workers. First, because the training is often condensed into a few weeks with a flexible schedule, it allows people to complete certifications without leaving a current job and without the financial cost of attending a full-time program that lasts a year or more. In addition, these programs allow workers to clearly demonstrate a certain set of skills, and may open more doors for higher-paying employment. Because these programs can be completed without leaving work, they also allow workers to advance within a career or company to

more skilled positions and better wages and benefits.

For employers, Skills Standards Certifications can simplify the search for employees. I have heard from numerous Wisconsin employers, especially small businesses with limited resources, that it is hard to find employees with the skills they need, or who will be dedicated and loyal. Skills Standards Certifications clearly show the qualification of an individual, of course, but also tell the employer that he or she is dedicated enough to invest in the course to earn the certificate. Very few people will spend the time and money to enroll in such a program if they don't intend to use the certificate.

Lastly, these programs can help State and local governments quantify their skilled workforce, which can be invaluable when marketing the area to businesses and investment.

This bill is a small first step in what I hope can be a continuing effort to help hard working Americans obtain and use high-demand work skills.

By Mr. BAUCUS (for himself and Mr. HATCH):

S. 3464. A bill to amend the Trade Act of 1974 to improve the international protection and enforcement of intellectual property rights, and for other purposes; to the Committee on Finance.

Mr. HATCH. Mr. President, I rise today to express my support for International Intellectual Property Protection and Enforcement Act of 2008 S. 3464, introduced by my friend from Montana, Senate Finance Committee Chairman MAX BAUCUS and myself. This piece of legislation represents months of hard work and collaboration, and I am pleased that we have finally arrived at a consensus on this very important global issue.

The protection of intellectual property has always been one of my top legislative priorities in the Senate. Now more than ever, America's ingenuity continues to fuel our economy, and it is imperative that we protect new ideas and investments in innovation and creativity. Make no mistake about it: piracy and counterfeiting are the new face of economic crime around the world, far exceeding traditional property crimes.

It is estimated that U.S. intellectual property alone is worth \$5 to \$5.5 trillion, that is equivalent to about 45 percent of our GDP. In other words, this is greater than the entire GDP of any other nation in the world. Additionally, millions and millions of jobs are created every year by U.S. IP industries. And, I might add, these jobs earn an average of 40 percent more than the average pay of other U.S. jobs. Without doubt, America's Intellectual property drives our economy and is the envy of the world and we must do everything to protect our prime status as a world leader on this front.

Counterfeiting and piracy aren't just about downloaded music, pirated soft-

ware, or fake designer hand bags. It's about the health and safety of the American people. Indeed, counterfeiting and piracy affect all sectors of our economy, including pharmaceuticals, auto parts, and the quality and safety of our food.

S. 3464 will serve as an important bridge in the battle to protect U.S. intellectual property rights overseas. With the rising tide of piracy and counterfeiting abroad, it is vital that we provide those working on the front lines with the tools they need to ensure that our nation's IP rights are lawfully respected by foreign countries.

To that end, S. 3464 will require the U.S. Trade Representative, USTR, to press countries that violate U.S. intellectual property rights to take specific steps to stop violations by developing an action plan for each foreign country that has remained on USTR's "Priority Watch List" of intellectual property deficient countries for at least one year. The action plan must list the legislative, enforcement, or other actions that the foreign country must take in order to achieve adequate and effective protection of intellectual property rights.

The legislation also provides funds to increase USTR's ability to partner with developing countries to improve IP protection and enforcement, including capacity building, activities designed to increase awareness of intellectual property rights, and training for officials responsible for enforcing the laws. Additionally, the bill give the President enforcement tools to deal with countries that refuse to fight widespread theft of our Nation's IP.

I am committed to moving this legislation forward and hope that we will do so in an expeditious manner.

By Mr. FEINGOLD:

S. 3466. A bill to improve the job access and reverse commute program, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. FEINGOLD. Mr. President, today I introduce another piece of my E4 initiative, so named because it is a collection of proposals that address issues important to the economy, education, employment and energy. The piece of legislation I am introducing now focuses on the important supporting role that transportation can play in economic development by creating an environment where employers and those seeking employment or better employment are connected together. Having such a system to overcome transportation hurdles can benefit both employers and employees, as well as the local economy.

In more general terms, investing in our infrastructure like roads, bridges and transit systems can have direct job creation impacts. This is one reason I have fought hard with the rest of the delegation for a fair rate of return for Wisconsin from the highway bill. I was glad the most recent 2005 bill continued

a recent streak of getting at least a 1:1 rate of return after decades of being a donor state and not getting a fair share.

In addition to supporting transportation-related jobs, linking workers and businesses that need them can also be an important part of a more comprehensive job creation strategy. This can mean supporting a robust public transportation system or more specific programs designed to link low-income individuals with jobs. I have consistently done the former by supporting public transportation during consideration of the highway bill and Amtrak reauthorizations. But my specific proposal today focuses on the latter and improving the Job Access and Reverse Commute, JARC, program that links low-income workers with employers.

I have heard good things about the JARC program and was glad that it was shifted away from earmarks and was made available as a combination formula and competitively awarded program in the last highway bill. The primary program goal is to locally assess the transportation needs of low-income workers and then plan and fund programs to help alleviate transportation-related barriers to employment or better employment. While the traditional vision for these projects may have begun as reverse commute projects whereby transit routes were established to allow city center residents to access jobs in the suburbs, the program actually does much more than just this and provides reliable transportation to low-income urban, rural and suburban workers.

In Wisconsin, the Federal JARC program is jointly administered by the State departments of transportation and workforce development as the Wisconsin Employment Transportation Assistance Program, WETAP. According to the Wisconsin Department of Transportation, transportation barriers can include a lack of a dependable vehicle or bus service in the area, an absence of local jobs, or child care transportation problems.

The State agencies in Wisconsin have found several different types of projects to be effective, depending on the local circumstances. These projects have included the traditional public transit projects such as extending bus lines or supporting van-pooling, along with other programs such as providing cars or car repairs to low-income individuals. Wisconsin has even found that assisting with indirect barriers such as transportation of children to and from child care facilities is critical in allowing some individuals to improve their job prospects.

A recent University of Illinois Chicago study found that the societal benefits from this program are \$1.65 per dollar spent and estimated lifetime benefits to low-income participants of \$15 per dollar spent due to their ability to find and retain better paying jobs. While the goals of the Job Access and Reverse Commute program are important and the program has been found to

be fairly effective, there are some details that have prevented the program from reaching its full potential. Working closely with transportation officials in Wisconsin and partially based on recommendations from the UIC study, I've come up with some specific ideas to improve the program.

With a proven effective program and continuing unmet needs by employers and low-income individuals seeking employment, it seems clear to me that JARC could use a boost in funding. So that is why my proposal ramps up funding by \$100 million over 5 years from the current funding of \$165 million to \$265 million in fiscal year 2014.

My proposal would also allow the Federal share of projects to increase to 80 percent from the current 50 percent level for operating expenses. The 50 percent local and State match wasn't feasible for far too many local governments in Wisconsin and as a result Wisconsin has not been able to spend all its Federal funds. The higher Federal cost share will better balance the need to leverage Federal funds, while ensuring that these critical funds are fully utilized—millions of dollars in an account does nothing to link people to jobs.

Besides the challenge in coming up with a 50 percent local cost share, the other main issue that has kept JARC from being as effective as it could be is the paperwork and reporting burden required by the program, especially for the small nonprofit groups that often have never dealt with Federal grant requirements before. My proposal directs the Federal Transit Agency, FTA, to examine the current reporting requirements to see if there are ways to streamline the amount of paperwork required while still ensuring that the program goals are met.

My bill also includes a pilot program funded at \$10 million a year for 5 years in order to test a few areas that seem very promising, but should be evaluated more before broader implementation. The first portion of the pilot program builds off the regulatory streamlining evaluation and allows the FTA to test streamlined reporting requirements to help get the balance between oversight and administrative burden in proper balance.

The second part of the pilot program focuses on improving education and employment-related transportation for teens and young adults. Enabling students and young people to reliably get between their high schools or neighborhoods and technical colleges, job training centers or apprenticeships can have a life-long positive impact.

The third section of the pilot program would allow experimentation with combining different transit programs and integrating JARC projects across local political boundaries to provide a more comprehensive local transportation system. Instead of having one transit program to assist the disabled, one targeted toward the elderly and another focused on jobs, this

pilot program would encourage funding combined applications to meet these needs together with one comprehensive project. There is even the potential for the Department of Transportation to further coordinate with other departments such as Health and Human Services for health care-related transportation. Similarly, the needs of employers for employees does not recognize local political boundaries, so encouraging greater collaboration between local entities to make a more robust interconnected system should ultimately provide more efficient and effective service.

While the FTA already provides some technical assistance for the JARC program, my proposal provides a small boost in funding and some additional areas of emphasis. For example, after hearing about the struggles that some small nonprofits have with the reporting requirements, in addition to looking for ways to streamline the requirements, my proposal would direct the FTA to also provide some technical assistance especially targeted to this need.

The final element of my proposal is the offset. The new spending authorized in the proposal is fully offset by rescinding highway and bridge earmarks that have not had funds spent from them despite being authorized over a decade ago as part of the TEA-21 highway bill. Helping connect workers and employers is a much better use of these funds than letting them sit unused in some obscure DOT account.

Providing reliable transportation to low-income individuals only goes so far—it is the companies and innovators creating the jobs and the individuals seeking to better their lot through education or more challenging employment, that are doing the heavy lifting. That being said, transportation can clearly be a challenge for companies and workers and in the case of the JARC program can play an important supporting role.

#### SUBMITTED RESOLUTIONS

##### SENATE RESOLUTION 653—CELEBRATING THE OUTSTANDING ATHLETIC ACCOMPLISHMENTS OF THE OHIO STATE UNIVERSITY FOOTBALL TEAM FOR ACHIEVING ITS 800TH ALL-TIME VICTORY

Mr. BROWN (for himself and Mr. VOINOVICH) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 653

Whereas, on September 6, 2008, The Ohio State University football team, known as the "Buckeyes," achieved its 800th win, becoming the 5th major college football program to reach this mark;

Whereas the Buckeyes have an all-time record of 800 wins, 304 losses, and 53 ties in their 119 seasons;

Whereas, in 1890, the Buckeyes played their first game, and since have become a symbol

of pride and tradition for the past and present members of The Ohio State University community;

Whereas The Ohio State University has the largest self-supporting athletics program in the country;

Whereas The Ohio State University continues to strive for academic excellence in sports, ranking first in the Big Ten Academic All-Conference Team for the 2007-08 academic year;

Whereas, there are 1,877 Buckeye All-Americans in the history of the program;

Whereas the Ohio State athletic program strives to improve the academic quality of The Ohio State University by donating key funding to renovate Ohio State's academic facilities, including the recent donation to the William Oxley Thompson Memorial Library;

Whereas Ohio State strives for diversity at all levels and was commended nationally in 2007-08 for its National Collegiate Athletic Association academic progress rate, Overall Excellence in Diversity, and for ranking 2nd in the Degree Completion Program;

Whereas each year Ohio State student-athletes and coaches are involved in thousands of hours of community service;

Whereas each player, coach, and contributor to the team remained committed to ensuring that the Buckeyes achieved this historic accomplishment; and

Whereas all supporters of The Ohio State University are to be praised for their dedication to, and pride in, The Ohio State University football program: Now, therefore, be it

*Resolved*, That the Senate—

(1) congratulates The Ohio State University football team for achieving 800 victories in its 119-year-history;

(2) recognizes The Ohio State University athletic program for its accomplishments in both sports and academics; and

(3) requests the Secretary of the Senate to prepare an official copy of this resolution for presentation to—

(A) The Ohio State University for appropriate display;

(B) the President of The Ohio State University, Dr. E. Gordon Gee; and

(C) the head coach of The Ohio State University football team, Mr. Jim Tressel.

##### SENATE RESOLUTION 654—HONORING THE LIFE AND RECOGNIZING THE ACCOMPLISHMENTS OF THE HONORABLE STEPHANIE TUBBS JONES, MEMBER OF THE HOUSE OF REPRESENTATIVES FOR THE 11TH CONGRESSIONAL DISTRICT OF OHIO

Mr. BROWN (for himself, Mr. VOINOVICH, and Mr. HATCH) submitted the following resolution; which was considered and agreed to:

S. RES. 654

Whereas Stephanie Tubbs Jones was born on September 10, 1949, in Cleveland, Ohio, and attended Case Western Reserve University and the Franklin Thomas Backus School of Law;

Whereas, in 1982, at the age of 33, Stephanie Tubbs Jones was elected to serve on the Cleveland Municipal Court;

Whereas, in 1983, Stephanie Tubbs Jones became the first African-American woman to serve on the Court of Common Pleas in the State of Ohio;

Whereas Stephanie Tubbs Jones served as the Cuyahoga County Prosecutor from 1991 through 1999, becoming the first woman and the first African-American to hold the position;

Whereas, in 1998, Stephanie Tubbs Jones was elected to the first of 5 terms in the House of Representatives, where she was a tireless advocate for the citizens of Ohio's 11th Congressional District and championed increased access to health care, improved voting rights, and quality education for all;

Whereas Stephanie Tubbs Jones was the first African-American woman to represent the State of Ohio in Congress;

Whereas Ohio has lost a beloved daughter and the House of Representatives one of its strongest voices with the passing of Stephanie Tubbs Jones on August 20, 2008: Now, therefore, be it

*Resolved*, That the Senate—

(1) mourns the loss of the Honorable Stephanie Tubbs Jones and expresses its condolences to her family and friends and to the people of the 11th Congressional District of Ohio; and

(2) honors the life of Stephanie Tubbs Jones, a highly esteemed and accomplished Member of Congress, dedicated community leader, and tireless advocate for those in need.

#### SENATE CONCURRENT RESOLUTION 97—EXPRESSING THE SENSE OF CONGRESS REGARDING SEXUAL ASSAULTS AND RAPE IN THE MILITARY

Mrs. CLINTON submitted the following concurrent resolution; which was referred to the Committee on Armed Services:

S. CON. RES. 97

Whereas, since 2002, 59,690 female veterans have reported being raped or sexually assaulted or experiencing another form of sexual trauma while in the military;

Whereas, according to the Department of Veterans Affairs, female veterans reporting rape, sexual assault, or other sexual trauma constitute almost 20 percent of the women seen at facilities of the Department nationwide;

Whereas 41 percent of female veterans treated at the West Los Angeles Medical Center of the Department of Veterans Affairs reported being sexually assaulted while in the military and 29 percent of such veterans reported being raped while in the military;

Whereas the number of reported sexual assaults and rapes in the military increased by 73 percent from 2004 to 2006, according to the Department of Defense;

Whereas 2,688 sexual assaults were reported in the military in fiscal year 2007, including 1,259 reports of rape, according to the Department of Defense;

Whereas the military chain of command took no action in almost half of the cases of sexual assault in the military investigated by military authorities, claiming insufficient evidence, and the majority of the cases in which some action was taken were resolved through nonjudicial punishment or administrative action, which in most cases amounts to little more than a slap on the wrist;

Whereas only 181 of the 2,212 subjects, or 8 percent, investigated by the military for sexual assault during fiscal year 2007 were referred to courts martial;

Whereas civilian law enforcement authorities prosecute approximately 40 percent of individuals arrested for rape, according to statistics of the Department of Justice and the Federal Bureau of Investigation;

Whereas the absence of aggressive prosecutions by the military perpetuates a hostile environment and hinders a victim's willingness to report a sexual assault or rape;

Whereas, in 2005, the Department of Defense created the Sexual Assault Prevention and Response Office, which serves as the single point of accountability and oversight for the policies of the Department relating to sexual assault;

Whereas the Sexual Assault Prevention and Response Office has improved reporting of sexual assault and rape, but still does not track investigations or prosecutions of reported cases; and

Whereas sexual assault and rape in the military are a threat to the national security of the United States: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring)*, That it is the sense of Congress that the Secretary of Defense should develop a comprehensive strategy to increase and encourage investigation and prosecution of sexual assault and rape cases in the military that includes—

(1) requiring commanders to be held accountable for sexual assaults and rapes that occur in the units under their command and to provide justification for disposing of cases through nonjudicial punishment and other administrative actions;

(2) developing and enhancing existing prevention and response programs by using proven best-practice methods to create a culture that prevents sexual assault and rape in the military and encourages more reporting of sexual assaults and rapes by victims;

(3) conducting more aggressive oversight of existing prevention and response programs, establishing performance metrics to ensure that such programs are effective, and analyzing trends in the prevention and reporting of sexual assaults and rapes;

(4) reviewing current training methods for all personnel involved in military investigations of sexual assault and rape cases, and for judge advocate staff, and implementing any improvements that are necessary;

(5) encouraging communication and data sharing between the Sexual Assault Prevention and Response Office and other components of the Armed Forces and the Department of Defense to enhance coordination and oversight of sexual assault and rape cases as those cases move through the legal process;

(6) reviewing the capacity of the legal infrastructure of the Armed Forces to investigate and prosecute effectively sexual assault cases in the military;

(7) examining any additional barriers, such as the availability of staff and the adequacy of resources, on military installations and facilities in the United States and abroad, and in theaters of operations, to conduct effective investigations of sexual assault and rape cases;

(8) reviewing command disposition of cases and identifying whether additional oversight is required to ensure that the resolution of cases through nonjudicial means is justified;

(9) classifying a military protection order as a standing military order to ensure that an investigation has occurred and appropriate command authorities have completely adjudicated allegations before the order can be overturned;

(10) establishing a policy that mandates the notification of any military protective order issued at a military installation to local civilian law enforcement agencies to provide the continuity of protection to victims; and

(11) ensuring that once a member of the Armed Forces has notified the member's command that the member has been sexually assaulted or raped, the command affords the member an opportunity for transfer if a military protection order is issued.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 5339. Mr. ALEXANDER (for himself, Mr. BINGAMAN, Mr. VOINOVICH, Mr. KENNEDY, Ms. MURKOWSKI, Mr. BROWN, Mr. MCCONNELL, Mr. HARKIN, and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table.

SA 5340. Mr. LUGAR (for himself, Mr. BIDEN, Mr. DURBIN, and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5341. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5342. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5343. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5344. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5345. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5346. Mr. FEINGOLD (for himself, Mr. WHITEHOUSE, and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5347. Mr. FEINGOLD (for himself, Mr. WHITEHOUSE, Mr. MENENDEZ, Mr. LEAHY, Mr. WYDEN, and Mr. LAUTENBERG) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5348. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5349. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5350. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5351. Mr. AKAKA (for himself and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5352. Mr. LEVIN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5353. Mr. LEVIN (for himself, Mr. MCCAIN, and Mr. AKAKA) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5354. Mr. BURR (for himself, Mrs. CLINTON, Mr. ALEXANDER, Mr. INHOFE, Mr. WICKER, and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5355. Mr. GRAHAM (for himself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5356. Mr. CHAMBLISS (for himself and Mr. PRYOR) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5357. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5358. Mr. ENSIGN (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5359. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5360. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5361. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5362. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5363. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5364. Mr. LIEBERMAN (for himself, Ms. COLLINS, and Mrs. MCCASKILL) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5365. Mr. LIEBERMAN (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5366. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5367. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5368. Mr. LIEBERMAN (for himself, Mr. GRAHAM, Mr. MCCAIN, Mr. MCCONNELL, Mr. ALEXANDER, Mr. ALLARD, Mr. BOND, Mr. BENNETT, Mr. BROWNBACK, Mr. CORNYN, Mr. CRAIG, Mr. CRAPO, Mr. ENSIGN, Mr. DOMENICI, Mr. ENZI, Mrs. HUTCHISON, Mr. ISAKSON, Mr. THUNE, Mr. INHOFE, Mr. KYL, Mr. WICKER, Mr. ROBERTS, Mr. CHAMBLISS, Mrs. DOLE, Mr. BURR, Mr. MARTINEZ, Mr. STEVENS, Mr. COBURN, and Mr. BARRASSO) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5369. Mr. WHITEHOUSE (for himself, Mrs. FEINSTEIN, Mr. ROCKEFELLER, and Mr. HAGEL) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5370. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5371. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5372. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5373. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5374. Mr. REID (for Mr. BIDEN (for himself, Mr. KERRY, and Mr. HAGEL)) submitted

an amendment intended to be proposed by Mr. Reid to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5375. Mr. COLEMAN (for himself, Mrs. LINCOLN, and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5376. Mr. WARNER (for himself and Mr. LEVIN) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5377. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5378. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5379. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5380. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5381. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5382. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5383. Mr. LAUTENBERG (for himself, Mr. CASEY, and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5384. Mr. LAUTENBERG (for himself and Mr. HAGEL) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5385. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5386. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5387. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5388. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5389. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5390. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5391. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5392. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5393. Mr. BARRASSO (for himself and Mr. ENZI) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5394. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5395. Mr. VOINOVICH (for himself and Mr. BROWN) submitted an amendment in-

tended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5396. Mr. VOINOVICH (for himself and Mr. BROWN) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5397. Mr. VOINOVICH (for himself and Mr. BROWN) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5398. Mr. VOINOVICH (for himself and Mr. BROWN) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5399. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5400. Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5401. Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5402. Mr. BROWN (for himself and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5403. Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5404. Mrs. CLINTON (for herself and Mr. ENSIGN) submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5405. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5406. Mr. LEAHY (for himself, Mr. BOND, Mr. FEINGOLD, Mr. BROWN, Ms. KLOBUCHAR, Mr. HARKIN, Mr. JOHNSON, Mr. CASEY, Mr. BYRD, Mr. GRASSLEY, Mr. SMITH, Mr. CARDIN, Mr. CRAIG, Mr. WYDEN, Mr. ROCKEFELLER, and Mrs. LINCOLN) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5407. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5408. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5409. Mr. BROWN (for himself and Mr. ENSIGN) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5410. Mr. HARKIN (for himself and Mr. OBAMA) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5411. Mr. NELSON, of Nebraska (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5412. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5413. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5414. Mr. KYL (for himself, Mr. VITTER, Mr. INHOFE, Mr. MARTINEZ, Mr. WARNER, and Mr. LEVIN) proposed an amendment to the bill S. 3001, supra.

SA 5415. Mr. McCONNELL submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5416. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5417. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5418. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5419. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5420. Mr. TESTER (for himself and Mr. BAUCUS) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5421. Mr. REED (for himself and Mrs. DOLE) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5422. Mr. BAYH (for himself, Mr. SESSIONS, Mr. KENNEDY, Mrs. CLINTON, Mr. LIEBERMAN, Mr. OBAMA, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5423. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5424. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5425. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5426. Mr. LEVIN (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5427. Mrs. BOXER (for Mr. BAUCUS) proposed an amendment to the bill H.R. 6532, to amend the Internal Revenue Code of 1986 to restore the Highway Trust Fund balance.

SA 5428. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table.

SA 5429. Mr. NELSON, of Nebraska (for himself, Ms. COLLINS, and Mr. BAYH) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5430. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5431. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5432. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5433. Mr. NELSON, of Nebraska submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5434. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5435. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5436. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5437. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5438. Mr. WEBB (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5439. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5440. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5441. Mr. REID (for Mr. BIDEN (for himself and Mr. LUGAR)) submitted an amendment intended to be proposed by Mr. REID to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5442. Mrs. MCCASKILL (for herself, Ms. MIKULSKI, and Mr. KENNEDY) submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5443. Mr. HATCH (for himself and Mr. BENNETT) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5444. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5445. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 5339.** Mr. ALEXANDER (for himself, Mr. BINGAMAN, Mr. VOINOVICH, Mr. KENNEDY, Ms. MURKOWSKI, Mr. BROWN, Mr. McCONNELL, Mr. HARKIN, and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XXXI, add the following:

**SECTION 3116. PAYMENT OF COMPENSATION TO SURVIVORS OF DEPARTMENT OF ENERGY CONTRACTOR EMPLOYEES UNDER THE ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM ACT OF 2000.**

(a) **SHORT TITLE.**—This section may be cited as the “Energy Employees Occupational Illness Compensation Program Improvement Act of 2008”.

(b) **PAYMENT OF COMPENSATION TO SURVIVORS OF DEPARTMENT OF ENERGY CONTRACTOR EMPLOYEES.**—

(1) **IN GENERAL.**—Section 3672 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385s-1) is amended to read as follows:

**“SEC. 3672. COMPENSATION TO BE PROVIDED.**

“Subject to the other provisions of this subtitle:

“(1) **CONTRACTOR EMPLOYEES.**—

“(A) **IN GENERAL.**—A covered DOE contractor employee shall receive contractor employee compensation under this subtitle in accordance with section 3673.

“(B) **COMPENSATION AFTER DEATH OF CONTRACTOR EMPLOYEE.**—

“(i) **IN GENERAL.**—Except as provided in paragraph (2)(B), if the death of a contractor employee occurs after the employee applies for compensation under this subtitle but before such compensation is paid, the amount of compensation described in clause (ii) shall be paid to a survivor of the employee (for purposes of section 3674) or, if the employee has no such survivors, to the surviving family members of the employee in accordance with the procedures set forth in section 3628(e)(1).

“(ii) **AMOUNT OF COMPENSATION.**—The amount of compensation described in this clause is the amount of compensation the contractor employee would have received pursuant to section 3673(a), except that if the Secretary cannot determine the minimum impairment rating of the employee under paragraph (1) of such section as a result of the death of the employee, such compensation shall not include compensation pursuant to such paragraph.

“(2) **SURVIVORS.**—

“(A) **IN GENERAL.**—Except as provided in subparagraph (B) or paragraph (1)(B), a survivor of a covered DOE contractor employee shall receive contractor employee compensation under this subtitle in accordance with section 3674.

“(B) **ELECTION OF CONTRACTOR EMPLOYEE COMPENSATION OR SURVIVOR COMPENSATION.**—A survivor who is otherwise eligible to receive compensation pursuant to both subparagraph (A) and paragraph (1)(B) shall not receive compensation pursuant to both subparagraph (A) and paragraph (1)(B), but shall receive compensation pursuant to subparagraph (A) or paragraph (1)(B), as elected by the survivor.

“(C) **COMPENSATION AFTER DEATH OF SURVIVOR.**—If the death of a survivor occurs after the survivor applies for compensation under this subtitle but before such compensation is paid and, in the case of compensation pursuant to paragraph (1)(B), there are no other survivors of the employee (for purposes of section 3674), the amount of compensation the survivor would have received under this section shall be paid to the surviving family members of the employee in accordance with the procedures set forth in section 3628(e)(1).”.

(2) **APPLICABILITY.**—The provisions of section 3672 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385s-1), as amended by paragraph (1), shall apply to applications for compensation under subtitle E of such Act filed before, on, or after the date of the enactment of this Act.

**SA 5340.** Mr. LUGAR (for himself, Mr. BIDEN, Mr. DURBIN, and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

**Subtitle E—Reconstruction and Stabilization  
Civilian Management**

**SEC. 1241. SHORT TITLE.**

This subtitle may be cited as the “Reconstruction and Stabilization Civilian Management Act of 2008”.

**SEC. 1242. FINDINGS.**

(a) FINDINGS.—Congress finds the following:

(1) In June 2004, the Office of the Coordinator for Reconstruction and Stabilization (referred to as the “Coordinator”) was established in the Department of State with the mandate to lead, coordinate, and institutionalize United States Government civilian capacity to prevent or prepare for post-conflict situations and help reconstruct and stabilize a country or region that is at risk of, in, or is in transition from, conflict or civil strife.

(2) In December 2005, the Coordinator’s mandate was reaffirmed by the National Security Presidential Directive 44, which instructed the Secretary of State, and at the Secretary’s direction, the Coordinator, to coordinate and lead integrated United States Government efforts, involving all United States departments and agencies with relevant capabilities, to prepare, plan for, and conduct reconstruction and stabilization operations.

(3) National Security Presidential Directive 44 assigns to the Secretary, with the Coordinator’s assistance, the lead role to develop reconstruction and stabilization strategies, ensure civilian interagency program and policy coordination, coordinate interagency processes to identify countries at risk of instability, provide decision-makers with detailed options for an integrated United States Government response in connection with reconstruction and stabilization operations, and carry out a wide range of other actions, including the development of a civilian surge capacity to meet reconstruction and stabilization emergencies. The Secretary and the Coordinator are also charged with coordinating with the Department of Defense on reconstruction and stabilization responses, and integrating planning and implementing procedures.

(4) The Department of Defense issued Directive 3000.05, which establishes that stability operations are a core United States military mission that the Department of Defense must be prepared to conduct and support, provides guidance on stability operations that will evolve over time, and assigns responsibilities within the Department of Defense for planning, training, and preparing to conduct and support stability operations.

(5) The President’s Fiscal Year 2009 Budget Request to Congress includes, as part of the request for the Department of State and Other International Programs, \$248,600,000 for a Civilian Stabilization Initiative that would vastly improve civilian partnership with the Armed Forces in post-conflict stabilization situations, including by establishing an Active Response Corps of 250 persons, a Standby Response Corps of 2000 persons, and a Civilian Response Corps of 2000 persons.

**SEC. 1243. DEFINITIONS.**

In this subtitle:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the United States Agency for International Development.

(2) AGENCY.—The term “agency” means any entity included in chapter 1 of title 5, United States Code.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means the Committee on Foreign Affairs of the House of Representatives

and the Committee on Foreign Relations of the Senate.

(4) DEPARTMENT.—Except as otherwise provided in this subtitle, the term “Department” means the Department of State.

(5) PERSONNEL.—The term “personnel” means individuals serving in any service described in section 2101 of title 5, United States Code, other than in the legislative or judicial branch.

(6) SECRETARY.—The term “Secretary” means the Secretary of State.

**SEC. 1244. AUTHORITY TO PROVIDE ASSISTANCE FOR RECONSTRUCTION AND STABILIZATION CRISES.**

Chapter 1 of part III of the Foreign Assistance Act of 1961 (22 U.S.C. 2351 et seq.) is amended by inserting after section 617 the following new section:

**“SEC. 618. ASSISTANCE FOR A RECONSTRUCTION AND STABILIZATION CRISIS.**

“(a) ASSISTANCE.—

“(1) IN GENERAL.—If the President determines that it is important to the national interests of the United States for United States civilian agencies or non-Federal employees to assist in stabilizing and reconstructing a country or region that is at risk of, in, or is in transition from, conflict or civil strife, the President may, in accordance with the provisions set forth in section 614(a)(3), notwithstanding any other provision of law, and on such terms and conditions as the President may determine, furnish assistance to respond to the crisis using funds referred to in paragraph (2).

“(2) FUNDS.—The funds referred to in this paragraph are funds as follows:

“(A) Funds made available under this section.

“(B) Funds made available under other provisions of this Act and transferred or reprogrammed for purposes of this section.

“(b) SPECIAL AUTHORITIES.—In furtherance of a determination made under subsection (a), the President may exercise the authorities contained in sections 552(c)(2) and 610 without regard to the percentage and aggregate dollar limitations contained in such sections.”.

**SEC. 1245. RECONSTRUCTION AND STABILIZATION.**

Title I of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.) is amended by adding at the end the following new section:

**“SEC. 62. RECONSTRUCTION AND STABILIZATION.**

“(a) OFFICE OF THE COORDINATOR FOR RECONSTRUCTION AND STABILIZATION.—

“(1) ESTABLISHMENT.—There is established within the Department of State the Office of the Coordinator for Reconstruction and Stabilization.

“(2) COORDINATOR FOR RECONSTRUCTION AND STABILIZATION.—The head of the Office shall be the Coordinator for Reconstruction and Stabilization, who shall be appointed by the President, by and with the advice and consent of the Senate. The Coordinator shall report directly to the Secretary.

“(3) FUNCTIONS.—The functions of the Office of the Coordinator for Reconstruction and Stabilization shall include the following:

“(A) Monitoring, in coordination with relevant bureaus and offices of the Department of State and the United States Agency for International Development (USAID), political and economic instability worldwide to anticipate the need for mobilizing United States and international assistance for the reconstruction and stabilization of a country or region that is at risk of, in, or is in transition from, conflict or civil strife.

“(B) Assessing the various types of reconstruction and stabilization crises that could occur and cataloging and monitoring the non-military resources and capabilities

of agencies (as such term is defined in section 1243 of the Reconstruction and Stabilization Civilian Management Act of 2008) that are available to address such crises.

“(C) Planning, in conjunction with USAID, to address requirements, such as demobilization, disarmament, rebuilding of civil society, policing, human rights monitoring, and public information, that commonly arise in reconstruction and stabilization crises.

“(D) Coordinating with relevant agencies to develop interagency contingency plans and procedures to mobilize and deploy civilian personnel and conduct reconstruction and stabilization operations to address the various types of such crises.

“(E) Entering into appropriate arrangements with agencies to carry out activities under this section and the Reconstruction and Stabilization Civilian Management Act of 2008.

“(F) Identifying personnel in State and local governments and in the private sector who are available to participate in the Civilian Reserve Corps established under subsection (b) or to otherwise participate in or contribute to reconstruction and stabilization activities.

“(G) Taking steps to ensure that training and education of civilian personnel to perform such reconstruction and stabilization activities is adequate and is carried out, as appropriate, with other agencies involved with stabilization operations.

“(H) Taking steps to ensure that plans for United States reconstruction and stabilization operations are coordinated with and complementary to reconstruction and stabilization activities of other governments and international and nongovernmental organizations, to improve effectiveness and avoid duplication.

“(I) Maintaining the capacity to field on short notice an evaluation team consisting of personnel from all relevant agencies to undertake on-site needs assessment.

“(b) RESPONSE READINESS CORPS.—

“(1) RESPONSE READINESS CORPS.—The Secretary, in consultation with the Administrator of the United States Agency for International Development and the heads of other appropriate agencies of the United States Government, may establish and maintain a Response Readiness Corps (referred to in this section as the ‘Corps’) to provide assistance in support of reconstruction and stabilization operations in countries or regions that are at risk of, in, or are in transition from, conflict or civil strife. The Corps shall be composed of active and standby components consisting of United States Government personnel, including employees of the Department of State, the United States Agency for International Development, and other agencies who are recruited and trained (and employed in the case of the active component) to provide such assistance when deployed to do so by the Secretary to support the purposes of this Act.

“(2) CIVILIAN RESERVE CORPS.—The Secretary, in consultation with the Administrator of the United States Agency for International Development, may establish a Civilian Reserve Corps for which purpose the Secretary is authorized to employ and train individuals who have the skills necessary for carrying out reconstruction and stabilization activities, and who have volunteered for that purpose. The Secretary may deploy members of the Civilian Reserve Corps pursuant to a determination by the President under section 618 of the Foreign Assistance Act of 1961.

“(3) MITIGATION OF DOMESTIC IMPACT.—The establishment and deployment of any Civilian Reserve Corps shall be undertaken in a manner that will avoid substantively

impairing the capacity and readiness of any State and local governments from which Civilian Reserve Corps personnel may be drawn.

“(c) EXISTING TRAINING AND EDUCATION PROGRAMS.—The Secretary shall ensure that personnel of the Department, and, in coordination with the Administrator of USAID, that personnel of USAID, make use of the relevant existing training and education programs offered within the Government, such as those at the Center for Stabilization and Reconstruction Studies at the Naval Postgraduate School and the Interagency Training, Education, and After Action Review Program at the National Defense University.”.

**SEC. 1246. AUTHORITIES RELATED TO PERSONNEL.**

(a) EXTENSION OF CERTAIN FOREIGN SERVICE BENEFITS.—The Secretary, or the head of any agency with respect to personnel of that agency, may extend to any individuals assigned, detailed, or deployed to carry out reconstruction and stabilization activities pursuant to section 62 of the State Department Basic Authorities Act of 1956 (as added by section 1245 of this Act), the benefits or privileges set forth in sections 413, 704, and 901 of the Foreign Service Act of 1980 (22 U.S.C. 3973, 22 U.S.C. 4024, and 22 U.S.C. 4081) to the same extent and manner that such benefits and privileges are extended to members of the Foreign Service.

(b) AUTHORITY REGARDING DETAILS.—The Secretary is authorized to accept details or assignments of any personnel, and any employee of a State or local government, on a reimbursable or nonreimbursable basis for the purpose of carrying out this subtitle, and the head of any agency is authorized to detail or assign personnel of such agency on a reimbursable or nonreimbursable basis to the Department of State for purposes of section 62 of the State Department Basic Authorities Act of 1956, as added by section 1245 of this Act.

**SEC. 1247. RECONSTRUCTION AND STABILIZATION STRATEGY.**

(a) IN GENERAL.—The Secretary of State, in consultation with the Administrator of the United States Agency for International Development, shall develop an interagency strategy to respond to reconstruction and stabilization operations.

(b) CONTENTS.—The strategy required under subsection (a) shall include the following:

(1) Identification of and efforts to improve the skills sets needed to respond to and support reconstruction and stabilization operations in countries or regions that are at risk of, in, or are in transition from, conflict or civil strife.

(2) Identification of specific agencies that can adequately satisfy the skills sets referred to in paragraph (1).

(3) Efforts to increase training of Federal civilian personnel to carry out reconstruction and stabilization activities.

(4) Efforts to develop a database of proven and best practices based on previous reconstruction and stabilization operations.

(5) A plan to coordinate the activities of agencies involved in reconstruction and stabilization operations.

**SEC. 1248. ANNUAL REPORTS TO CONGRESS.**

Not later than 180 days after the date of the enactment of this Act and annually for each of the five years thereafter, the Secretary of State shall submit to the appropriate congressional committees a report on the implementation of this subtitle. The report shall include detailed information on the following:

(1) Any steps taken to establish a Response Readiness Corps and a Civilian Re-

serve Corps, pursuant to section 62 of the State Department Basic Authorities Act of 1956 (as added by section 1245 of this Act).

(2) The structure, operations, and cost of the Response Readiness Corps and the Civilian Reserve Corps, if established.

(3) How the Response Readiness Corps and the Civilian Reserve Corps coordinate, interact, and work with other United States foreign assistance programs.

(4) An assessment of the impact that deployment of the Civilian Reserve Corps, if any, has had on the capacity and readiness of any domestic agencies or State and local governments from which Civilian Reserve Corps personnel are drawn.

(5) The reconstruction and stabilization strategy required by section 1247 and any annual updates to that strategy.

(6) Recommendations to improve implementation of subsection (b) of section 62 of the State Department Basic Authorities Act of 1956, including measures to enhance the recruitment and retention of an effective Civilian Reserve Corps.

(7) A description of anticipated costs associated with the development, annual sustainment, and deployment of the Civilian Reserve Corps.

**SA 5341.** Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

**SEC. 1083. PILOT PROGRAM ON PROVISION OF MOBILE CARE AND SERVICES TO VETERANS LIVING IN RURAL AREAS.**

(a) PILOT PROGRAM REQUIRED.—The Secretary of Veterans Affairs shall carry out a program to assess the feasibility and advisability of providing care and services described in subsection (d) to veterans residing in rural areas through the mobile centers described in subsection (e).

(b) GENERAL ADMINISTRATION.—

(1) PRINCIPAL RESPONSIBILITY.—The Secretary shall carry out the pilot program through the Director of the Office of Rural Health of the Department of Veterans Affairs.

(2) CONSULTATION.—The pilot program shall be developed and carried out in consultation with the following:

(A) The Regional Director of Veterans Integrated Services Network (VISN) 23, in which mobile Department of Veterans Affairs clinics are currently in operation.

(B) The Director of the Office of Rural Health Policy of the Department of Health and Human Services.

(C) The agencies or offices for rural health in the States selected for participation in the pilot program.

(D) The country or local agencies or offices for rural health in the areas designated for the pilot program.

(c) LOCATIONS.—

(1) IN GENERAL.—The pilot program shall be carried out in not less than three Veterans Integrated Services Networks selected by the Secretary for the purposes of the pilot program.

(2) RURAL AREAS WITHIN VISNS.—The pilot program shall be carried out in one or more rural areas in each Veterans Integrated Services Network selected under paragraph (1) that are designated by the Secretary for

purposes of the pilot program in consultation with the Regional Director of such Veterans Integrated Services Network. In designating such areas, the Secretary shall take into account—

(A) the number of veterans residing in or near an area;

(B) the proximity of the nearest Department of Veterans Affairs medical facility; and

(C) the difficulty of access of such veterans to the nearest Department of Veterans Affairs medical facility, whether by reason of travel or other factors.

(d) CARE AND SERVICES PROVIDED.—The care and services provided under the pilot program may include, but not be limited to, care and services as follows:

(1) Counseling and education for veterans on accessing such health care, educational, pension, or other benefits for which veterans may be eligible under the laws administered by the Secretary of Veterans Affairs.

(2) Assistance for veterans in completing paperwork necessary for enrollment in the healthcare system of the Department of Veterans Affairs.

(3) The prescription for and delivery to veterans of medications for which veterans are entitled under such laws, including, in particular, medications for veterans suffering from acute or chronic injuries or illnesses.

(4) Mental health screenings for veterans to identify potential mental health disorders such as post-traumatic stress disorder (PTSD) or a substance abuse, including, in particular, for veterans recently discharged or released after service overseas in Operation Iraqi Freedom or Operation Enduring Freedom.

(5) Job placement assistance and information on employment or training opportunities for veterans.

(6) Substance abuse counseling for veterans.

(7) Bereavement counseling for families of members of the Armed Forces who were killed in military service.

(8) Such other care, services, and assistance as the Secretary considers appropriate for purposes of the pilot program.

(e) MOBILE CENTERS.—

(1) IN GENERAL.—Care and services under the pilot program shall be provided through mobile centers established for purposes of the pilot program that meets the requirements of this subsection.

(2) MOBILE CENTERS.—In carrying out the pilot program, the Secretary shall determine the most effective manner in which to operate the mobile centers.

(3) PERSONNEL AND MATERIALS.—In providing care and services under the pilot program, the mobile centers shall transport such personnel, equipment, forms, information, and other materiel as are necessary for the provision of care and services under the pilot program.

(f) COORDINATION REQUIREMENTS.—

(1) IDENTIFICATION OF VETERANS NOT ENROLLED IN VA HEALTH CARE SYSTEM.—In carrying out the pilot program, the Secretary of Veterans Affairs and the Secretary of Defense shall jointly undertake action to identify veterans residing in areas designated for the pilot program who are not enrolled in, or otherwise being cared for by, the health care system of the Department of Veterans Affairs.

(2) COORDINATION WITH COUNTY AND LOCAL VETERANS SERVICE OFFICES.—In carrying out the pilot program, the Secretary of Veterans Affairs shall coordinate with county and local veterans service officers in areas designated for the pilot program.

(3) UTILIZATION OF COMMUNITY-BASED OUTPATIENT CLINICS.—The program shall, to the

extent practicable, utilize appropriate personnel and resources of community-based outpatient clinics of the Department of Veterans Affairs in areas designated for the pilot program, including the inclusion of such personnel in visits of the mobile centers under subsection (e).

(g) **TERMINATION.**—The authority to carry out a pilot program under this section shall terminate on the date that is three years after the date of the enactment of this section.

(h) **REPORTS.**—Not later than one year after the commencement of the pilot program, and every 180 days thereafter, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report on the pilot program. Each report shall include the following:

(1) A description and assessment of the pilot program.

(2) An assessment, current as of the date of such report, of the effectiveness of the pilot program in providing care and services to veterans residing in rural areas, including a comparative assessment of effectiveness for each of the various areas designated for the pilot program.

(3) An assessment, current as of the date of such report, of the effectiveness of the coordination described in subsection (f) in contributing toward the effectiveness of the pilot program.

(4) Such recommendations as the Secretary considers appropriate for modifications of the pilot program in order to better provide care and services to veterans residing in rural areas.

**SA 5342.** Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VII, add the following:

**SEC. 714. FULL ACCESS TO MENTAL HEALTH CARE FOR MEMBERS OF THE NATIONAL GUARD AND RESERVE WHO ARE DEPLOYED OVERSEAS.**

(a) **INITIATIVE TO INCREASE ACCESS TO MENTAL HEALTH CARE.**—

(1) **IN GENERAL.**—The Secretary of Defense shall undertake an initiative intended to increase access to mental health care for family members of members of the National Guard and Reserve deployed overseas during the periods of mobilization, deployment, and demobilization of such members of the National Guard and Reserve.

(2) **ELEMENTS.**—The initiative shall include the following:

(A) Programs and activities to educate the family members of members of the National Guard and Reserve who are deployed overseas on potential mental health challenges connected with such deployment.

(B) Programs and activities to provide such family members with complete information on all mental health resources available to such family members through the Department of Defense and otherwise.

(C) Requirements for mental health counselors at military installations in communities with large numbers of mobilized members of the National Guard and Reserve to expand the reach of their counseling activities to include families of such members in such communities.

(b) **MENTAL HEALTH CARE UNDER TRICARE.**—

(1) **IN GENERAL.**—Under such regulations as the Secretary of Defense shall prescribe, reimbursement shall be provided under the TRICARE program under chapter 55 of title 10, United States Code, for mental health care that is provided to a family member of a covered member of the National Guard or Reserve during the period of deployment of such covered member of the National Guard or Reserve as described in paragraph (2).

(2) **COVERED MEMBERS OF THE NATIONAL GUARD OR RESERVE.**—For purposes of this subsection, a covered member of the National Guard or Reserve is any member of the National Guard or Reserve on active duty for more than 30 days for a deployment in connection with Operation Iraqi Freedom, Operation Enduring Freedom, or other operation that requires deployment overseas who, while so on active duty, is covered by the TRICARE program on a for self and family basis.

(3) **EFFECTIVE DATE.**—This subsection shall take effect on January 1, 2009.

(c) **REPORTS.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on this section.

(2) **ELEMENTS.**—Each report shall include the following:

(A) A current assessment of the extent to which family members of members of the National Guard and Reserve who are deployed have access to, and are utilizing, mental health care available under this section.

(B) A current assessment of the quality of mental health care being provided to family members of members of the National Guard and Reserve who are deployed at State-accredited treatment centers.

(C) Such recommendations for legislative or administration action as the Secretary considers appropriate in order to further assure full access to mental health care by family members of members of the National Guard and Reserve who are deployed during the mobilization, deployment, and demobilization of such members of the National Guard and Reserve.

**SA 5343.** Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VIII, add the following:

**SEC. 834. INTEGRITY AND BUSINESS ETHICS REQUIREMENTS FOR FEDERAL CONTRACTORS.**

(a) **DEFENSE CONTRACTORS.**—

(1) **IN GENERAL.**—Chapter 137 of title 10, United States Code, is amended by inserting after section 2305a the following new section:

**“§ 2305b. Satisfactory record of integrity and business ethics**

“(a) **IN GENERAL.**—No prospective contractor may be awarded a contract with an agency under this title unless the contracting officer for the contract determines that such prospective contractor has a satisfactory record of integrity and business ethics, including satisfactory compliance with

the law (including tax, labor and employment, environmental, antitrust, and consumer protection laws).

“(b) **INFORMATION TO BE CONSIDERED.**—In making a determination as to whether a prospective contractor has a satisfactory record of integrity and business ethics, a contracting officer—

“(1) shall consider all relevant credible information, but shall give the greatest weight to violations of law that have been adjudicated within the last 5 years preceding the offer;

“(2) shall give consideration to any administrative agreements entered into with the prospective contractor if the prospective contractor has taken corrective action after disclosing a violation of law, and may consider such a contractor to be a responsible contractor if the contractor has corrected the conditions that led to the misconduct;

“(3) shall consider failure to comply with the terms of an administrative agreement as evidence of a lack of integrity and business ethics under this section;

“(4) shall consider in descending order of importance—

“(A) convictions of and civil judgments rendered against the prospective contractor for—

“(i) commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public Federal, State, or local contract or subcontract;

“(ii) violation of Federal or State antitrust law relating to the submission of offers; or

“(iii) commission of embezzlement, theft, forgery, bribery, falsification, or destruction of records, making false statement, tax evasion, or receiving stolen property; and

“(B) relative to tax, labor and employment, environmental, antitrust, and consumer protection laws—

“(i) Federal or State felony convictions;

“(ii) adverse Federal court judgments in civil cases brought by the United States;

“(iii) adverse decisions by a Federal administrative law judge, board, or commission indicating violations of law;

“(iv) Federal or State felony indictments; and

“(v) any other civil judgment rendered against the prospective contractor; and

“(5) may consider other relevant information, such as civil or administrative complaints or similar actions filed by or on behalf of a Federal agency, board, or commission, if such action reflects an adjudicated determination by the agency.

“(c) **REPEATED VIOLATIONS OF LAW.**—A single violation of law normally should not give rise to a determination that the prospective contractor has an unsatisfactory record of integrity and business ethics, but evidence of repeated, pervasive, or significant violations of the law may indicate an unsatisfactory record of integrity and business ethics.”.

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2305a the following new item:

“2305b. Satisfactory record of integrity and business ethics.”.

(b) **CIVILIAN CONTRACTORS.**—Title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.) is amended by inserting after section 303M the following new section:

**“SEC. 303N. SATISFACTORY RECORD OF INTEGRITY AND BUSINESS ETHICS.**

“(a) **IN GENERAL.**—No prospective contractor may be awarded a contract with an executive agency unless the contracting officer for the contract determines that such prospective contractor has a satisfactory record of integrity and business ethics, including satisfactory compliance with the law

(including tax, labor and employment, environmental, antitrust, and consumer protection laws).

“(b) INFORMATION TO BE CONSIDERED.—In making a determination as to whether a prospective contractor has a satisfactory record of integrity and business ethics, a contracting officer—

“(1) shall consider all relevant credible information, but shall give the greatest weight to violations of law that have been adjudicated within the last 5 years preceding the offer;

“(2) shall give consideration to any administrative agreements entered into with the prospective contractor if the prospective contractor has taken corrective action after disclosing a violation of law, and may consider such a contractor to be a responsible contractor if the contractor has corrected the conditions that led to the misconduct;

“(3) shall consider failure to comply with the terms of an administrative agreement as evidence of a lack of integrity and business ethics under this section;

“(4) shall consider in descending order of importance—

“(A) convictions of and civil judgments rendered against the prospective contractor for—

“(i) commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public Federal, State, or local contract or subcontract;

“(ii) violation of Federal or State antitrust law relating to the submission of offers; or

“(iii) commission of embezzlement, theft, forgery, bribery, falsification, or destruction of records, making false statement, tax evasion, or receiving stolen property; and

“(B) relative to tax, labor and employment, environmental, antitrust, or consumer protection laws—

“(i) Federal or State felony convictions;

“(ii) adverse Federal court judgments in civil cases brought by the United States;

“(iii) adverse decisions by a Federal administrative law judge, board, or commission indicating violations of law; and

“(iv) Federal or State felony indictments; and

“(5) may consider other relevant information, such as civil or administrative complaints or similar actions filed by or on behalf of an executive agency, board, or commission, if such action reflects an adjudicated determination by the agency.

“(c) REPEATED VIOLATIONS OF LAW.—A single violation of law normally should not give rise to a determination that the prospective contractor has an unsatisfactory record of integrity and business ethics, but evidence of repeated, pervasive, or significant violations of the law may indicate an unsatisfactory record of integrity and business ethics.”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to contracts for which solicitations are issued after the date of the enactment of this Act.

**SA 5344.** Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 3001, 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; which was ordered to lie on the table; as follows: At the end of subtitle G of title X, add the following:

**SEC. 1083. SENSE OF THE SENATE.**

(a) IN GENERAL.—It is the sense of the Senate that the United States Government

should not award any Federal contracts, grants, or loans to any offshore secrecy jurisdiction company.

(b) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

(1) CONTRACT.—

(A) IN GENERAL.—The term “contract” means a binding agreement entered into by an Executive agency for the purpose of obtaining property or services, but does not include—

(i) a contract designated by the head of the agency as assisting the agency in the performance of disaster relief authorities; or

(ii) a contract designated by the head of the agency as necessary to the national security of the United States.

(B) EXECUTIVE AGENCY.—The term “executive agency” has the meaning given such term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

(2) OFFSHORE SECRECY JURISDICTION COMPANY.—

(A) IN GENERAL.—The term “offshore secrecy jurisdiction company” means any person which the Commissioner of Internal Revenue determines that for the purpose of avoiding Federal tax obligations—

(i) is organized in an offshore secrecy jurisdiction; or

(ii) is a member of a domestically controlled group of entities any member of which is organized in an offshore secrecy jurisdiction.

(B) OFFSHORE SECRECY JURISDICTION.—

(i) IN GENERAL.—The term “offshore secrecy jurisdiction” means any foreign jurisdiction which is listed by the Secretary as an offshore secrecy jurisdiction for purposes of this section.

(ii) DETERMINATION OF JURISDICTIONS ON LIST.—A jurisdiction shall be listed under clause (i) if the Secretary determines that such jurisdiction has corporate, business, bank, or tax secrecy rules and practices which, in the judgment of the Secretary, unreasonably restrict the ability of the United States to obtain information relevant to the enforcement of the Internal Revenue Code of 1986, unless the Secretary also determines that such country has effective information exchange practices.

(iii) SECRECY OR CONFIDENTIALITY RULES AND PRACTICES.—For purposes of clause (ii), corporate, business, bank, or tax secrecy or confidentiality rules and practices include both formal laws and regulations and informal government or business practices having the effect of inhibiting access of law enforcement and tax administration authorities to beneficial ownership and other financial information.

(iv) INEFFECTIVE INFORMATION EXCHANGE PRACTICES.—For purposes of clause (ii), a jurisdiction shall be deemed to have ineffective information exchange practices unless the Secretary determines, on an annual basis, that—

(I) such jurisdiction has in effect a treaty or other information exchange agreement with the United States that provides for the prompt, obligatory, and automatic exchange of such information as is foreseeably relevant for carrying out the provisions of the treaty or agreement or the administration or enforcement of such Code,

(II) during the 12-month period preceding the annual determination, the exchange of information between the United States and such jurisdiction was in practice adequate to prevent evasion or avoidance of United States income tax by United States persons and to enable the United States effectively to enforce such Code, and

(III) during the 12-month period preceding the annual determination, such jurisdiction was not identified by an intergovernmental group or organization of which the United

States is a member as uncooperative with international tax enforcement or information exchange and the United States concurs in such identification.

(C) DOMESTICALLY CONTROLLED GROUP OF ENTITIES.—

(i) IN GENERAL.—The term “domestically controlled group of entities” means a controlled group of entities the common parent of which is a domestic corporation.

(ii) CONTROLLED GROUP OF ENTITIES.—The term “controlled group of entities” means a controlled group of corporations as defined in section 1563(a)(1) of the Internal Revenue Code of 1986, except that—

(I) “more than 50 percent” shall be substituted for “at least 80 percent” each place it appears therein, and

(II) the determination shall be made without regard to subsections (a)(4) and (b)(2) of section 1563 of such Code.

A partnership or any other entity (other than a corporation) shall be treated as a member of a controlled group of entities if such entity is controlled (within the meaning of section 954(d)(3) of such Code) by members of such group (including any entity treated as a member of such group by reason of this sentence).

(D) PERSON.—The term “person” means—

(i) a corporation; or

(ii) a partnership or any other entity (other than a corporation).

(E) SECRETARY.—The term “Secretary” means the Secretary of the Treasury or the Secretary’s delegate.

**SA 5345.** Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VIII, add the following:

**SEC. 834. AWARD FEES.**

(a) LINKAGE OF AWARD FEES TO SUCCESSFUL ACQUISITION OUTCOMES.—Every contract entered into by an executive agency that provides for award fees shall link such fees to successful acquisition outcomes (which outcomes shall be specified in terms of cost, schedule, and performance).

(b) PROHIBITION ON AWARD OF UNWARRANTED AWARD FEES.—The head of an executive agency may not—

(1) award a bonus or other incentive payment to a contractor for work the contractor did not perform or with respect to which the contractor received a poor performance rating; or

(2) provide to a contractor award fees unless the contractor, to the extent reasonably within the control of the contractor, achieved the successful acquisition outcome to which such fees were linked under the contract.

**SA 5346.** Mr. FEINGOLD (for himself, Mr. WHITEHOUSE, and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of title XVI, add the following:  
**SEC. 1617. MORATORIUM ON THE DEPLOYMENT OF THE UNITED STATES ARMED FORCES TO IRAQ.**

(a) **MORATORIUM.**—Effective as of the date of the enactment of this Act, no member or unit of the Armed Forces may be deployed to Iraq before March 31, 2009.

(b) **LIMITATION AND REQUIREMENT.**—The Secretary of Defense shall—

(1) not extend the deployment to Iraq of any unit or member of the Armed Forces that is deployed to Iraq as of the date of the enactment of this Act; and

(2) take all necessary and appropriate measures to protect United States personnel in Iraq.

(c) **EXCEPTION.**—A member of the Armed Forces may be deployed to Iraq for the purpose of providing services to United States personnel in Iraq without regard to the moratorium in subsection (a) or the limitation in subsection (b)(1) if the Secretary of Defense certifies to Congress that the member—

(1) has an essential, specialized, noncombat skill (such as a medical, linguistic, or explosive ordnance removal skill); and

(2) will replace in Iraq a member with such skill who is returning from Iraq.

**SA 5347.** Mr. FEINGOLD (for himself, Mr. WHITEHOUSE, Mr. MENENDEZ, Mr. LEAHY, and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle D of title X, add the following:

**SEC. 1041. SAFE REDEPLOYMENT OF UNITED STATES TROOPS FROM IRAQ.**

(a) **TRANSITION OF MISSION.**—The President shall promptly transition the mission of the United States Armed Forces in Iraq to the limited and temporary purposes set forth in subsection (d).

(b) **COMMENCEMENT OF SAFE, PHASED REDEPLOYMENT FROM IRAQ.**—The President shall commence the safe, phased redeployment of members of the United States Armed Forces from Iraq who are not essential to the limited and temporary purposes set forth in subsection (d). Such redeployment shall begin not later than 90 days after the date of the enactment of this Act, and shall be carried out in a manner that protects the safety and security of United States troops.

(c) **USE OF FUNDS.**—No funds authorized to be appropriated or otherwise made available under any provision of law may be obligated or expended to continue the deployment in Iraq of members of the United States Armed Forces after the date that is nine months after the date of the enactment of this Act.

(d) **EXCEPTION FOR LIMITED AND TEMPORARY PURPOSES.**—The prohibition under subsection (c) shall not apply to the obligation or expenditure of funds for the following limited and temporary purposes:

(1) To conduct targeted operations, limited in duration and scope, against members of al Qaeda and affiliated international terrorist organizations.

(2) To provide security for United States Government personnel and infrastructure.

(3) To provide training to members of the Iraqi Security Forces who have not been involved in sectarian violence or in attacks upon the United States Armed Forces, pro-

vided that such training does not involve members of the United States Armed Forces taking part in combat operations or being embedded with Iraqi forces.

(4) To provide training, equipment, or other materiel to members of the United States Armed Forces to ensure, maintain, or improve their safety and security.

**SA 5348.** Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle E of title V, add the following:

**SEC. 546. PAYMENTS FOR ELIGIBLE FEDERALLY CONNECTED CHILDREN.**

Section 8003(a)(2)(C)(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(a)(2)(C)(i)) is amended by striking “6,500” and inserting “5,000”.

**SA 5349.** Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

**SEC. 587. ELECTRONIC DATABASE OF INFORMATION ON THE INCIDENCE OF SUICIDE AMONG MEMBERS OF THE ARMED FORCES.**

(a) **DATABASE REQUIRED.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall, acting through the Assistant Secretary of Defense for Health Affairs and in coordination with the Secretaries of the military departments, establish and maintain an electronic database on the incidence of suicide and attempted suicide among members of the Armed Forces on active duty, including the information specified in subsection (c).

(b) **COVERAGE OF DEMOBILIZED MEMBERS OF RESERVE COMPONENTS.**—To the extent practicable, the members of the Armed Forces covered by the database required under subsection (a) shall include members of the National Guard and Reserve who are demobilized from active duty during the 720-day period beginning on the date of their demobilization.

(c) **INFORMATION.**—The information to be included in the database required by subsection (a) shall include, to the extent practicable, the following:

(1) For each Armed Force—  
 (A) the number of members on active duty who have attempted suicide; and

(B) the number of members on active duty who have committed suicide.

(2) For each member who commits or attempts suicide, the following:

(A) The sex of the member.  
 (B) The race or ethnicity of the member.  
 (C) The Armed Force of the member.

(D) The grade, military occupational specialty, duty status, and duty location of the member at the time of the completion or attempt.

(E) The physical location of the member at the time of the completion or attempt.

(F) A description of any combat experience of the member, including the location of such experience, the intensity and duration of such experience, and the time between the last such experience and the attempt.

(G) The highest level of education achieved by the member.

(H) Any mental health condition, including Post-Traumatic Stress Disorder (PTSD), Traumatic Brain Injury (TBI), or substance use disorder, diagnosed or otherwise detected in the member.

(I) A description of any previous psychological care or treatment received by the member for a condition under subparagraph (H) or another mental health condition.

(J) A description of any family history of the member of mental illness, suicide, or both.

(K) A description of any physical or sexual abuse suffered by the member.

(L) A description of any recent marital or other relationship difficulties of the member.

(M) A description of any recent disciplinary actions taken against the member.

(N) A description of any recent legal difficulties of the member.

(O) A description of any recent financial or employment difficulties of the member.

(P) A description of any prior communications of suicidal intent by the member.

(3) Such other information as the Secretary considers appropriate for purposes of the database.

(d) **SEPARATE INFORMATION ON EACH ATTEMPT.**—Each attempted suicide of a member of the Armed Forces (whether or not completed) shall be treated as a separate attempt at suicide for purposes of subsection (c)(2).

(e) **UPDATES.**—The database required by subsection (a) shall be updated on a continuing basis.

(f) **REPORTS.**—

(1) **REPORTS TO CONGRESS.**—Not later than 90 days after the establishment of the database required by subsection (a), and every 180 days thereafter, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report setting forth the following:

(A) Aggregated data on the incidence of suicide among members of the Armed Forces on active duty.

(B) An assessment of recent trends in suicides and attempted suicides among members of the Armed Forces on active duty.

(2) **AVAILABILITY TO PUBLIC.**—Each report under paragraph (1) shall be made available to the public through the Internet website of the Assistant Secretary of Defense for Health Affairs that is available to the public.

(3) **PROTECTION OF PERSONAL INFORMATION.**—The information in any report under paragraph (1) shall not include any personal information or personally-identifying information on any member of the Armed Forces covered by the database.

(g) **CONSTRUCTION WITH OTHER REQUIREMENTS.**—The requirements of this section are in addition to the requirements of section 581.

**SA 5350.** Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VII, add the following:

**SEC. 714. REDUCTION OF MINIMUM DISTANCE OF MINIMUM DISTANCE OF TRAVEL FOR REIMBURSEMENT OF COVERED BENEFICIARIES FOR TRAVEL FOR SPECIALTY HEALTH CARE.**

(a) **REDUCTION.**—Section 1074i(a) of title 10, United States Code, is amended by striking “100 miles” and inserting “50 miles”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect on October 1, 2008, and shall apply with respect to referrals for specialty health care made on or after that date.

**SA 5351.** Mr. AKAKA (for himself and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

On page 303, between lines 3 and 4, insert the following:

**SEC. 1056. REPORTS ON INFORMATION TECHNOLOGY STRATEGY AND SECURITY CLEARANCE REVIEW PROCESSES.**

(a) **REPORT ON INFORMATION TECHNOLOGY STRATEGY.**—

(1) **REQUIREMENT FOR REPORT.**—Not later than 120 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall submit to Congress a report describing the plans to provide security reform by carrying out the Enterprise Information Technology Strategy referred to in the Initial Report of the Joint Security and Suitability Reform Team, dated April 30, 2008.

(2) **CONTENT.**—The report required by paragraph (1) shall include—

(A) a description of any efforts of the Department of Defense, the Office of Personnel Management, or the Office of the Director of National Intelligence to carry out the plans referred to in paragraph (1), including such efforts carried out with other agencies or departments;

(B) a description of any of the plans referred to in paragraph (1) that will not be carried out and a description of the reasons that such plans will not be carried out;

(C) the plans of each such Department or Office to develop, implement, fund, and provide personnel to carry out the plans referred to in paragraph (1); and

(D) a description of the schedule for carrying out the plans referred to in paragraph (1).

(b) **REPORTS ON SECURITY CLEARANCE REVIEW PROCESSES.**—Paragraph (2) of section 3001(h) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 435b(h)) is amended—

(1) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively; and

(2) by striking subparagraph (A) and inserting the following:

“(A) a description of the average period of time required by each authorized investigative agency and authorized adjudicative agency to respond to a request for a security clearance for an individual, including the average period required to conduct a security clearance investigation, adjudicate such a request, and make a final determination on such a request, from date of submission to ultimate disposition and notification to the subject and the subject’s employer, disaggregated by—

“(i) the type of security clearance, including Secret, Top Secret, and Top Secret with Special Access Program access including sensitive compartmented information;

“(ii) the period of time required for the investigation of an individual seeking the security clearance and for the adjudication of the request; and

“(iii) the proposed recipients of security clearances, including civilian employees of the United States, members of the Armed Forces, and contractors working for the Government of the United States;

“(B) a description of the average period of time required by each authorized investigative agency and each authorized adjudicative agency to conduct an investigation for a suitability determination from successful submission of an application to ultimate disposition and notification to the subject, disaggregated by—

“(i) the type of suitability determination, including suitability for Federal employment, access to Federal facilities, and access to Federal information systems;

“(ii) the period of time required for the investigation of an individual seeking the suitability determination and the adjudication of the request; and

“(iii) the category of employment of the individual for which the suitability determination was made, including civilian employees of the United States and contractors working for the Government of the United States.”.

**SA 5352.** Mr. LEVIN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

On page 241, beginning on line 2, strike “and” and all that follows through the period at the end of line 6 and insert the following:

(2) by inserting after paragraph (1) the following new paragraph (2):

“(2) The Deputy Chief Management Officer of the Department of Defense.”; and

(3) by striking paragraph (7), as redesignated by paragraph (1), and inserting the following new paragraph:

“(7) The Chief Management Officers of the military departments and the heads of such Defense Agencies as may be designated by the Secretary of Defense.”.

**SA 5353.** Mr. LEVIN (for himself, Mr. MCCAIN, and Mr. AKAKA) submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle A of title IX, add the following:

**SEC. 907. DIRECTOR OF INDEPENDENT COST ASSESSMENT.**

(a) **DIRECTOR OF INDEPENDENT COST ASSESSMENT.**—

(1) **IN GENERAL.**—Chapter 4 of title 10, United States Code, is amended by inserting after section 139a the following new section:

**“§ 139b. Director of Independent Cost Assessment**

“(a) There is a Director of Independent Cost Assessment in the Department of Defense, appointed by the President, by and with the advice and consent of the Senate. The Director shall be appointed without regard to political affiliation and solely on the basis of fitness to perform the duties of the Director. The Director may be removed from office by the President. The President shall communicate the reasons for any such removal to both Houses of Congress.

“(b) The Director is the principal advisor to the Secretary of Defense, the Under Secretary of Defense for Acquisition, Technology, and Logistics, and the Under Secretary of Defense (Comptroller) on cost estimation and cost analyses for the acquisition programs of the Department of Defense and the principal cost estimation official within the senior management of the Department of Defense. The Director shall—

“(1) prescribe, by authority of the Secretary of Defense, policies and procedures for the conduct of cost estimation and cost analysis for the acquisition programs of the Department of Defense;

“(2) provide guidance to and consult with the Secretary of Defense, the Under Secretary of Defense for Acquisition, Technology, and Logistics, the Under Secretary of Defense (Comptroller), and the Secretaries of the military departments with respect to cost estimation in the Department of Defense in general and with respect to specific cost estimates and cost analyses to be conducted in connection with a major defense acquisition program under chapter 144 of this title or a major automated information system program under chapter 144A of this title;

“(3) monitor and review all cost estimates and cost analyses conducted in connection with major defense acquisition programs and major automated information system programs;

“(4) conduct independent cost estimates and cost analyses for major defense acquisition programs and major automated information system programs when necessary to ensure that such estimates and analyses are unbiased, fair, and reliable; and

“(5) review and make recommendations to the Secretary of Defense on all budgetary and financial matters relating to cost estimation and cost analysis for the acquisition programs of the Department of Defense, including the personnel required to perform such estimates and analyses.

“(c)(1) The Director may communicate views on matters within the responsibility of the Director directly to the Secretary of Defense and the Deputy Secretary of Defense without obtaining the approval or concurrence of any other official within the Department of Defense.

“(2) The Director shall consult closely with, but the Director and the Director’s staff shall be independent of, the Under Secretary of Defense for Acquisition, Technology, and Logistics, the Under Secretary of Defense (Comptroller), and all other officers and entities of the Department of Defense responsible for acquisition and budgeting.

“(d)(1) The Secretary of a military department shall report promptly to the Director the results of all cost estimates and cost analyses conducted by the military department and all studies conducted by the military department in connection with cost estimates and cost analyses for major defense acquisition programs of the military department.

“(2) The Director may make comments on cost estimates and cost analyses conducted by a military department for a major defense

acquisition program, request changes in such cost estimates and cost analyses to ensure that they are fair and reliable, and develop or require the development of independent cost estimates or cost analyses for such program, as the Director determines to be appropriate.

“(3) The Director shall have access to any records and data in the Department of Defense (including the records and data of each military department) that the Director considers necessary to review in order to carry out the Director’s duties under this section.

“(e) The Director shall prepare an annual report summarizing the cost estimation and cost analysis activities of the Department of Defense during the previous year. Each such report shall be submitted concurrently to the Secretary of Defense, the Under Secretary of Defense for Acquisition, Technology, and Logistics, the Under Secretary of Defense (Comptroller), and Congress not later than 10 days after the transmission of the budget for the next fiscal year under section 1105 of title 31. The Secretary may comment on any report of the Director to Congress under this subsection.

“(f) The President shall include in the budget transmitted to Congress pursuant to section 1105 of title 31 for each fiscal year a separate statement of estimated expenditures and proposed appropriations for that fiscal year for the Director of Independent Cost Assessment in carrying out the duties and responsibilities of the Director under this section.

“(g) The Secretary of Defense shall ensure that the Director has sufficient professional staff of military and civilian personnel to enable the Director to carry out the duties and responsibilities of the Director under this section.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 4 of such title is amended by inserting after the item relating to section 139a the following new item:

“139b. Director of Independent Cost Assessment.”.

(b) TRANSFER OF CERTAIN PERSONNEL AND FUNCTIONS.—The personnel and functions of the following entities of the Department of Defense are hereby transferred to the Director of Independent Cost Assessment under section 139b of title 10, United States Code (as added by subsection (a)), and shall report directly to the Director:

(1) The Cost Analysis Improvement Group.

(2) The cost estimation functions of the Director of Program Analysis and Evaluation.

(c) CONFORMING AMENDMENTS.—

(1) Section 2306b(i)(1)(B) of title 10, United States Code, is amended by striking “Cost Analysis Improvement Group of the Department of Defense” and inserting “Director of Independent Cost Assessment”.

(2) Section 2366a(a)(1)(C) of such title is amended by striking “have been developed to execute” and inserting “have been approved by the Director of Independent Cost Assessment to provide for the execution of”.

(3) Section 2366b(a)(4) of such title is amended by striking “has been submitted” and inserting “has been approved by the Director of Independent Cost Assessment”.

(4) Section 2433(e)(2)(B)(iii) of such title is amended by striking “are reasonable” and inserting “have been determined by the Director of Independent Cost Assessment to be reasonable”.

(5) Subparagraph (A) of section 2434(b)(1) of such title is amended to read as follows:

“(A) be prepared or approved by the Director of Independent Cost Assessment; and”.

(6) Section 2445c(f)(3) of such title is amended by striking “are reasonable” and inserting “have been determined by the Di-

rector of Independent Cost Assessment to be reasonable”.

**SA 5354.** Mr. BURR (for himself, Mrs. CLINTON, Mr. ALEXANDER, Mr. INHOFE, Mr. WICKER, and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, add the following:

**SEC. 1068. ACCEPTANCE BY COMMANDERS OF WOUNDED WARRIOR BATTALIONS OF CHARITABLE GIFTS ON BEHALF OF WOUNDED MEMBERS OF THE ARMED FORCES ASSIGNED TO SUCH BATTALIONS.**

(a) IN GENERAL.—Section 2601(b) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following new paragraph (2):

“(2)(A) Under regulations prescribed by the Secretary of Defense, the commander in grade O-5 or higher of a unit comprised exclusively of members of the armed forces described in paragraph (1)(B) (as determined without taking into account members of such unit performing command or administrative duties with respect to such unit) may accept, hold, administer, and spend gifts, devises, or bequests of personal property, money, or services for the benefit of the members of the armed forces described in paragraph (1)(B) which comprise such unit.

“(B)(i) Except as provided in clause (ii), the amount of any gift, devise, or bequest accepted by the commander of a unit under subparagraph (A) may not exceed \$100,000.

“(ii) The amount a gift, devise, or bequest accepted by the commander of a unit under subparagraph (A) may exceed \$100,000 under such circumstances, if any, as the Secretary of Defense may specify in the regulations prescribed under this paragraph.”.

(b) REPORT ON UTILIZATION OF AUTHORITIES.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the utilization of the authorities provided in paragraph (2) of section 2601(b) of title 10, United States Code (as amended by subsection (a)). The report shall include the following:

(1) A description of the authorities in paragraph (2) of section 2601(b) of title 10, United States Code (as so amended), including a description of any limitations on such authorities under the regulations required by that paragraph.

(2) A description of the gifts, devises, and bequests accepted under such authorities, and of the administration and use of any gifts, devises, and bequests so accepted.

(3) An assessment of the utility of such authorities in assisting commanders of wounded warrior battalions in carrying out the mission of such battalions with respect to members of the Armed Forces assigned to such battalions.

**SA 5355.** Mr. GRAHAM (for himself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill S. 3001 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; which was ordered to lie on the table; as follows:

At the end of subtitle D of title X, add the following:

**SEC. 1041. HABEAS CORPUS REVIEW FOR CERTAIN ENEMY COMBATANTS.**

(a) SHORT TITLE.—This section may be cited as the “Enemy Combatant Detention Review Act of 2008”.

(b) IN GENERAL.—Chapter 153 of title 28, United States Code, is amended by striking section 2256, as added by section 250 of the Act of November 6, 1978 (Public Law 95-598; 92 Stat. 2672), and inserting the following:

“§2256. Habeas corpus review for certain enemy combatants

“(a) DEFINITIONS.—In this section—

“(1) the term ‘attorney for the Government’ means the attorney representing the United States in a habeas corpus proceeding under this section;

“(2) the term ‘covered individual’ means an individual who—

“(A) has been determined by a Combatant Status Review Tribunal to be an enemy combatant (pursuant to the definition employed by that tribunal) or is awaiting the determination of such a tribunal;

“(B) is in the custody of the United States at Guantanamo Bay, Cuba on or after the date of the enactment of the Enemy Combatant Detention Review Act of 2008; and

“(C) is not a citizen of the United States or an alien admitted for permanent residence in the United States; and

“(3) the term ‘enemy combatant’ means a person who has engaged in hostilities or who has purposefully and materially supported hostilities against the United States or its cobelligerents on behalf of the Taliban, al Qaeda, or associated forces.

“(b) STATEMENT OF AUTHORITY.—

“(1) IN GENERAL.—Congress reaffirms that the United States is in an armed conflict with al Qaeda, the Taliban, and associated forces and that those entities continue to pose a threat to the United States and its citizens, both domestically and abroad.

“(2) AUTHORITY.—Congress reaffirms that the President is authorized to detain enemy combatants in connection with the continuing armed conflict with al Qaeda, the Taliban, and associated forces, regardless of the place of capture, until the termination of hostilities.

“(3) RULE OF CONSTRUCTION.—The authority under this section shall not be construed to alter or limit the authority of the President under the Constitution of the United States to detain combatants in the continuing armed conflict with al Qaeda, the Taliban, and associated forces, or in any other armed conflict.

“(c) JURISDICTION AND VENUE.—

“(1) IN GENERAL.—The United States District Court for the District of Columbia (in this section referred to as the ‘District Court’) shall have exclusive jurisdiction of, and shall be the exclusive venue for consideration of, all applications for habeas corpus by or on behalf of any covered individual that is pending on or filed on or after the date of the enactment of the Enemy Combatant Detention Review Act of 2008.

“(2) SCOPE OF JURISDICTION.—An application for habeas corpus filed under paragraph (1) by or on behalf of a covered individual—

“(A) may challenge the legality of the continued detention of the covered individual; and

“(B) may not include any other claim relating to the detention, transfer, treatment,

trial, or conditions of confinement of the covered individual or any other action against the United States or its agents.

“(3) CONSOLIDATED MOTIONS PRACTICE.—All applications for a writ of habeas corpus by or on behalf of a covered individual that are pending on or after the date of the enactment of the Enemy Combatant Detention Review Act of 2008 shall be consolidated before the Chief Judge of the District Court or a designee of the Chief Judge for consolidated proceedings and determinations on common questions of fact or law, including questions concerning the procedures to be conducted on the applications.

“(4) TRANSFER.—Consistent with section 1403(a) of this title, any court of the United States shall transfer a case within the exclusive jurisdiction of the District Court.

“(d) PROCEDURES.—

“(1) STATUS OF COVERED INDIVIDUAL.—

“(A) IN GENERAL.—In a proceeding instituted by an application for habeas corpus by or on behalf of a covered individual under subsection (c)(1), the burden shall be on the Government to submit a return in the form of a written declaration describing the factual basis upon which the Government is detaining the covered individual. Any evidence relied upon by the Government in its declaration shall be subject to a rebuttable presumption with respect to the competency and authenticity of such evidence.

“(B) PRESUMPTION.—Upon a determination that the Government’s return shows credible evidence that the covered individual is an enemy combatant, there shall be a rebuttable presumption that the covered individual is an enemy combatant. The covered individual shall have the burden of rebutting the presumption that the covered individual is an enemy combatant by a showing of more persuasive evidence. The covered individual shall present such evidence in the form of a written declaration.

“(C) REBUTTAL OF PRESUMPTION.—If a covered individual presents evidence sufficient to rebut the presumption under subparagraph (B), the District Court may hold an evidentiary hearing on any disputed matter. In a hearing under this subparagraph, the court shall hear evidence and make findings of fact by a preponderance of the evidence.

“(2) DISCOVERY.—

“(A) SCOPE OF DISCOVERY.—Subject to subparagraph (B), a covered individual may request from the Government as the discovery relating to a habeas corpus proceeding under this section, and if requested by a covered individual, the Government shall provide—

“(i) any documents or objects directly and specifically referenced in the return submitted by the Government;

“(ii) any evidence known to the attorney for the Government that tends materially to undermine evidence presented in the return submitted by the Government;

“(iii) all statements, whether oral, written, or recorded, made or adopted by the covered individual that are known to the attorney for the Government and directly related to the information in the return submitted by the Government.

“(B) PROTECTION OF NATIONAL SECURITY INFORMATION.—

“(i) GENERALLY.—Classified information shall be protected and is privileged from disclosure in habeas corpus proceedings relating to a covered individual. The rule under this subparagraph applies to all stages of any proceeding relating to an application for habeas corpus filed under subsection (c)(1).

“(ii) SUBSTITUTE.—If any information described in subparagraph (A) is classified, the attorney for the Government shall either—

“(I) provide the covered individual with an adequate substitute, to the extent prac-

ticable and consistent with national security; or

“(II) make the classified information available to properly cleared counsel for the covered individual.

“(iii) NONDISCLOSURE OF CLASSIFIED INFORMATION.—Under no circumstances shall the Government be required to provide a covered individual, or any other person detained as an enemy combatant, with access to classified information as part of a habeas corpus proceeding under this section.

“(iv) SOURCES AND METHODS.—The Government shall not be required to disclose to anyone outside the Government the classified sources, methods, or activities by which the Government acquired information described in subparagraph (A). The District Court may require the Government to present, to the extent practicable and consistent with national security, an unclassified summary of the sources, methods, or activities by which the Government acquired such information.

“(v) ORDER.—Upon motion of the Government, the District Court shall issue an order to protect against the disclosure of any classified information.

“(vi) EX PARTE AND IN CAMERA REVIEW.—If the Government seeks to protect classified information from disclosure pursuant to the protections of this subparagraph, the court may review the Government’s submission ex parte and in camera.

“(vii) INTERLOCUTORY APPEAL.—The Government may take an interlocutory appeal from a decision of the District Court relating to the disclosure of classified information subject to the same expedited procedures that would apply to such an appeal pursuant to section 7 of the Classified Information Procedures Act (18 U.S.C. App.).

“(3) WITNESS PRODUCTION.—

“(A) IN GENERAL.—To the maximum extent possible, habeas corpus proceedings shall be decided on the basis of a written return and a written declaration. The rules concerning the admissibility of evidence in civil or criminal trials shall not apply to the presentation and consideration of information at any evidentiary hearing under this section. The District Court may consider any reliable and probative evidence, including hearsay from military, intelligence, and law enforcement sources.

“(B) BASIS FOR IN-PERSON TESTIMONY.—The District Court may grant a motion for oral testimony relating to an evidentiary hearing pursuant to paragraph (1)(C) only if the court finds by clear and convincing evidence that military and intelligence operations would not be harmed by the production of the witness and oral testimony would be likely to provide a material benefit to the resolution by the court of the disputed matter.

“(4) ATTORNEYS.—

“(A) IN GENERAL.—The covered individual shall be represented by an attorney if the attorney—

“(i) is retained by the covered individual or appointed by the District Court;

“(ii) has been determined to be eligible for access to classified information that is classified at the level Secret or higher, as required; and

“(iii) has signed a written agreement to comply with all applicable regulations or instructions for attorneys in habeas corpus proceedings before the District Court, including any rules of court for conduct during the proceedings.

“(B) CLASSIFIED INFORMATION.—Any attorney for a covered individual—

“(i) shall protect any classified information received during the course of representation of the covered individual in accord-

ance with all applicable law governing the protection of classified information; and

“(ii) may not divulge such information to any person not authorized to receive it.

“(5) VIDEO HEARINGS.—The District Court shall not require the presence of a covered individual detained at Guantanamo Bay, Cuba, or elsewhere, for the purpose of any proceeding under this section, including an evidentiary hearing pursuant to paragraph (1)(C), although the District Court in its discretion may permit a detainee to participate from Guantanamo Bay, Cuba, in certain proceedings through available technological means, if appropriate and consistent with the procedures for the protection of classified information and national security under this section.

“(e) EXHAUSTION OF MILITARY COMMISSION PROCEDURES.—

“(1) STAY OF APPLICATIONS PENDING OTHER PROCEEDINGS.—Any application for habeas corpus that is pending on or after the date of the enactment of the Enemy Combatant Detention Review Act of 2008 by or on behalf of a covered individual against whom charges have been sworn under chapter 47A of title 10 shall be stayed pending resolution of the proceedings under chapter 47A of title 10.

“(2) HABEAS PROCEDURES FOR PERSONS CONVICTED BY FINAL JUDGMENT OF A MILITARY COMMISSION.—

“(A) IN GENERAL.—Subject to the restrictions under sections 950g and 950j of title 10, an application for a writ of habeas corpus on behalf of a covered individual in custody pursuant to a final judgment of a military commission shall not be granted unless the applicant has exhausted the remedies available under chapter 47A of title 10.

“(B) FAILURE TO EXHAUST.—An application for a writ of habeas corpus by a covered individual may be denied on the merits, notwithstanding the failure of the applicant to exhaust the remedies available under chapter 47A of title 10.

“(C) REMEDIES NOT EXHAUSTED.—A covered individual shall not be determined to have exhausted the remedies available under chapter 47A of title 10, within the meaning of this section, if the covered individual has the right under chapter 47A of title 10 to raise, by any available procedure, the question presented in an application for a writ of habeas corpus.

“(D) LIMITATIONS.—An application for a writ of habeas corpus on behalf of a covered individual in custody pursuant to the judgment of a military commission shall not be granted with respect to any claim that was adjudicated on the merits in military commission proceedings under chapter 47A of title 10 or that could have been raised before the military commission, except where the commission was without jurisdiction to impose such a judgement.

“(E) SCOPE OF REVIEW.—Subject to the restrictions under subparagraph (D), in reviewing any other claim on an application for a writ of habeas corpus on behalf of a covered individual in custody pursuant to the sentence of a military commission, the District Court shall apply the same deference applicable to a court reviewing an application on behalf of a person in custody pursuant to the sentence of a court martial.

“(f) LIMITS ON SECOND OR SUCCESSIVE APPLICATIONS.—

“(1) IN GENERAL.—A claim presented in a second or successive application for habeas corpus under this section that was presented in a prior application shall be dismissed.

“(2) CLAIMS NOT INCLUDED IN PRIOR APPLICATION.—A claim presented in a second or successive application for habeas corpus under this section that was not presented in a prior application shall be dismissed unless the—

“(A) factual predicate for the claim could not have been discovered previously through the exercise of due diligence; and

“(B) facts underlying the claim, if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that no reasonable factfinder would have found that the covered individual was lawfully detained.

“(3) PROCEDURES FOR SECOND AND SUCCESSIVE APPLICATIONS.—

“(A) IN GENERAL.—The District Court may only consider a second or successive application for habeas corpus under this section if the court determines that the covered individual makes a prima facie showing that the application satisfies the requirements under paragraph (2) for consideration of a second or successive application for habeas corpus.

“(B) APPEAL.—The Government may take an interlocutory appeal from a decision by the District Court to grant consideration of a second or successive habeas corpus application under this paragraph to the United States Court of Appeals for the District of Columbia Circuit. The District Court shall stay proceedings pending the decision on an interlocutory appeal.

“(g) RELEASE.—

“(1) COVERED INDIVIDUALS ORDERED RELEASED.—

“(A) IN GENERAL.—No court shall order the release of a covered individual into the United States.

“(B) VISAS AND IMMIGRATION.—The Secretary of State shall not issue any visa and the Secretary of Homeland Security shall not admit or provide any type of status to a covered individual described in subparagraph (A) that may permit the covered individual to enter or be admitted to the United States.

“(C) WAIVER.—The President, in the sole discretion of the President, may waive the restrictions under subparagraph (A) or (B), in whole or in part, upon a finding that the waiver of such restriction would be consistent with the national security of the United States.

“(2) TRANSFER.—

“(A) IN GENERAL.—If the District Court grants an application for a writ of habeas corpus and orders the release of a covered individual, the covered individual shall be released into the custody of the Secretary of Homeland Security for the purpose of transferring the individual to the country of citizenship of the individual or to another country.

“(B) TRANSFER.—An individual in the custody of the Secretary of Homeland Security pursuant to subparagraph (A) shall be housed separately from aliens detained as enemy combatants by the Department of Defense and in a manner consistent with safety and security of United States personnel. A transfer made pursuant to subparagraph (A) shall be effected as expeditiously as possible and in a manner that is consistent with the policy set out in section 2242 of the 1998 Foreign Relations Authorization Act, Fiscal Years 1998 and 1999 (subdivision B of division G of Public Law 105-277; 8 U.S.C. 1231 note), and with the national security interests of the United States.”.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Section 2241 of title 28, United States Code, is amended by striking subsection (e).

(2) TABLE OF SECTIONS.—The table of sections for chapter 153 of title 28, United States Code, is amended by striking the item relating to section 2256, as added by section 250 of the Act of November 6, 1978 (Public Law 95-598; 92 Stat. 2672), and inserting the following:

“2256. Habeas corpus review for certain enemy combatants.”.

(3) DETAINEE TREATMENT ACT OF 2005.—Section 1005(e) of the Detainee Treatment Act of 2005 (10 U.S.C. 801 note) is amended by striking paragraph (2).

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply to all cases, without exception, pending on or after the date of the enactment of this Act.

**SA 5356.** Mr. CHAMBLISS (for himself and Mr. PRYOR) submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VI, add the following:

**SEC. 652. TRANSITIONAL HEALTH CARE FOR CERTAIN MEMBERS OF THE ARMED FORCES WHO AGREE TO SERVE IN THE SELECTED RESERVE.**

(a) PROVISION OF TRANSITIONAL HEALTH CARE.—Section 1145(a)(2) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

“(F) A member who is separated from active duty who agrees to become a member of the Selected Reserve of the Ready Reserve of a reserve component.”.

(b) EFFECTIVE DATE.—Subparagraph (E) of section 1145(a)(2) of title 10, United States Code, as added by subsection (a), shall apply with respect to members of the Armed Forces who are separated from active duty after the date of the enactment of this Act.

**SA 5357.** Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle D of title V, add the following:

**SEC. 556. INCREASE IN NUMBER OF UNITS OF JUNIOR RESERVE OFFICERS' TRAINING CORPS.**

(a) PLAN FOR INCREASE.—The Secretary of Defense, in consultation with the Secretaries of the military departments, shall develop and implement a plan to establish and support 4,000 Junior Reserve Officers' Training Corps units not later than fiscal year 2020.

(b) EXCEPTIONS.—The requirement imposed in subsection (a) shall not apply—

(1) if the Secretary fails to receive an adequate number of requests for Junior Reserve Officers' Training Corps units by public and private secondary educational institutions; or

(2) during a time of national emergency when the Secretaries of the military departments determine that funding must be allocated elsewhere.

(c) COOPERATION.—The Secretary of Defense, as part of the plan to establish and support additional Junior Reserve Officers' Training Corps units, shall work with local educational agencies to increase the employment in Junior Reserve Officers' Training Corps units of retired members of the Armed Forces who are retired under chapter 61 of

title 10, United States Code, especially members who were wounded or injured while deployed in a contingency operation.

(d) REPORT ON PLAN.—Upon completion of the plan, the Secretary of Defense shall provide a report to the congressional defense committees containing, at a minimum, the following:

(1) A description of how the Secretaries of the military departments expect to achieve the number of units of the Junior Reserve Officers' Training Corps specified in subsection (a), including how many units will be established per year by each service.

(2) The annual funding necessary to support the increase in units, including the personnel costs associated.

(3) The number of qualified private and public schools, if any, who have requested a Junior Reserve Officers' Training Corps unit that are on a waiting list.

(4) A description of proposed efforts to improve the increased distribution of units geographically across the United States.

(5) A description of proposed efforts to increase distribution of units in educationally and economically deprived areas.

(6) A description of proposed efforts to enhance employment opportunities for qualified former military members retired for disability, especially those wounded while deployed in a contingency operation.

(e) TIME FOR SUBMISSION.—The plan required under subsection (a), along with the report required by subsection (d), shall be submitted to the congressional defense committees not later than March 31, 2009. The Secretary of Defense shall submit an updated report annually thereafter containing (at a minimum) the information specified in subsection (d) until the number of units of the Junior Reserve Officers' Training Corps specified in subsection (a) is achieved.

**SA 5358.** Mr. ENSIGN (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

Strike section 1221.

**SA 5359.** Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

On page 45, strike line 2 and insert the following:

(2) assess any lessons learned from the design, development, and construction of the Airborne Laser system that could improve the operational effectiveness, suitability and survivability, or the affordability, of any future system; and

On page 45, line 3, strike “(2)” and insert “(3)”.

On page 45, line 18, insert before the period the following: “relative to the ballistic missile threat posed by North Korea, Iran, and other countries with active ballistic missile development and fielding programs”.

**SA 5360.** Mr. BROWNBACk submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XII, add the following:

**SEC. 1233. ANNUAL REPORT ON MILITARY POWER OF IRAN.**

(a) ANNUAL REPORT REQUIRED.—

(1) IN GENERAL.—Not later than March 1 each year, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the current and future military and security strategy of Iran.

(2) GENERAL SCOPE OF REPORTS.—Each report shall address the current and probable future course of military-technological development of the Iran military and the tenets and probable development of the grand strategy, security strategy, and military strategy, and of military organizations and operational concepts, of Iran during the 20-year period beginning on the date of such report.

(3) FORM.—Each report shall be submitted in both unclassified and classified form.

(b) ELEMENTS.—Each report under this section shall include analyses and forecasts with respect to the following:

(1) The goals of the grand strategy, security strategy, and military strategy of Iran during the 20-year period beginning on the date of such report, and the relationship between such strategies and the current security situation in the Middle East and Central and South Asia.

(2) The size, location, and capabilities of the land, sea, air, and irregular forces of Iran, including the Artesh, the Iranian Revolutionary Guard Corps (IRGC), the Qods Force of the Iranian Revolutionary Guard Corps, Lebanese Hezbollah, and any other force controlled by the Iran or receiving funds or training from the Iran.

(3) Developments in and the capabilities of the ballistic missile, nuclear, and chemical and biological weapons programs of Iran.

(4) The degree to which Iran depends on unconventional, irregular, or asymmetric capabilities to achieve its strategic goals.

(5) The irregular warfare capabilities of Iran, including the exploitation of asymmetric strategies and related weapons and technology, the use of covert forces, the use of proxy forces, support for terrorist organizations, and strategic communications efforts.

(6) Efforts by Iran to develop, acquire, or gain access to information, communication, nuclear, and other advanced technologies that would enhance its military capabilities.

(7) The nature and significance of any arms, munitions, military equipment, or military or dual-use technology acquired by Iran from outside Iran, including from a foreign government or terrorist organization, or provided by Iran to any foreign government or terrorist organization.

(8) The nature and significance of any bilateral or multilateral security or defense-related cooperation agreements, whether formal or informal, between Iran and any foreign government or terrorist organization.

(9) Expenditures by Iran on each of the following:

(A) The security forces of Iran, whether regular and irregular, including the Artesh, the Iranian Revolutionary Guard Corps, and the Qods Force of the Iranian Revolutionary Guard Corps.

(B) The programs of Iran relating to weapons of mass destruction.

(C) Support provided to terrorist groups, insurgent groups, irregular proxy forces, and related activities.

(D) Bilateral military aid.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on International Relations of the House of Representatives.

**SA 5361.** Mr. BROWNBACk submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle E of title III, add the following:

**SEC. 344. SENSE OF SENATE ON EXPEDITIONARY MEDICAL SUPPORT PACKAGES.**

It is the sense of the Senate that—

(1) Expeditionary Medical Support (EMEDS) packages are an important part of the disaster response capabilities provided by the Department of Defense; and

(2) Department plans for civil support missions should identify how Expeditionary Medical Support packages will be transported rapidly enough to meet medical surge schedules at any disaster site.

**SA 5362.** Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

On page 356, between lines 12 and 13, insert the following:

**SEC. 1222. RESTRICTIONS ON ENTERING INTO AGREEMENT FOR NUCLEAR COOPERATION WITH RUSSIA.**

(a) IN GENERAL.—Notwithstanding any other provision of law, and in addition to any other sanction in effect, beginning on the date that is 15 days after the date of the enactment of this Act and until the President makes the certification described in subsection (c), the restrictions described in subsection (b) shall apply with respect to Russia.

(b) RESTRICTIONS.—The restrictions referred to in subsection (a) are the following:

(1) NUCLEAR COOPERATION AGREEMENTS.—The United States may not enter into an agreement for cooperation with Russia pursuant to section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153).

(2) LICENSES TO EXPORT NUCLEAR MATERIAL, FACILITIES, OR COMPONENTS.—The United States may not issue a license to export directly or indirectly to Russia any nuclear material, facilities, components, or other goods, services, or technology that would be subject to an agreement under section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153).

(3) TRANSFERS OF NUCLEAR MATERIAL, FACILITIES, OR COMPONENTS.—The United States

may not approve the transfer or retransfer directly or indirectly to Russia of any nuclear material, facilities, components, or other goods, services, or technology that would be subject to an agreement under section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153).

(c) CERTIFICATION.—The certification referred to in subsection (a) is a certification made by the President to Congress that—

(1) either—

(A) Russia has suspended all nuclear assistance to Iran and all transfers of advanced conventional weapons and missiles to Iran, including the SA-20 system; or

(B) Iran has completely, verifiably, and irreversibly dismantled all nuclear enrichment-related and reprocessing-related programs; and

(2) all Russian forces have been withdrawn from the undisputed territory of the sovereign state of Georgia and Russia has complied with its obligations under the ceasefire agreement signed on August 15, 2008.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as interfering with or preventing cooperation between the United States and Russia on Cooperative Threat Reduction programs.

**SA 5363.** Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

**SEC. 1083. PROHIBITION OF WAR PROFITEERING.**

(a) PROHIBITION.—

(1) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

**“§ 1040. War profiteering and fraud**

“(a) PROHIBITION.—Whoever, in any matter involving a contract with, or the provision of goods or services to, the United States or a provisional authority, in connection with a mission of the United States Government overseas, knowingly—

“(1)(A) executes or attempts to execute a scheme or artifice to defraud the United States or that authority; or

“(B) materially overvalues any good or service with the intent to defraud the United States or that authority;

shall be fined not more than \$1,000,000 or imprisoned not more than 20 years, or both; or

“(2) in connection with the contract or the provision of those goods or services—

“(A) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;

“(B) makes any materially false, fictitious, or fraudulent statements or representations; or

“(C) makes or uses any materially false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry;

shall be fined not more than \$1,000,000 or imprisoned not more than 10 years, or both.

“(b) EXTRATERRITORIAL JURISDICTION.—

There is extraterritorial Federal jurisdiction over an offense under this section.

“(c) VENUE.—A prosecution for an offense under this section may be brought—

“(1) as authorized by chapter 211 of this title;

“(2) in any district where any act in furtherance of the offense took place; or

“(3) in any district where any party to the contract or provider of goods or services is located.”.

(2) TABLE OF SECTIONS.—The table of sections for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

“1040. War profiteering and fraud.”.

(b) CRIMINAL FORFEITURE.—Section 982(a)(2)(B) of title 18, United States Code, is amended by striking “or 1030” and inserting “1030, or 1040”.

(c) MONEY LAUNDERING.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting “section 1040 (relating to war profiteering and fraud),” after “liquidity agent of financial institution).”.

(d) RICO.—Section 1961(1) of title 18, United States Code, is amended by inserting “section 1040 (relating to war profiteering and fraud),” after “in connection with access devices).”.

**SA 5364.** Mr. LIEBERMAN (for himself, Ms. COLLINS, and Mrs. MCCASKILL) submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

Strike section 833 and insert the following:  
**SEC. 833. INFORMATION FOR FEDERAL GOVERNMENT CONTRACTOR EMPLOYEES ON THEIR WHISTLEBLOWER RIGHTS.**

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended to prescribe a policy for informing employees of a contractor of an executive agency of their whistleblower rights and protections under section 265 of title 41, United States Code, or section 2409 of title 10, United States Code, as applicable, as implemented by subpart 3.9 of part I of title 48, Code of Federal Regulations.

(b) ELEMENTS.—The regulations required by subsection (a) shall include requirements as follows:

(1) Employees of contractors shall be notified in writing of the provisions of section 265 of title 41, United States Code, or the provisions of section 2409 of title 10, United States Code, as applicable.

(2) Notice to employees of contractors under paragraph (1) shall state that the restrictions imposed by any employee agreement or nondisclosure agreement shall not supersede, conflict with, or otherwise alter the employee rights created by section 265 of title 41, United States Code (or the regulations implementing such section), or the employee rights created by section 2409 of title 10, United States Code (or the regulations implementing such section), as applicable.

(c) CONTRACTOR DEFINED.—In this section, the term “contractor”—

(1) in the case of the Department of Defense or any other agency covered by section 2409 of title 10, United States Code, has the meaning given that term in section 2409(e)(4) of such title; and

(2) in the case of any other executive agency, has the meaning given that term in section 265(e)(2) of title 41, United States Code.

**SA 5365.** Mr. LIEBERMAN (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize ap-

propriations 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; which was ordered to lie on the table; as follows:

Strike section 832 and insert the following:

**SEC. 832. ETHICS SAFEGUARDS FOR EMPLOYEES UNDER CERTAIN CONTRACTS FOR THE PERFORMANCE OF ACQUISITION FUNCTIONS CLOSELY ASSOCIATED WITH INHERENTLY GOVERNMENTAL FUNCTIONS.**

(a) ETHICS SAFEGUARDS.—

(1) CONTRACT CLAUSE REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended to require that each contract (or task or delivery order) in excess of \$500,000 that calls for the performance of acquisition functions closely associated with inherently governmental functions for or on behalf of an executive agency shall include a contract clause addressing financial conflicts of interests of contractor employees who will be responsible for the performance of such functions.

(2) CONTENTS OF CONTRACT CLAUSE.—The contract clause required by paragraph (1) shall, at a minimum—

(A) require the contractor to prohibit any employee of the contractor from performing any functions described in paragraph (1) under such a contract (or task or delivery order) relating to a program, company, contract, or other matter in which the employee (or a member of the employee's immediate family) has a financial interest without the express written approval of the contracting officer;

(B) require the contractor to obtain, review, update, and maintain as part of its personnel records a financial disclosure statement from each employee assigned to perform functions described in subparagraph (A) under such a contract (or task or delivery order) that is sufficient to enable the contractor to ensure compliance with the requirements of subparagraph (A);

(C) require the contractor to prohibit any employee of the contractor who is responsible for performing functions described in subparagraph (A) under such a contract (or task or delivery order) relating to a program, company, contract, or other matter from accepting a gift from the affected company or from an individual or entity that has a financial interest in the program, contract, or other matter;

(D) require the contractor to prohibit contractor personnel who have access to non-public government information obtained while performing work on such a contract (or task or delivery order) from using such information for personal gain;

(E) require the contractor to take appropriate disciplinary action in the case of employees who fail to comply with prohibitions established pursuant to this section;

(F) require the contractor to promptly report any failure to comply with the prohibitions established pursuant to this section to the contracting officer for the applicable contract or contracts;

(G) include appropriate definitions of the terms “financial interest” and “gift” that are similar to the definitions in statutes and regulations applicable to Federal employees;

(H) establish appropriate contractual penalties for failures to comply with the requirements of subparagraphs (A) through (F); and

(I) provide such additional safeguards, definitions, and exceptions as may be necessary to safeguard the public interest.

(3) DEFINITIONS.—In this subsection:

(A) The term “executive agency” has the meaning given that term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

(B) The term “functions closely associated with inherently governmental functions” means the functions described in section 7.503(d) of the Federal Acquisition Regulation, or any successor regulation.

(b) PERSONAL CONFLICTS OF INTEREST.—

(1) REVIEW OF FAR REGARDING PERSONAL CONFLICTS OF INTEREST.—Not later than 12 months after the date of the enactment of this Act, the Administrator for Federal Procurement Policy, in consultation with the Director of the Office of Government Ethics, shall review the Federal Acquisition Regulation to determine whether revisions to the Federal Acquisition Regulation are necessary to address personal conflicts of interest by contractor employees with respect to contracts other than contracts described in subsection (a)(1).

(2) REVISIONS OF FAR.—If the Administrator determines pursuant to the review under paragraph (1) that revisions to the Federal Acquisition Regulation are necessary to address personal conflicts of interest described in that paragraph, the Administrator shall work with the Federal Acquisition Regulatory Council to prescribe appropriate revisions to the Federal Acquisition Regulation for that purpose.

(3) REPORT.—Not later than March 1, 2010, the Administrator shall submit to the appropriate committees of Congress a report setting forth the findings and determinations of the Administrator as a result of the review under paragraph (1), together with an assessment of any revisions to the Federal Acquisition Regulation that may be necessary to address personal conflicts of interest described in that paragraph.

(c) ORGANIZATIONAL CONFLICTS OF INTEREST.—

(1) REVIEW OF FAR REGARDING ORGANIZATIONAL CONFLICTS OF INTEREST.—Not later than 12 months after the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall review the Federal Acquisition Regulation to determine whether revisions to the Federal Acquisition Regulation are necessary to achieve sufficiently rigorous, comprehensive, and uniform government-wide policies to prevent and mitigate organizational conflicts of interest in Federal contracting.

(2) REVISIONS OF FAR.—If the Administrator determines pursuant to the review under paragraph (1) that revisions to the Federal Acquisition Regulation are necessary to achieve the policies described in that paragraph, the Administrator shall work with the Federal Acquisition Regulatory Council to prescribe appropriate revisions to the Federal Acquisition Regulation for that purpose.

(3) REPORT.—Not later than March 1, 2010, the Administrator shall submit to the appropriate committees of Congress a report setting forth the findings and determinations of the Administrator as a result of the review under paragraph (1), together with an assessment of any revisions to the Federal Acquisition Regulation that may be necessary to achieve the policies described in that paragraph.

(d) BEST PRACTICES REGARDING CONFLICTS OF INTEREST.—The Administrator for Federal Procurement Policy shall, in consultation with the Director of the Office of Government Ethics, develop and maintain a repository of best practices relating to the prevention and mitigation of organizational and personal conflicts of interest in Federal contracting.

(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(2) the Committee on Armed Services and the Committee on Oversight and Government Reform of the House of Representatives.

**SA 5366.** Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VIII, add the following:

**SEC. 834. IMPROVEMENT OF WHISTLEBLOWER PROTECTIONS FOR CONTRACTOR EMPLOYEES OF THE DEPARTMENT OF DEFENSE.**

(a) EVIDENCE SUBSTANTIATING OCCURRENCE OF REPRISAL.—Subsection (b) of section 2409 of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(3)(A) A person alleging a reprisal under this section shall affirmatively establish the occurrence of the reprisal if the person demonstrates that a disclosure described in subsection (a) was a contributing factor in the reprisal. A disclosure may be demonstrated as a contributing factor for purposes of this paragraph by circumstantial evidence, including evidence as follows:

“(i) Evidence that the official undertaking the reprisal knew of the disclosure.

“(ii) Evidence that the reprisal occurred within a period of time after the disclosure such that a reasonable person could conclude that the disclosure was a contributing factor in the reprisal.

“(B) Except as provided in subparagraph (C), if a reprisal is affirmatively established under subparagraph (A), the Inspector General shall recommend in the report under paragraph (1) that corrective action be taken under subsection (c).

“(C) The Inspector General may not recommend corrective action under subparagraph (B) with respect to a reprisal that is affirmatively established under subparagraph (A) if the contractor demonstrates by clear and convincing evidence that the contractor would have taken the action constituting the reprisal in the absence of the disclosure.”.

(b) BURDEN OF PROOF IN ACTIONS FOLLOWING LACK OF RELIEF.—Paragraph (2) of subsection (c) of such section is amended—

(1) by inserting “(A)” after “(2)”; and

(2) by adding at the end the following new subparagraph:

“(B) In any action under subparagraph (A), the establishment of the occurrence of a reprisal shall be governed by the provisions of subsection (b)(3)(A), including the burden of proof in that subsection, subject to the establishment by the contractor that the action alleged to constitute the reprisal did not constitute a reprisal in accordance with the provisions of subsection (b)(3)(C), including the burden of proof in that subsection.”.

(c) CLARIFICATION OF RECOURSE TO JUDICIAL REVIEW.—Paragraph (5) of subsection (c) of such section is amended by striking “Any person” and inserting “Except in the case of a complainant who brings an action under paragraph (2), any person”.

**SA 5367.** Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VI, add the following:

**SEC. 652. REPORT ON BONUSES AND INCENTIVES FOR RECRUITMENT AND RETENTION OF MEMBERS OF THE AIR FORCE IN NUCLEAR CAREER FIELDS.**

(a) REPORT REQUIRED.—Not later than March 1, 2009, the Secretary of the Air Force shall submit to the congressional defense committees a report assessing the feasibility, advisability, utility, and cost effectiveness of establishing new retention bonuses or assignment incentive pay for members of the Air Force involved in the operation, maintenance, handling, and security of nuclear weapons in order to enhance the recruitment and retention of such members.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of current reenlistment rates, set forth by Air Force Specialty Code, of members of the Air Force serving in positions involving the operation, maintenance, handling, and security of nuclear weapons.

(2) A description of the current personnel fill rate for Air Force units involved in the operation, maintenance, handling, and security of nuclear weapons.

(3) An assessment of whether additional retention bonuses or assignment incentive pay could help to improve retention by the Air Force of skilled personnel in the positions described in paragraph (1).

(4) An assessment of whether assignment incentive pay should be provided for members of the Air Force covered by the Personnel Reliability Program.

(5) Such other matters as the Secretary considers appropriate.

**SA 5368.** Mr. LIEBERMAN (for himself, Mr. GRAHAM, Mr. MCCAIN, Mr. MCCONNELL, Mr. ALEXANDER, Mr. ALLARD, Mr. BOND, Mr. BENNETT, Mr. BROWNBACK, Mr. CORNYN, Mr. CRAIG, Mr. CRAPO, Mr. ENSIGN, Mr. DOMENICI, Mr. ENZI, Mrs. HUTCHISON, Mr. ISAKSON, Mr. THUNE, Mr. KYL, Mr. WICKER, Mr. ROBERTS, Mr. CHAMBLISS, Mrs. DOLE, Mr. BURR, Mr. MARTINEZ, Mr. STEVENS, Mr. COBURN, and Mr. BARRASSO) submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

**SEC. 1083. SENSE OF THE SENATE ON THE STRATEGIC SUCCESS OF THE TROOP SURGE IN IRAQ AND THE MEMBERS OF THE UNITED STATES ARMED FORCES WHO MADE THAT SUCCESS POSSIBLE.**

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

(1) By the end of 2006, it had become clear that, despite exceptional efforts and sac-

rifices on the part of the United States Armed Forces in Iraq, the United States was pursuing a failed strategy in Iraq.

(2) By the end of 2006, large-scale sectarian violence was accelerating throughout Iraq, al Qaeda had established significant safe havens there, militias sponsored by the Government of Iran had seized effective control of large swaths of Iraq, and the Government of Iraq was suffering from political paralysis.

(3) By the end of 2006, insurgents and death squads were killing more than 3,000 civilians in Iraq each month and coalition forces were sustaining more than 1,200 attacks each week.

(4) In December 2006, the Iraq Study Group warned that “the United States is facing one of its most difficult and significant international challenges in decades” in Iraq and that “Iraq is vital to regional and even global stability, and is critical to U.S. interests”.

(5) In December 2004, Osama bin Laden said the following of the war in Iraq: “The most important and serious issue today for the whole world is this Third World War. . . . The world’s millstone and pillar is Baghdad, the capital of the caliphate.”.

(6) On January 10, 2007, in an address to the Nation, President George W. Bush acknowledged that the situation in Iraq was “unacceptable” and announced his intention to put in place a new strategy, subsequently known as “the surge”.

(7) President Bush nominated and the Senate confirmed General David H. Petraeus as the Commander of Multi-National Forces—Iraq, a position he assumed on February 10, 2007.

(8) General Petraeus, upon assuming command, and in partnership with Lieutenant General Raymond Odierno, the Commander of Multi-National Corps—Iraq, and United States Ambassador to Iraq Ryan Crocker, developed a comprehensive civil-military counterinsurgency campaign plan to reverse Iraq’s slide into chaos, defeat the enemies of the United States in Iraq, and, in partnership with the Iraqi Security Forces and the Government of Iraq, reestablish security across the country.

(9) Under the previous strategy, the overwhelming majority of United States combat forces were concentrated on a small number of large forward operating bases and were not assigned the mission of providing security for the people of Iraq against insurgents, terrorists, and militia fighters, in part because there were insufficient members of the United States Armed Forces in Iraq to do so.

(10) As an integral component of the surge, approximately 5 additional United States Army brigades and 2 United States Marine Corps battalions were deployed to Iraq.

(11) As an integral component of the surge, members of the United States Armed Forces were deployed out of large forward operating bases onto small bases throughout Baghdad and other key population centers, partnering with the Iraqi Security Forces to provide security for the local population against insurgents, terrorists, and militia fighters.

(12) Additional members of the United States Armed Forces began moving into Iraq in January 2007 and reached full strength in June 2007.

(13) As a consequence of the additional forces needed in Iraq, in April 2007 the United States Army added 3 months to the standard year-long tour for all active duty soldiers in Iraq and Afghanistan, and the United States Marine Corps added 3 months to the standard 6-month tour for all active duty Marines in Iraq and Afghanistan.

(14) As an integral component of the surge, members of the United States Armed Forces began simultaneous and successive offensive operations, in partnership with the Iraqi Security Forces, of unprecedented breadth,

continuity, and sophistication, striking multiple enemy safe havens and lines of communication at the same time.

(15) As an integral component of the surge, additional members of the United States Armed Forces were deployed to Anbar province to provide essential support to the nascent tribal revolt against al Qaeda in that province.

(16) Those additional members of the United States Armed Forces played a critical role in the success and spread of anti-Qaeda Sunni tribal groups in Anbar province and subsequently in other regions of Iraq.

(17) Since the start of the surge in January 2007, there have been marked and hopeful improvements in almost every political, security, and economic indicator in Iraq.

(18) In 2007, General Petraeus described Iraq as “the central front of al Qaeda’s global campaign”.

(19) In 2008, as a consequence of the success of the surge, al Qaeda has been dealt what Director of Central Intelligence Michael Hayden assesses as a “near strategic defeat” in Iraq.

(20) As a consequence of the success of the surge, militias backed by the Government of Iran have been routed from major population centers in Iraq and no longer control significant swaths of territory.

(21) As a consequence of the success of the surge, sectarian violence in Iraq has fallen dramatically and has been almost entirely eliminated.

(22) As a consequence of the success of the surge, overall insurgent attacks have fallen by approximately 80 percent since June 2007 and are at their lowest level since March 2004.

(23) As a consequence of the success of the surge, United States casualties in Iraq have dropped dramatically and United States combat deaths in Iraq in July 2008 were lower than in any other month since the beginning of the war.

(24) As a consequence of the success of the surge, the Government of Iraq has made significant strides in advancing sectarian reconciliation and achieving political progress, including the passage of key benchmark legislation.

(25) As a consequence of the success of the surge, the Iraqi Security Forces have improved markedly and approximately 70 percent of Iraqi combat battalions are now leading operations in their areas.

(26) As a consequence of the success of the surge, General Petraeus concluded in 2008 that conditions on the ground in Iraq could permit the additional brigades and battalions dispatched to Iraq in 2007 as part of the surge to be safely redeployed without replacement, and all such brigades and battalions have been successfully withdrawn without replacement.

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

(1) commend and express its gratitude to the men and women of the United States Armed Forces for the service, sacrifices, and heroism that made the success of the troop surge in Iraq possible;

(2) commend and express its gratitude to General David H. Petraeus, General Raymond Odierno, and Ambassador Ryan Crocker for the distinguished wartime leadership that made the success of the troop surge in Iraq possible;

(3) recognize the success of the troop surge in Iraq and its strategic significance in advancing the vital national interests of the United States in Iraq, the Middle East, and the world, in particular as a strategic victory in a central front of the war on terrorism; and

(4) recognize that the hard-won gains achieved as a result of the troop surge in

Iraq are significant but not yet permanent and that it is imperative that no action be taken that jeopardizes those gains or dishonors the service and sacrifice of the men and women of the United States Armed Forces who made those gains possible.

**SA 5369.** Mr. WHITEHOUSE (for himself, Mrs. FEINSTEIN, Mr. ROCKEFELLER, and Mr. HAGEL) submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

On page 280, after line 20, add the following:

**SEC. 1037. REQUIREMENT FOR RED CROSS NOTIFICATION OF AND ACCESS TO DETAINES.**

(a) REQUIREMENT.—No funds authorized to be appropriated by this Act or any other Act may be used to detain any individual who is in the custody or under the effective control of an element of the intelligence community or an instrumentality of such element unless the International Committee of the Red Cross is provided notification of the detention of such individual and access to such individual in a manner consistent with the practices of the Armed Forces.

(b) CONSTRUCTION.—Nothing in this subsection shall be construed—

(1) to create or otherwise imply the authority to detain; or

(2) to limit or otherwise affect any other rights or obligations which may arise under the Geneva Conventions or other laws, or to state all of the situations under which notification to and access for the International Committee of the Red Cross is required or allowed.

(c) DEFINITIONS.—In this section:

(1) INSTRUMENTALITY.—The term “instrumentality”, with respect to an element of the intelligence community, means a contractor or subcontractor at any tier of the element of the intelligence community.

(2) INTELLIGENCE COMMUNITY.—The term “intelligence community” has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

**SA 5370.** Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

On page 452, between lines 9 and 10, insert the following:

**SEC. 2806. EXPANSION OF AUTHORITY FOR PILOT PROJECTS FOR ACQUISITION OR CONSTRUCTION OF MILITARY UNACCOMPANIED HOUSING.**

Section 2881a of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking “The Secretary of the Navy” and inserting “(1) The Secretary of the Navy”; and

(B) by adding at the end the following new paragraph:

“(2) The Secretary of the Army shall carry out a pilot project under the authority of

this section or another provision of this subchapter to use the private sector for the acquisition or construction of military unaccompanied housing for all ranks at Fort Polk, Louisiana.”;

(2) in subsection (b), by striking “The Secretary of the Navy” and inserting “The Secretaries of the Army and Navy”;

(3) in subsection (d)(1), by striking “The Secretary of the Navy” and inserting “The Secretaries of the Army and Navy”;

(4) in subsection (e)(1), by striking “The Secretary of the Navy shall transmit” and inserting “The Secretaries of the Army and Navy shall each transmit”; and

(5) in subsection (f)—

(A) by striking “The authority” and inserting “(1) The authority”; and

(B) by adding at the end the following new paragraph:

“(2) The authority of the Secretary of the Army to enter into a contract under the pilot program shall expire September 30, 2010.”.

**SA 5371.** Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

On page 311, between lines 13 and 14, insert the following:

**SEC. 1083. WORLD WAR II MUSEUM FOUNDATION FOR AMERICA’S NATIONAL WORLD WAR II MUSEUM.**

(a) FINDINGS.—Congress makes the following findings:

(1) The National D-Day Museum was officially designated by the Congress as “America’s National World War II Museum” in section 8134 of the Fiscal Year 2004 Defense Appropriations Act (Public Law 108–87; 117 Stat. 1103).

(2) The Museum received the national designation because it is the only museum in the United States that exists for the exclusive purpose of interpreting the American experience during World War II, years 1939–1945, on both the battlefield and the homefront. In doing so, the Museum covers all of the branches of the Armed Forces and the Merchant Marine.

(3) A one-time \$50,000,000 grant to the World War II Museum Foundation would provide vital Federal support for the U.S. Freedom Pavilion portion of the current Museum expansion.

(4) The U.S. Freedom Pavilion will be the main entrance building to the main theater, exhibit halls, and other pavilions in the Museum. Among its major exhibits, the Freedom Pavilion will contain an interactive exhibition honoring all of the World War II veterans who have also served the Nation as President or as a member of the Senate or House of Representatives.

(b) AUTHORIZATION OF APPROPRIATIONS.—Of the amount appropriated pursuant to the authorization of appropriations under section 301(1), \$50,000,000 may be made available for a grant to the National World War II Museum Foundation for the museum in New Orleans, Louisiana, designated as America’s National World War II Museum by section 8134 of the Department of Defense Appropriations Act, 2005 (Public Law 108–87; 117 Stat. 1103).

**SA 5372.** Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill S. 3001,

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; which was ordered to lie on the table; as follows:

At the end of subtitle C of title V, add the following:

**SEC. 539. AUTHORIZED STRENGTH AND DISTRIBUTION IN GRADE OF CERTAIN NATIONAL GUARD AND RESERVE OFFICERS AND ARMY NATIONAL GUARD ENLISTED PERSONNEL.**

(a) STRENGTH AND GRADE AUTHORIZATIONS FOR CERTAIN NATIONAL GUARD AND RESERVE

OFFICERS.—The table in section 12011(a) of title 10, United States Code, is amended—

(1) by striking the matter relating to the Army National Guard and the Marine Corps Reserve and inserting the following new matter:

Army National Guard:	Major	Lieutenant Colonel	Colonel
20,000	1,500	850	325
22,000	1,650	930	350
24,000	1,790	1,010	378
26,000	2,070	1,168	420
28,000	1,930	1,085	395
30,000	2,200	1,245	445
32,000	2,330	1,315	460
34,000	2,450	1,385	470
36,000	2,570	1,455	480
38,000	2,670	1,527	490
40,000	2,770	1,590	500
42,000	2,837	1,655	505

Marine Corps Reserve:	Major	Lieutenant Colonel	Colonel
1,000	99	63	20
1,200	103	67	21
1,300	107	70	22
1,400	111	73	23
1,500	114	76	24
1,600	117	79	25
1,700	120	82	26
1,800	123	85	27
1,900	126	88	28
2,000	129	91	29
2,100	132	94	30
2,200	134	97	31
2,300	136	100	32
2,400	138	103	33
2,500	140	106	34
2,600	142	109	35

(2) by striking the matter relating to the Air National Guard and inserting the following new matter:

Air National Guard:	Major	Lieutenant Colonel	Colonel
5,000	333	335	251
6,000	403	394	260
7,000	472	453	269
8,000	539	512	278
9,000	606	571	287
10,000	673	665	313
11,000	740	759	339
12,000	807	827	353
13,000	873	886	363
14,000	939	945	374
15,000	1,005	1,001	384
16,000	1,067	1,057	394
17,000	1,126	1,113	404
18,000	1,185	1,169	414
19,000	1,235	1,224	424
20,000	1,283	1,280	428

(b) STRENGTH AND GRADE AUTHORIZATION FOR CERTAIN ARMY NATIONAL GUARD PER-

SONNEL.—The table in section 12012(a) of such title is amended by striking the matter re-

lating to the Army National Guard and inserting the following new matter:

Army National Guard:	E-8	E-9
20,000	1,650	550
22,000	1,775	615
24,000	1,950	645
26,000	2,100	675
28,000	2,250	715
30,000	2,400	735
32,000	2,500	760
34,000	2,600	780

“Army National Guard:

	E-8	E-9
36,000 .....	2,700	800
38,000 .....	2,800	820
40,000 .....	2,900	830
42,000 .....	3,000	840”.

**SA 5373.** Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VI, add the following:

**SEC. 652. AUTHORITY TO CONTINUE PROVISION OF INCENTIVES AFTER TERMINATION OF TEMPORARY ARMY AUTHORITY TO PROVIDE ADDITIONAL RECRUITMENT INCENTIVES.**

Subsection (i) of section 681 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3321) is amended to read as follows:

“(i) **TERMINATION OF AUTHORITY.**—  
“(1) **IN GENERAL.**—The Secretary may not develop an incentive under this section, or first provide an incentive developed under this section to an individual, after December 31, 2009.

“(2) **CONTINUATION OF INCENTIVES.**—Nothing in paragraph (1) shall be construed to prohibit or limit the continuing provision to an individual after the date specified in that paragraph of an incentive first provided the individual under this section before that date.”.

**SA 5374.** Mr. REID (for Mr. BIDEN (for himself, Mr. KERRY, and Mr. HAGEL)) submitted an amendment intended to be proposed by Mr. REID to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

On page 360, after line 20, add the following:

**Subtitle E—Enhanced Partnership With Pakistan**

**SEC. 1241. SHORT TITLE.**

This subtitle may be cited as the “Enhanced Partnership with Pakistan Act of 2008”.

**SEC. 1242. FINDINGS.**

Congress makes the following findings:

(1) The people of Pakistan and the United States have a long history of friendship and comity, and the vital interests of both nations are well-served by strengthening and deepening this friendship.

(2) In February 2008, the people of Pakistan elected a civilian government, reversing months of political tension and intrigue, as well as mounting popular concern over governance and their own democratic reform and political development.

(3) A democratic, moderate, modernizing Pakistan would represent the wishes of that country’s populace, and serve as a model to other countries around the world.

(4) Pakistan is a major non-NATO ally of the United States, and has been a valuable

partner in the battle against al Qaeda and the Taliban.

(5) The struggle against al Qaeda, the Taliban, and affiliated terrorist groups has led to the deaths of several thousand Pakistani civilians and members of the security forces of Pakistan over the past 6 years.

(6) Since the terrorist attacks of September 11, 2001, more al Qaeda terrorist suspects have been apprehended in Pakistan than in any other country, including Khalid Sheikh Muhammad, Ramzi bin al-Shibh, and Abu Faraj al-Libi.

(7) Despite the sacrifices and cooperation of the security forces of Pakistan, the top leadership of al Qaeda, as well as the leadership and rank-and-file of affiliated terrorist groups, are believed to use Pakistan’s Federally Administered Tribal Areas (FATA) as a haven and a base from which to organize terrorist actions in Pakistan and with global reach.

(8) According to a Government Accountability Office Report, (GAO-08-622), “since 2003, the administration’s national security strategies and Congress have recognized that a comprehensive plan that includes all elements of national power— diplomatic, military, intelligence, development assistance, economic, and law enforcement support— was needed to address the terrorist threat emanating from the FATA” and that such a strategy was also mandated by section 7102(b)(3) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 22 U.S.C. 2656f note) and section 2042(b)(2) of the Implementing the Recommendations of the 9/11 Commission Act of 2007 (Public Law 110-53; 22 U.S.C. 2375 note).

(9) According to United States military sources and unclassified intelligence reports, including the July 2007 National Intelligence Estimate entitled, “The Terrorist Threat to the U.S. Homeland”, the Taliban, al Qaeda, and their Pakistani affiliates continue to use territory in Pakistan as a haven, recruiting location, and rear base for violent actions in both Afghanistan and Pakistan, as well as attacks globally, and pose a threat to the United States homeland.

(10) The toll of terrorist attacks, including suicide bombs, on the people of Pakistan include thousands of citizens killed and wounded across the country, over 1,400 military and police forces killed (including 700 since July 2007), and dozens of tribal, provincial, and national officials targeted and killed, as well as the brazen assassination of former prime minister Benazir Bhutto while campaigning in Rawalpindi on December 27, 2007, and several attempts on the life of President Pervaiz Musharraf, and the rate of such attacks have grown considerably over the past 2 years.

(11) The people of Pakistan and the United States share many compatible goals, including—

(A) combating terrorism and violent radicalism, both inside Pakistan and elsewhere;

(B) solidifying democracy and the rule of law in Pakistan;

(C) promoting the economic development of Pakistan, both through the building of infrastructure and the facilitation of increased trade;

(D) promoting the social and material well-being of Pakistani citizens, particularly through development of such basic services as public education, access to potable water, and medical treatment; and

(E) safeguarding the peace and security of South Asia, including by facilitating peaceful relations between Pakistan and its neighbors.

(12) According to consistent opinion research, including that of the Pew Global Attitudes Survey (December 28, 2007) and the International Republican Institute (January 29, 2008), many people in Pakistan have historically viewed the relationship between the United States and Pakistan as a transactional one, characterized by a heavy emphasis on security issues with little attention to other matters of great interest to citizens of Pakistan.

(13) The election of a civilian government in Pakistan in February 2008 provides an opportunity, after nearly a decade of military-dominated rule, to place relations between Pakistan and the United States on a new and more stable foundation.

(14) Both the Government of Pakistan and the United States Government should seek to enhance the bilateral relationship through additional multi-faceted engagement in order to strengthen the foundation for a consistent and reliable long-term partnership between the two countries.

**SEC. 1243. DEFINITIONS.**

In this subtitle:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and Foreign Affairs of the House of Representatives.

(2) **COUNTERINSURGENCY.**—The term “counterinsurgency” means efforts to defeat organized movements that seek to overthrow the duly constituted Governments of Pakistan and Afghanistan through the use of subversion and armed conflict.

(3) **COUNTERTERRORISM.**—The term “counterterrorism” means efforts to combat al Qaeda and other foreign terrorist organizations that are designated by the Secretary of State in accordance with section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

(4) **FATA.**—The term “FATA” means the Federally Administered Tribal Areas of Pakistan.

(5) **NWFP.**—The term “NWFP” means the North West Frontier Province of Pakistan, which has Peshawar as its provincial capital.

(6) **PAKISTAN-AFGHANISTAN BORDER AREAS.**—The term “Pakistan-Afghanistan border areas” includes the Pakistan regions known as NWFP, FATA, and parts of Balochistan in which the Taliban or Al Qaeda have traditionally found refuge.

(7) **SECURITY-RELATED ASSISTANCE.**—The term “security-related assistance” means—

(A) grant assistance to carry out section 23 of the Arms Export Control Act (22 U.S.C. 2763);

(B) assistance under chapter 2 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2311 et seq.);

(C) assistance under chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.);

(D) any equipment, supplies, and training provided pursuant to section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3456); and

(E) any equipment, supplies, and training provided pursuant to section 1206 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 368).

(8) SECURITY FORCES OF PAKISTAN.—The term “security forces of Pakistan” means the military, paramilitary, and intelligence services of the Government of Pakistan, including the armed forces, Inter-Services Intelligence Directorate, Intelligence Bureau, police forces, Frontier Corps, and Frontier Constabulary.

**SEC. 1244. STATEMENT OF POLICY.**

It is the policy of the United States—

(1) to support the consolidation of democracy, good governance, and rule of law in Pakistan;

(2) to affirm and build a sustained, long-term, multifaceted relationship with Pakistan;

(3) to further the sustainable economic development of Pakistan and the improvement of the living conditions of its citizens by expanding United States bilateral engagement with the Government of Pakistan, especially in areas of direct interest and importance to the daily lives of the people of Pakistan;

(4) to work with Pakistan and the countries bordering Pakistan to facilitate peace in the region and harmonious relations between the countries of the region;

(5) to work with the Government of Pakistan to prevent any Pakistani territory from being used as a base or conduit for terrorist attacks in Pakistan, Afghanistan, or elsewhere in the world;

(6) to work in close cooperation with the Government of Pakistan to coordinate military and paramilitary action against terrorist targets;

(7) to work with the Government of Pakistan to help bring peace, stability, and development to all regions of Pakistan, especially those in the Pakistan-Afghanistan border areas, including support for an effective counterinsurgency strategy; and

(8) to expand people-to-people engagement between the United States and Pakistan, through increased educational, technical, and cultural exchanges and other methods.

**SEC. 1245. AUTHORIZATION OF FUNDS.**

(a) AUTHORIZATION.—There are authorized to be appropriated to the President, for the purposes of providing assistance to Pakistan under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), the following amounts:

- (1) For fiscal year 2009, up to \$1,500,000,000.
- (2) For fiscal year 2010, up to \$1,500,000,000.
- (3) For fiscal year 2011, up to \$1,500,000,000.
- (4) For fiscal year 2012, up to \$1,500,000,000.
- (5) For fiscal year 2013, up to \$1,500,000,000.

(b) SENSE OF CONGRESS ON ECONOMIC SUPPORT FUNDS.—It is the sense of Congress that, subject to an improving political and economic climate, there should be authorized to be appropriated up to \$1,500,000,000 per year for fiscal years 2014 through 2018 for the purpose of providing assistance to Pakistan under the Foreign Assistance Act of 1961.

(c) SENSE OF CONGRESS ON SECURITY-RELATED ASSISTANCE.—It is the sense of Congress that security-related assistance to the Government of Pakistan should be provided in close coordination with the Government of Pakistan, designed to improve the Government's capabilities in areas of mutual concern, and maintained at a level that will bring significant gains in pursuing the policies set forth in paragraphs (5), (6), and (7) of section 1244.

(d) USE OF FUNDS.—Funds appropriated pursuant to the authorization of appropriations under this section shall be used for projects determined by an objective measure to be of clear benefit to the people of Pakistan, including projects that promote—

(1) just and democratic governance, includ-

(A) political pluralism, equality, and the rule of law;

(B) respect for human and civil rights;

(C) independent, efficient, and effective judicial systems;

(D) transparency and accountability of all branches of government and judicial proceedings; and

(E) anticorruption efforts among police, civil servants, elected officials, and all levels of government administration, including the military;

(2) economic freedom, including—

(A) private sector growth and the sustainable management of natural resources;

(B) market forces in the economy; and

(C) worker rights, including the right to form labor unions and legally enforce provisions safeguarding the rights of workers and local community stakeholders; and

(3) investments in people, particularly women and children, including—

(A) broad-based public primary and secondary education and vocational training for both boys and girls;

(B) the construction of roads, irrigation channels, wells, and other physical infrastructure;

(C) agricultural development to ensure food staples in times of severe shortage;

(D) quality public health, including medical clinics with well trained staff serving rural and urban communities; and

(E) public-private partnerships in higher education to ensure a breadth and consistency of Pakistani graduates to help strengthen the foundation for improved governance and economic vitality.

(e) PREFERENCE FOR BUILDING LOCAL CAPACITY.—The President is encouraged, as appropriate, to utilize Pakistani firms and community and local nongovernmental organizations in Pakistan to provide assistance under this section.

(f) AUTHORITY TO USE FUNDS FOR OPERATIONAL EXPENSES.—Funds authorized by this section may be used for operational expenses. Funds may also be made available to the Inspector General of the United States Agency for International Development to provide audits and program reviews of projects funded pursuant to this section.

(g) USE OF SPECIAL AUTHORITY.—The President is encouraged to utilize the authority of section 633(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2393(a)) to expedite assistance to Pakistan under this section.

(h) USE OF FUNDS.—Funds appropriated or otherwise made available to carry out this section shall be utilized to the maximum extent possible as direct expenditures for projects and programs by the United States mission in Pakistan, subject to existing reporting and notification requirements.

(i) NOTIFICATION REQUIREMENTS.—

(1) NOTICE OF ASSISTANCE FOR BUDGET SUPPORT.—The President shall notify Congress not later than 15 days before providing any assistance under this section as budgetary support to the Government of Pakistan or any element of such Government.

(2) ANNUAL REPORT.—The President shall submit to the appropriate congressional committees a report on assistance provided under this section. The report shall describe—

(A) all expenditures under this section, by region;

(B) the intended purpose for such assistance, the strategy or plan with which it is aligned, and a timeline for completion associated with such strategy or plan;

(C) the partner or partners contracted for that purpose, as well as a measure of the effectiveness of the partner or partners;

(D) any shortfall in financial, physical, technical, or human resources that hinder effective use and monitoring of such funds; and

(E) any negative impact, including the absorptive capacity of the region for which the resources are intended, of United States bilateral or multilateral assistance and recommendations for modification of funding, if any.

(j) SENSE OF CONGRESS ON FUNDING OF PRIORITIES.—It is the sense of Congress that the Government of Pakistan should allocate a greater portion of its budget, consistent with its “Poverty Reduction Strategy Paper”, to the recurrent costs associated with education, health, and other priorities described in this section.

**SEC. 1246. LIMITATION ON CERTAIN ASSISTANCE.**

(a) LIMITATION ON CERTAIN MILITARY ASSISTANCE.—Beginning in fiscal year 2010, no grant assistance to carry out section 23 of the Arms Export Control Act (22 U.S.C. 2763) and no assistance under chapter 2 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2311 et seq.) may be provided to Pakistan in a fiscal year until the Secretary of State makes the certification required under subsection (c).

(b) LIMITATION ON ARMS TRANSFERS.—Beginning in fiscal year 2012, no letter of offer to sell major defense equipment to Pakistan may be issued pursuant to the Arms Export Control Act (22 U.S.C. 2751 et seq.) and no license to export major defense equipment to Pakistan may be issued pursuant to such Act in a fiscal year until the Secretary of State makes the certification required under subsection (c).

(c) CERTIFICATION.—The certification required by this subsection is a certification to the appropriate congressional committees by the Secretary of State, after consultation with the Secretary of Defense and the Director of National Intelligence, that the security forces of Pakistan—

(1) are making concerted efforts to prevent al Qaeda and associated terrorist groups from operating in the territory of Pakistan;

(2) are making concerted efforts to prevent the Taliban from using the territory of Pakistan as a sanctuary from which to launch attacks within Afghanistan; and

(3) are not materially interfering in the political or judicial processes of Pakistan.

(d) WAIVER.—The Secretary of State may waive the limitations in subsections (a) and (b) if the Secretary determines it is in the national security interests of the United States to provide such waiver.

(e) PRIOR NOTICE OF WAIVER.—A waiver pursuant to subsection (d) may not be exercised until 15 days after the Secretary of State provides to the appropriate congressional committees written notice of the intent to issue such waiver and the reasons therefor.

**SEC. 1247. COALITION SUPPORT FUNDS.**

(a) ACCOUNTING REPORTS.—Not later than May 1 and November 1 of each year, the President shall submit to the appropriate congressional committees and the Committees on Armed Services of the Senate and the House of Representatives a complete accounting of the Coalition Support Fund payments made to Pakistan for the preceding two fiscal quarters. The accounting shall include a description of each claim presented by the Government of Pakistan and reimbursed by the United States, in sufficient detail to permit Congress to provide effective oversight.

(b) PROHIBITION ON REIMBURSEMENT WITHOUT ACCOUNTING REPORT.—Except as provided in subsection (c), no claim for funding under the Coalition Support Fund made after the date of the enactment of this Act may be paid until the President has submitted the accounting described in subsection (a) for the most recent two fiscal quarters.

(c) WAIVER.—The Secretary of Defense may waive the prohibition in subsection (b) for a

nonrenewable 6-month period for an individual Coalition Support Fund claim if the Secretary submits to the committees described in subsection (a) a written certification that such waiver is in the national security interests of the United States.

(d) FORM.—The report required under subsection (a) shall be submitted in unclassified form, but may include a classified annex. The unclassified portion shall be submitted in a searchable electronic format.

**SEC. 1248. AFGHANISTAN-PAKISTAN BORDER STRATEGY.**

(a) DEVELOPMENT OF COMPREHENSIVE STRATEGY.—The Secretary of State, in consultation with the Secretary of Defense, the Director of National Intelligence, and such other government officials as may be appropriate, shall develop a comprehensive, cross-border strategy for working with the Government of Pakistan, the Government of Afghanistan, NATO, and other like-minded allies to best implement effective counterterrorism and counterinsurgency measures in and near the border areas of Pakistan and Afghanistan, especially in known or suspected safe havens such as Pakistan's FATA, the NWFP, parts of Balochistan, and other critical areas in the south and east border areas of Afghanistan.

(b) REPORT.—Not later than June 1, 2009, the Secretary of State shall submit to the appropriate congressional committees a detailed description of a comprehensive strategy for counterterrorism and counterinsurgency in the FATA, as well as proposed timelines and budgets for implementing the strategy.

**SEC. 1249. SENSE OF CONGRESS.**

It is the sense of Congress that the United States should—

(1) recognize the bold political steps the Pakistan electorate has taken during a time of heightened sensitivity and tension in 2007 and 2008 to elect a new civilian government;

(2) seize this strategic opportunity in the interests of Pakistan as well as in the national security interests of the United States to expand its engagement with the Government and people of Pakistan in areas of particular interest and importance to the people of Pakistan; and

(3) continue to build a responsible and reciprocal security relationship taking into account the national security interests of the United States as well as regional and national dynamics in Pakistan to further strengthen and enable the position of Pakistan as a major non-NATO ally.

**SA 5375.** Mr. COLEMAN (for himself, Mrs. LINCOLN, and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VI, add the following:

**SEC. 634. TRAVEL AND TRANSPORTATION ALLOWANCES FOR MEMBERS OF THE RESERVE COMPONENTS FOR LONG DISTANCE TRAVEL TO INACTIVE DUTY TRAINING.**

(a) ALLOWANCES AUTHORIZED.—

(1) IN GENERAL.—Chapter 7 of title 37, United States Code, is amended by inserting after section 411j the following new section:

**“§ 411k. Travel and transportation allowances: long distance travel to inactive duty training performed by members of the reserve components of the armed forces**

“(a) ALLOWANCE AUTHORIZED.—The Secretary concerned may reimburse a member of a reserve component of the armed forces for expenses incurred in connection with round-trip travel in excess of 100 miles to an inactive duty training location, including mileage traveled and lodging and subsistence.

“(b) RATES OF REIMBURSEMENT.—

“(1) MILEAGE.—In determining the amount of allowances or reimbursement to be paid for mileage traveled under this section, the Secretary concerned shall use the mileage reimbursement rate for the use of privately owned vehicles by Government employees on official business (when a Government vehicle is available), as prescribed by the Administrator of General Services under section 5707(b) of title 5.

“(2) LODGING AND SUBSISTENCE.—In determining the amount of allowances or reimbursement to be paid for lodging and subsistence under this section, the Secretary concerned shall use the per diem rate as prescribed by the Administrator of General Services under section 5707 of title 5.

“(3) AUTHORITY TO REIMBURSE AT HIGHER RATES.—Subject to the availability of appropriations and the approval of the Secretary of Defense, the Secretary concerned may modify the amount of allowances or reimbursement to be paid under this section using reimbursement rates in excess of those prescribed under paragraphs (1) and (2).

“(c) REGULATIONS.—The Secretary concerned shall prescribe regulations to carry out this section. Regulations prescribed by the Secretary of a military department shall be subject to the approval of the Secretary of Defense.”

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of such title is amended by inserting after the item relating to section 411j the following new item:

“411k. Travel and transportation allowances: long distance travel to inactive duty training performed by members of the reserve components of the armed forces.”

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to travel expenses incurred after the expiration of the 90-day period that begins on the date of the enactment of this Act.

**SA 5376.** Mr. WARNER (for himself and Mr. LEVIN) submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

Strike section 1003 and insert the following:

**SEC. 1003. CODIFICATION OF RECURRING AUTHORITY ON UNITED STATES CONTRIBUTIONS TO THE NORTH ATLANTIC TREATY ORGANIZATION COMMON-FUNDED BUDGETS.**

(a) CODIFICATION OF AUTHORITY.—

(1) IN GENERAL.—Subchapter II of chapter 134 of title 10, United States Code, is amended by adding at the end the following new section:

**“§ 2263. United States contributions to the North Atlantic Treaty Organization common-funded budgets**

“(a) IN GENERAL.—The total amount contributed by the Secretary of Defense in any fiscal year for the common-funded budgets of NATO may be an amount in excess of the maximum amount that would otherwise be applicable to those contributions in such fiscal year under the fiscal year 1998 baseline limitation.

“(b) REPORTS.—(1) Not later than October 30 each year, the Secretary of Defense shall submit to the congressional defense committees a report on the contributions made by the Secretary to the common-funded budgets of NATO in the preceding fiscal year.

“(2) Each report under paragraph (1) shall include, for the fiscal year covered by such report, the following:

“(A) The amounts contributed by the Secretary to each of the separate budgets and programs of the North Atlantic Treaty Organization under the common-funded budgets of NATO.

“(B) For each budget and program to which the Secretary made such a contribution, the percentage of such budget or program during the fiscal year that such contribution represented.

“(c) DEFINITIONS.—In this section:

“(1) COMMON-FUNDED BUDGETS OF NATO.—The term ‘common-funded budgets of NATO’ means the Military Budget, the Security Investment Program, and the Civil Budget of the North Atlantic Treaty Organization (and any successor or additional account or program of NATO).

“(2) FISCAL YEAR 1998 BASELINE LIMITATION.—The term ‘fiscal year 1998 baseline limitation’ means the maximum annual amount of Department of Defense contributions for common-funded budgets of NATO that is set forth as the annual limitation in section 3(2)(C)(ii) of the resolution of the Senate giving the advice and consent of the Senate to the ratification of the Protocols to the North Atlantic Treaty of 1949 on the Accession of Poland, Hungary, and the Czech Republic (as defined in section 4(7) of that resolution), approved by the Senate on April 30, 1998.”

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter II of chapter 134 of such title is amended by adding at the end the following new item:

“2263. United States contributions to the North Atlantic Treaty Organization common-funded budgets.”

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2008, and shall apply to fiscal years that begin on or after that date.

**SA 5377.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

On page 454, after line 21, add the following:

**SEC. 2814. VEGETATION MAINTENANCE PLAN FOR DEPARTMENT OF DEFENSE TRAINING RANGES.**

(a) PLAN REQUIRED.—The Secretary of Defense shall submit concurrently with the budget materials submitted to Congress for fiscal year 2010 a vegetation maintenance

plan for all Department of Defense training ranges identifying measures to prevent training range encroachment, identify recoverable acreage, and sustain any potential recovery.

(b) **CONTENT.**—The plan submitted under subsection (a) shall include—

(1) a survey of all Department of Defense training ranges and the impact of vegetation on the loss of training range acreage;

(2) an estimate of the funds required, identified by installation, for vegetation management;

(3) a ranking of probable adverse training impacts by installation; and

(4) a proposed five-year plan, and projected budgetary resources needed by year, to sustain the vegetation management gains proposed by the plan.

**SA 5378.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle D of title II, add the following:

**SEC. 257. REPORT ON THE ACCELERATION OF RESEARCH, DEVELOPMENT, AND FIELDING OF LIFE-PRESERVING BLOOD TECHNOLOGIES.**

(a) **REPORT REQUIRED.**—Not later than March 30, 2009, the Secretary of Defense shall submit to Congress a report setting forth an assessment of the feasibility and advisability of accelerating research, development, and fielding of blood technologies that will improve the capacity to save lives of members of the Armed Forces receiving combat care.

(b) **COVERED TECHNOLOGIES.**—The technologies to be addressed by the report required by subsection (a) shall include, but not be limited to, extended life red blood cells, cryogenic storage of white blood cells, cryo-preserved platelets, hemoglobin-based oxygen carriers, and freeze dried plasma.

**SA 5379.** Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

On page 311, between lines 13 and 14, insert the following:

**SEC. 1083. POSTAL BENEFITS PROGRAM FOR MEMBERS OF THE ARMED FORCES SERVING IN IRAQ OR AFGHANISTAN.**

(a) **AVAILABILITY OF POSTAL BENEFITS.**—The Secretary of Defense, in consultation with the United States Postal Service, shall provide for a program under which postal benefits are provided to qualified individuals in accordance with this section.

(b) **QUALIFIED INDIVIDUAL.**—In this section, the term “qualified individual” means a member of the Armed Forces on active duty (as defined in section 101 of title 10, United States Code) who—

(1) is serving in Iraq or Afghanistan; or

(2) is hospitalized at a facility under the jurisdiction of the Department of Defense as a result of a disease or injury incurred as a result of service in Iraq or Afghanistan.

(c) **POSTAL BENEFITS DESCRIBED.**—

(1) **VOUCHERS.**—The postal benefits provided under the program shall consist of such coupons or other similar evidence of credit, whether in printed, electronic, or other format (in this section referred to as a “voucher”), as the Secretary of Defense, in consultation with the Postal Service, shall determine, which entitle the bearer or user to make qualified mailings free of postage.

(2) **QUALIFIED MAILING.**—In this section, the term “qualified mailing” means the mailing of a single mail piece which—

(A) is first-class mail (including any sound-recorded or video-recorded communication) not exceeding 13 ounces in weight and having the character of personal correspondence or parcel post not exceeding 10 pounds in weight;

(B) is sent from within an area served by a United States post office; and

(C) is addressed to a qualified individual.

(3) **COORDINATION RULE.**—Postal benefits under the program are in addition to, and not in lieu of, any reduced rates of postage or other similar benefits which might otherwise be available by or under law, including any rates of postage resulting from the application of section 3401(b) of title 39, United States Code.

(d) **NUMBER OF VOUCHERS.**—A member of the Armed Forces shall be eligible for one voucher for every second month in which the member is a qualified individual.

(e) **LIMITATIONS ON USE; DURATION.**—A voucher may not be used—

(1) for more than a single qualified mailing; or

(2) after the earlier of—

(A) the expiration date of the voucher, as designated by the Secretary of Defense; or

(B) the end of the one-year period beginning on the date on which the regulations prescribed under subsection (f) take effect.

(f) **REGULATIONS.**—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense (in consultation with the Postal Service) shall prescribe such regulations as may be necessary to carry out the program, including—

(1) procedures by which vouchers will be provided or made available in timely manner to qualified individuals; and

(2) procedures to ensure that the number of vouchers provided or made available with respect to any qualified individual complies with subsection (d).

(g) **TRANSFERS TO POSTAL SERVICE.**—

(1) **BASED ON ESTIMATES.**—The Secretary of Defense shall transfer to the Postal Service, out of amounts available to carry out the program and in advance of each calendar quarter during which postal benefits may be used under the program, an amount equal to the amount of postal benefits that the Secretary estimates will be used during such quarter, reduced or increased (as the case may be) by any amounts by which the Secretary finds that a determination under this section for a prior quarter was greater than or less than the amount finally determined for such quarter.

(2) **BASED ON FINAL DETERMINATION.**—A final determination of the amount necessary to correct any previous determination under this section, and any transfer of amounts between the Postal Service and the Department of Defense based on that final determination, shall be made not later than six months after the end of the one-year period referred to in subsection (e)(2)(B).

(3) **CONSULTATION REQUIRED.**—All estimates and determinations under this subsection of the amount of postal benefits under the program used in any period shall be made by the Secretary of Defense in consultation with the Postal Service.

(h) **FUNDING.**—Of the amounts authorized to be appropriated for the Department of Defense for fiscal year 2008 for military personnel, \$10,000,000 shall be for postal benefits provided in this section.

**SA 5380.** Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

**SEC. 587. COLD WAR SERVICE MEDAL.**

(a) **AUTHORITY.**—Chapter 57 of title 10, United States Code, is amended by adding at the end the following new section:

**“§ 1135. Cold War service medal**

“(a) **MEDAL AUTHORIZED.**—The Secretary concerned shall issue a service medal, to be known as the ‘Cold War service medal’, to persons eligible to receive the medal under subsection (b). The Cold War service medal shall be of an appropriate design approved by the Secretary of Defense, with ribbons, lapel pins, and other appurtenances.

“(b) **ELIGIBLE PERSONS.**—The following persons are eligible to receive the Cold War service medal:

“(1) A person who—

“(A) performed active duty or inactive duty training as an enlisted member during the Cold War;

“(B) completed the person’s initial term of enlistment or, if discharged before completion of such initial term of enlistment, was honorably discharged after completion of not less than 180 days of service on active duty; and

“(C) has not received a discharge less favorable than an honorable discharge or a release from active duty with a characterization of service less favorable than honorable.

“(2) A person who—

“(A) performed active duty or inactive duty training as a commissioned officer or warrant officer during the Cold War;

“(B) completed the person’s initial service obligation as an officer or, if discharged or separated before completion of such initial service obligation, was honorably discharged after completion of not less than 180 days of service on active duty; and

“(C) has not been released from active duty with a characterization of service less favorable than honorable and has not received a discharge or separation less favorable than an honorable discharge.

“(c) **ONE AWARD AUTHORIZED.**—Not more than one Cold War service medal may be issued to any person.

“(d) **ISSUANCE TO REPRESENTATIVE OF DECEASED.**—If a person described in subsection (b) dies before being issued the Cold War service medal, the medal shall be issued to the person’s representative, as designated by the Secretary concerned.

“(e) **REPLACEMENT.**—Under regulations prescribed by the Secretary concerned, a Cold War service medal that is lost, destroyed, or rendered unfit for use without fault or neglect on the part of the person to whom it was issued may be replaced without charge.

“(f) **APPLICATION FOR MEDAL.**—The Cold War service medal shall be issued upon receipt by the Secretary concerned of an application for such medal, submitted in accordance with such regulations as the Secretary prescribes.

“(g) UNIFORM REGULATIONS.—The Secretary of Defense shall ensure that regulations prescribed by the Secretaries of the military departments under this section are uniform so far as is practicable.

“(h) COLD WAR DEFINED.—In this section, the term ‘Cold War’ means the period beginning on September 2, 1945, and ending at the end of December 26, 1991.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“1135. Cold War service medal.”

**SA 5381.** Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

**SEC. 1083. SENSE OF THE SENATE ON THE USE OF OIL REVENUES IN IRAQ.**

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

(1) Congress has called on the Government of Iraq to ensure that the energy resources of Iraq benefit Sunni Arabs, Shia Arabs, Kurds, and other citizens of Iraq in an equitable manner.

(2) The Government of Iraq has failed to pass national hydrocarbon revenue-sharing legislation to ensure the equitable distribution of oil revenues to the people of Iraq, a national security priority of the United States Government.

(3) The failure to pass such legislation leaves Iraq at great risk of suffering from the “oil curse”, marked by declining economic growth, vast inequality, political repression, and continuing violence.

(4) According to the Government Accountability Office, the Government of Iraq will receive as much as \$80,000,000,000 in oil revenues in 2008 and has a projected budget surplus for 2008 of almost \$50,000,000,000.

(5) As of September 2008, the United States Government has spent approximately \$48,000,000,000 on reconstruction projects in Iraq, while the Government of Iraq has spent roughly \$4,000,000,000 on reconstruction projects.

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

(1) the Government of Iraq should immediately pass national hydrocarbon revenue-sharing legislation to ensure the equitable distribution of oil revenues in Iraq;

(2) the Government of Iraq should significantly increase its contribution to the funding of reconstruction projects in Iraq; and

(3) the United States Government, in the budget and appropriations process for fiscal years after fiscal year 2008, should reduce appropriations for reconstruction in Iraq by the amount of oil revenue that accrues to the Government of Iraq before the Government of Iraq enacts national hydrocarbon revenue-sharing legislation.

**SA 5382.** Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XXVIII, add the following:

**SEC. 2814. PROJECT MODIFICATION, BARNEGAT INLET TO LITTLE EGG INLET, NEW JERSEY.**

(a) IN GENERAL.—The project for hurricane and storm damage reduction, Barnegat Inlet to Little Egg Inlet, New Jersey, authorized by section 101(a)(1) of the Water Resources Development Act of 2000 (114 Stat. 2576), is modified to authorize the Secretary of the Army, acting through the Chief of Engineers (referred to in this section as the “Secretary”), to carry out, at Federal expense, such measures as the Secretary determines to be necessary and appropriate in the public interest to address the handling of munitions placed on the beach during construction of the project before the date of enactment of this Act.

(b) TREATMENT OF COSTS.—Any cost incurred by the Secretary in carrying out subsection (a) shall not be considered to be a cost of constructing the project.

(c) REIMBURSEMENT.—The Secretary shall reimburse the non-Federal interest for any cost incurred by the non-Federal interest with respect to the removal and handling of the munitions referred to in subsection (a).

(d) ELIGIBLE ACTIVITIES.—Measures authorized under subsection (a) include monitoring, removal, and disposal of the munitions referred to in subsection (a).

**SA 5383.** Mr. LAUTENBERG (for himself, Mr. CASEY, and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VI, add the following:

**SEC. 620. MONTHLY SPECIAL PAY FOR MEMBERS OF THE UNIFORMED SERVICES WHOSE SERVICE ON ACTIVE DUTY IS EXTENDED BY A STOP-LOSS ORDER OR SIMILAR MECHANISM.**

(a) PAY REQUIRED.—

(1) IN GENERAL.—Subchapter I of chapter 5 of title 37, United States Code, is amended by adding at the end the following new section:

“§330a. **Special pay: members of the uniformed services whose service on active duty is extended by a stop-loss order or similar mechanism**

“(a) SPECIAL PAY.—A member of the uniformed services entitled to basic pay whose enlistment or period of obligated service is extended, or whose eligibility for retirement is suspended, pursuant to the exercise of an authority referred to in subsection (b) is entitled while on active duty during the period of such extension or suspension to special pay in the amount specified in subsection (c).

“(b) AUTHORITIES.—An authority referred to in this section is an authority for the extension of an enlistment or period of obligated service, or for suspension of eligibility for retirement, of a member of the uniformed services under a provision of law as follows:

“(1) Section 123 of title 10.

“(2) Section 12305 of title 10.

“(3) Any other provision of law (commonly referred to as a ‘stop-loss authority’) author-

izing the President to extend an enlistment or period of obligated service, or suspend an eligibility for retirement, of a member of the uniformed services in time of war or of national emergency declared by Congress or the President.

“(c) MONTHLY AMOUNT.—The amount of special pay specified in this subsection is \$1,500 per month.

“(d) CONSTRUCTION WITH OTHER PAYS.—Special pay payable under this section is in addition to any other pay payable to members of the uniformed services by law.”

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of such title is amended by inserting after the item relating to section 330 the following new item:

“330a. Special pay: members of the uniformed services whose service on active duty is extended by a stop-loss order or similar mechanism.”

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as of October 1, 2001.

**SA 5384.** Mr. LAUTENBERG (for himself and Mr. HAGEL) submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VII, add the following:

**SEC. 702. LIMITATIONS ON ADJUSTMENTS TO BENEFICIARY FEES FOR MILITARY HEALTH CARE.**

(a) FINDINGS.—Congress makes the following findings:

(1) Career members of the uniformed services and their families endure unique and extraordinary demands, and make extraordinary sacrifices, over the course of 20-year to 30-year careers in protecting freedom for all Americans.

(2) The nature and extent of these demands and sacrifices are never so evident as in wartime, not only during the current Global War on Terrorism, but also during the wars of the last 60 years when current retired members of the Armed Forces were on continuous call to go in harm’s way when and as needed.

(3) The demands and sacrifices are such that few Americans are willing to bear or accept them for a multi-decade career.

(4) A primary benefit of enduring the extraordinary sacrifices inherent in a military career is a range of extraordinary retirement benefits that a grateful Nation provides for those who choose to subordinate much of their personal life to the national interest for so many years.

(5) Many private sector firms are curtailing health benefits and shifting significantly higher costs to their employees, and one effect of such curtailment is that retired members of the uniformed services are turning for health care services to the Department of Defense, and its TRICARE program, for the health care benefits in retirement that they earned by their service in uniform.

(6) While the Department of Defense has made some efforts to contain increases in the cost of the TRICARE program, a large part of those efforts has been devoted to shifting a larger share of the costs of benefits under that program to retired members of the uniformed services.

(7) The cumulative increase in enrollment fees, deductibles, and copayments being proposed by the Department of Defense for health care benefits under the TRICARE program far exceeds the percentage increase in military retired pay since such fees, deductibles, and copayments were first required on the part of retired members of the uniformed services.

(8) Proposals of the Department of Defense for increases in the enrollment fees, deductibles, and copayments of retired members of the uniformed services who are participants in the TRICARE program fail to recognize adequately that such members paid the equivalent of enormous in-kind premiums for health care in retirement through their extended sacrifices by service in uniform.

(9) Some of the Nation's health care providers refuse to accept participants in the TRICARE program as patients because that program pays them significantly less than commercial insurance programs, and imposes unique administrative requirements, for health care services.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Department of Defense and the Nation have a committed obligation to provide health care benefits to retired members of the uniformed services that exceeds the obligation of corporate employers to provide health care benefits to their employees;

(2) the Department of Defense has many additional options to constrain the growth of health care spending in ways that do not disadvantage retired members of the uniformed services who participate or seek to participate in the TRICARE program, and should pursue any and all such options rather than seeking large increases for enrollment fees, deductibles, and copayments for such retirees, and their families or survivors, who do participate in that program;

(3) any percentage increase in fees, deductibles, and copayments that may be considered under the TRICARE program for retired members of the uniformed services and their families or survivors should not in any case exceed the percentage increase in military retired pay; and

(4) any percentage increase in fees, deductibles, and copayments under the TRICARE program that may be considered for members of the uniformed services who are currently serving on active duty or in the Selected Reserve, and for the families of such members, should not exceed the percentage increase in basic pay for such members.

(c) LIMITATIONS ON CERTAIN INCREASES IN HEALTH CARE COSTS.—

(1) PHARMACY BENEFITS PROGRAM.—

(A) ONE-YEAR EXTENSION OF TEMPORARY PROHIBITION ON INCREASE IN COPAYMENTS.—Section 702 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 188) is amended by striking “September 30, 2008” and inserting “September 30, 2009”.

(B) LIMITATION ON INCREASES AFTER FISCAL YEAR 2009.—Section 1074g(a)(6) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

“(C) Effective as of October 1, 2009, the amount of any cost sharing requirements under this paragraph may not be increased in any year by a percentage that exceeds the percentage increase of the most recent increase in retired pay for members and former members of the armed forces under section 1401a(b)(2) of this title. To the extent that such increase for any year is less than one dollar, the accumulated increase may be carried over from year to year, rounded to the nearest dollar.”.

(2) PREMIUMS FOR TRICARE STANDARD FOR RESERVE COMPONENT MEMBERS WHO COMMIT TO SERVICE IN THE SELECTED RESERVE.—

(A) ONE-YEAR EXTENSION OF TEMPORARY PROHIBITION ON INCREASE IN PREMIUMS.—Section 1076d(d)(3) of such title is amended by striking “September 30, 2008” and inserting “September 30, 2009”.

(B) LIMITATION ON INCREASES AFTER FISCAL YEAR 2009.—Such section is further amended—

(i) by striking “The monthly amount” and inserting “(A) Subject to subparagraph (B), the monthly amount”; and

(ii) by adding at the end the following new subparagraph:

“(B) Effective as of October 1, 2009, the percentage increase in the amount of the premium in effect for a month for TRICARE Standard coverage under this section may not exceed a percentage equal to the percentage of the most recent increase in the rate of basic pay authorized for members of the uniformed services for a year.”.

(3) COPAYMENTS UNDER CHAMPUS.—

(A) ONE-YEAR EXTENSION OF TEMPORARY PROHIBITION ON INCREASE IN CHARGES FOR INPATIENT CARE.—Paragraph (3) of section 1086(b) of such title is amended in the first sentence by striking “September 30, 2008” and inserting “September 30, 2009”.

(B) LIMITATION ON INCREASES AFTER FISCAL YEAR 2009.—Such paragraph is further amended by inserting after the first sentence the following new sentence: “Effective as of October 1, 2009, the percentage increase charges for inpatient care under this paragraph may not exceed a percentage equal to the percentage of the most recent increase in the rate of basic pay authorized for members of the uniformed services for a year.”.

(4) PROHIBITION ON ENROLLMENT FEES FOR CERTAIN PERSONS UNDER CHAMPUS.—Section 1086(b) of such title is further amended by adding at the end the following new paragraph:

“(5) A person covered by subsection (c) may not be charged an enrollment fee for coverage under this section.”.

(5) AUTOMATIC ENROLLMENT FOR CERTAIN PERSONS UNDER CHAMPUS.—Section 1086(b) of such title is further amended by adding at the end the following new paragraph:

“(6) A person covered by subsection (c) shall not be subject to denial of claims for coverage under this section for failure to enroll for such coverage. To the extent enrollment may be required, enrollment shall be automatic for any such person filing a claim under this section.”.

(6) PREMIUMS AND OTHER CHARGES UNDER TRICARE.—

(A) ONE-YEAR EXTENSION OF TEMPORARY PROHIBITION ON INCREASE IN CHARGES UNDER CONTRACTS FOR MEDICAL CARE.—Section 1097(e) of such title is amended by striking “September 30, 2008” and inserting “September 30, 2009”.

(B) LIMITATION ON INCREASES AFTER FISCAL YEAR 2009.—Such section is further amended—

(i) by inserting “(1)” before “The Secretary of Defense”; and

(ii) by adding at the end the following new paragraph:

“(2) Effective as of October 1, 2009, the percentage increase in the amount of any premium, deductible, copayment, or other charge prescribed by the Secretary under this subsection may not exceed the percentage increase of the most recent increase in retired pay for members and former members of the armed forces under section 1041a(b)(2) of this title.”.

**SA 5385.** Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

On page 72, after line 20, add the following:  
**SEC. 314. REPORT ON COMPLIANCE WITH ADMINISTRATIVE ORDERS.**

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the steps that the Department of Defense has taken or plans to take, if any, to comply with any Unilateral Administrative Orders issued to the Department, or any component of the Department, in 2007 or 2008 by the Environmental Protection Agency under any of its imminent and substantial endangerment authorities. The report shall explain the legal basis for any decision by the Department of Defense, or any component of the Department of Defense, not to comply fully with any such order.

**SA 5386.** Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

**SEC. 587. ENHANCEMENT OF PROTECTIONS FOR MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS AGAINST SALE, FORECLOSURE, SEIZURE, OR SALE OF MORTGAGED PROPERTY.**

(a) EXTENSION OF PERIOD AFTER MILITARY SERVICE COVERED BY GENERAL PROTECTIONS.—Section 303(c) of the Servicemembers Civil Relief Act (50 U.S.C. App. 533(c)) is amended by striking “90 days” and inserting “one year”.

(b) ENHANCEMENT OF PROTECTIONS FOR MEMBERS OF THE ARMED FORCES WHO SERVE IN OPERATION IRAQI FREEDOM OR OPERATION ENDURING FREEDOM AND THEIR DEPENDENTS.—

(1) SCOPE OF PROTECTIONS.—This subsection applies to an obligation on real or personal property owned by a covered member of the Armed Forces, or by a dependent of a covered member of the Armed Forces, regardless of whether entered into before, on, or after the member's entry onto military service, on which the covered member or dependent, as the case may be, is still obligated and that is secured by a mortgage, trust deed, or other security in the nature of a mortgage.

(2) SALE OR FORECLOSURE.—

(A) IN GENERAL.—A sale, foreclosure, or seizure of property for breach of an obligation described in paragraph (1) shall not be valid if made during, or within one year after, the military service of a covered member of the Armed Forces, or the military service of the covered member of the Armed Forces concerned in the case of a dependent of such a member.

(B) NO WAIVER.—The limitations of subparagraph (A) are not waivable by a covered member of the Armed Forces pursuant to section 107 of the Servicemembers Civil Relief Act (50 U.S.C. App. 517).

(3) PROHIBITION ON ACTIONS FOR NON-PAYMENT OR DEFAULT.—No court shall have jurisdiction to hear any civil action against

a covered member of the Armed Forces or a dependent of a covered member of the Armed Forces for nonpayment or default on an obligation described in paragraph (1) during, or within 1 year after, the military service of the covered member or the covered member Armed Forces concerned, as the case may be.

(4) **RESPONSIBILITIES OF OBLIGORS.**—In the event a sale, foreclosure, or seizure of property for breach of an obligation described in paragraph (1) is prohibited by operation of paragraph (2) or (3), the obligor on the obligation shall—

(A) notify the covered member of the Armed Forces or dependent concerned, in writing, of the outstanding liability of the covered member or dependent, as the case may be, for principal and interest on the obligation; and

(B) if the obligor determines that a modification of the obligation or a reduction in the outstanding liability of the covered member or dependent for principal, interest, or both on the obligation is in the interest of the obligor and the covered member or dependent, as the case may be, notify the covered member or dependent, as the case may be, in writing, of—

(i) such determination; and

(ii) the actions to be taken by obligor and the covered member or dependent, as the case may be, to effectuate the modification or reduction.

(5) **EFFECT OF PROTECTIONS ON FUTURE FINANCIAL TRANSACTIONS.**—

(A) **COVERED MEMBERS.**—The application of paragraph (2), (3), (4), or (5) to an obligation described in paragraph (1) of a covered member of the Armed Forces shall be deemed to constitute the receipt by the covered member of a stay of a civil liability with respect to the obligation under the Servicemembers Civil Relief Act for purposes of section 108 of that Act (50 U.S.C. App. 518).

(B) **DEPENDENTS.**—In the event of the application of paragraph (2), (3), (4), or (5) to an obligation described in paragraph (1) of a dependent of a covered member of the Armed Forces, the dependent shall be deemed to be a servicemember receiving a stay of a civil liability with respect to the obligation under the Servicemembers Civil Relief Act for purposes of section 108 of that Act.

(6) **PENALTIES.**—The provisions of section 303(d) of the Servicemembers Civil Relief Act (50 U.S.C. 533(d)) shall apply to sales, foreclosures, and seizures of property, and attempted sales, foreclosures, and seizures of property, prohibited by paragraph (2).

(7) **DEFINITIONS.**—In this subsection:

(A) **COVERED MEMBER OF THE ARMED FORCES.**—The term “covered member of the Armed Forces” means a member of the Armed Forces, including a member of a Reserve component of the Armed Forces, who serves on active duty in the Armed Forces—

(i) in Iraq as part of Operation Iraqi Freedom; or

(ii) in Afghanistan as part of Operation Enduring Freedom.

(B) **DEPENDENT.**—The term “dependent”, in the case of a covered member of the Armed Forces, has the meaning given that term in section 101(4) of the Servicemembers Civil Relief Act (50 U.S.C. App. 511(4)).

(C) **MILITARY SERVICE.**—The term “military service”, in the case of a covered member of the Armed Forces, means service of the member on active duty in the Armed Forces—

(i) in Iraq as part of Operation Iraqi Freedom; or

(ii) in Afghanistan as part of Operation Enduring Freedom.

(8) **EFFECTIVE DATE.**—This subsection shall take effect on the date of the enactment of this Act.

**SEC. 588. FINANCIAL SERVICES COUNSELING ON MORTGAGES AND MORTGAGE FORECLOSURES FOR MEMBERS OF THE ARMED FORCES WHO SERVE IN OPERATION IRAQI FREEDOM OR OPERATION ENDURING FREEDOM, VETERANS, AND THEIR DEPENDENTS.**

(a) **COUNSELING REQUIRED.**—

(1) **IN GENERAL.**—The Secretary of Defense shall, in coordination with the Secretary of Veterans Affairs and the Secretary of Housing and Urban Development, provide financial services counseling relating to mortgages and mortgage foreclosures to a veteran, covered member of the Armed Forces, or dependent of such veteran or covered member, upon request of such individual.

(2) **PROVISION AT NO COST TO RECIPIENT.**—Financial services counseling shall be provided under this section at no cost to the recipient.

(b) **ANNUAL OUTREACH PLAN.**—

(1) **PLAN REQUIRED.**—The Secretary of Defense shall, in coordination with the Secretary of Veterans Affairs and the Secretary of Housing and Urban Development, develop and implement on an annual basis a plan for the provision of outreach to veterans, covered members of the Armed Forces, and their dependents on the financial services counseling available under this section.

(2) **ELEMENTS.**—Each plan under this subsection shall include—

(A) efforts to identify veterans, covered members of the Armed Forces, or dependents who are not otherwise enrolled in or registered for financial counseling services under other programs administered by the Secretary of Defense or the Secretary of Veterans Affairs; and

(B) provisions for informing veterans, covered members of the Armed Forces, and their dependents about loan modification programs, workout plans, foreclosure prevention, and other financial counseling programs available to them through the Department of Defense, the Department of Veterans Affairs, the Department of Housing and Urban Development, nonprofit organizations, and other Federal, State, and local initiatives.

(3) **CONSULTATION.**—In developing each plan under this subsection, the Secretary of Defense shall consult with, at a minimum, the following:

(A) Directors or other responsible officials of veterans service organizations.

(B) Representatives of other outreach programs for veterans.

(C) Nonprofit organizations.

(D) Other appropriate Federal, State, or local government agencies, individuals, or organizations.

(c) **COVERED MEMBER OF THE ARMED FORCES DEFINED.**—In this section, the term “covered member of the Armed Forces” means a member of the Armed Forces, including a member of a Reserve component of the Armed Forces, who serves on active duty in the Armed Forces—

(1) in Iraq as part of Operation Iraqi Freedom; or

(2) in Afghanistan as part of Operation Enduring Freedom.

**SA 5387.** Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of division C, add the following:

**TITLE XXXIII—INTELLIGENCE AUTHORIZATIONS**

**SEC. 3301. DEFINITIONS.**

In this title:

(1) **CONGRESSIONAL INTELLIGENCE COMMITTEES.**—The term “congressional intelligence committees” means—

(A) the Select Committee on Intelligence of the Senate; and

(B) the Permanent Select Committee on Intelligence of the House of Representatives.

(2) **INTELLIGENCE COMMUNITY.**—The term “intelligence community” has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

**Subtitle A—Budget and Personnel Authorizations**

**SEC. 3311. AUTHORIZATION OF APPROPRIATIONS.**

Funds are hereby authorized to be appropriated for fiscal year 2009 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Office of the Director of National Intelligence.

(2) The Central Intelligence Agency.

(3) The Department of Defense.

(4) The Defense Intelligence Agency.

(5) The National Security Agency.

(6) The Department of the Army, the Department of the Navy, and the Department of the Air Force.

(7) The Coast Guard.

(8) The Department of State.

(9) The Department of the Treasury.

(10) The Department of Energy.

(11) The Department of Justice.

(12) The Federal Bureau of Investigation.

(13) The Drug Enforcement Administration.

(14) The National Reconnaissance Office.

(15) The National Geospatial-Intelligence Agency.

(16) The Department of Homeland Security.

**SEC. 3312. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.**

(a) **SPECIFICATIONS OF AMOUNTS AND PERSONNEL LEVELS.**—The amounts authorized to be appropriated under section 3311 and, subject to section 3313, the authorized personnel levels as of September 30, 2009, for the conduct of the intelligence activities of the elements listed in paragraphs (1) through (16) of section 3311, are those specified in the classified Schedule of Authorizations prepared to accompany the conference report on the bill \_\_\_\_\_ of the One Hundred Tenth Congress.

(b) **AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.**—The classified Schedule of Authorizations referred to in subsection (a) shall be made available to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.

**SEC. 3313. PERSONNEL LEVEL ADJUSTMENTS.**

(a) **AUTHORITY FOR INCREASES.**—With the approval of the Director of the Office of Management and Budget, the Director of National Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 2009 by the classified Schedule of Authorizations referred to in section 3312(a) if the Director of National Intelligence determines that such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed 5 percent of the number

of civilian personnel authorized under such section for such element.

(b) **TRANSITION TO FULL-TIME EQUIVALENCY.**—

(1) **TREATMENT FOR FISCAL YEAR 2009.**—For fiscal year 2009, the Director of National Intelligence, in consultation with the head of each element of the intelligence community, may treat the personnel ceilings authorized under the classified Schedule of Authorizations referred to in section 3312(a) as full-time equivalents.

(2) **CONSIDERATION.**—In exercising the authority described in paragraph (1), the Director of National Intelligence may consider the circumstances under which civilian employees are employed and accounted for at each element of the intelligence community in—

(A) a student program, trainee program, or similar program;

(B) reserve corps or equivalent status as a reemployed annuitant or other employee;

(C) a joint duty rotational assignment; or

(D) other full-time or part-time status.

(3) **NOTIFICATION TO CONGRESS.**—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall notify the congressional intelligence committees in writing of—

(A) the policies for implementing the authorities described in paragraphs (1) and (2); and

(B) the number of all civilian personnel employed by, or anticipated to be employed by, each element of the intelligence community during fiscal year 2009 accounted for—

- (i) by position;
- (ii) by full-time equivalency; or
- (iii) by any other method.

(4) **TREATMENT FOR FISCAL YEAR 2010.**—The Director of National Intelligence shall express the personnel levels for all civilian employees for each element of the intelligence community in the congressional budget justifications submitted for fiscal year 2010 as full-time equivalent positions.

(c) **AUTHORITY FOR CONVERSION OF ACTIVITIES PERFORMED BY CONTRACTORS.**—

(1) **IN GENERAL.**—In addition to the authority in subsection (a) and subject to paragraph (2), if the head of an element of the intelligence community makes a determination that activities currently being performed by contractor employees should be performed by employees of such element, the Director of National Intelligence may authorize for that purpose employment of additional full-time equivalent personnel in such element equal to the number of full-time equivalent contractor employees performing such activities.

(2) **CONCURRENCE AND APPROVAL.**—The authority described in paragraph (1) may not be exercised unless the Director of National Intelligence concurs with the determination described in such paragraph and the Director of the Office of Management and Budget approves such determination.

(d) **NOTICE TO CONGRESSIONAL INTELLIGENCE COMMITTEES.**—The Director of National Intelligence shall notify the congressional intelligence committees in writing at least 15 days prior to each exercise of an authority described in subsection (a) or (b).

**SEC. 3314. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated for the Intelligence Community Management Account of the Director of National Intelligence for fiscal year 2009 the sum of \$696,742,000.

(b) **AUTHORIZED PERSONNEL LEVELS.**—The elements within the Intelligence Community Management Account of the Director of National Intelligence are authorized 944 full-time or full-time equivalent personnel as of September 30, 2009. Personnel serving in such

elements may be permanent employees of the Office of the Director of National Intelligence or personnel detailed from other elements of the United States Government.

(c) **CONSTRUCTION OF AUTHORITIES.**—The Director of National Intelligence may use the authorities described in subsections (a) and (c) of section 3313 for the adjustment of personnel levels within the Intelligence Community Management Account.

(d) **CLASSIFIED AUTHORIZATIONS.**—

(1) **AUTHORIZATION OF APPROPRIATIONS.**—In addition to amounts authorized to be appropriated for the Intelligence Community Management Account by subsection (a), there are authorized to be appropriated for the Community Management Account for fiscal year 2009 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 3312(a). Such additional amounts for advanced research and development shall remain available until September 30, 2010.

(2) **AUTHORIZATION OF PERSONNEL.**—In addition to the personnel authorized by subsection (b) for elements of the Intelligence Community Management Account as of September 30, 2009, there are authorized such additional personnel for the Community Management Account as of that date as are specified in the classified Schedule of Authorizations referred to in section 3312(a).

**Subtitle B—Central Intelligence Agency Retirement and Disability System**

**SEC. 3321. AUTHORIZATION OF APPROPRIATIONS.**

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 2009 the sum of \$279,200,000.

**SA 5388.** Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

**SEC. 1083. REPORTS ON THE ACQUISITION OF MAJOR SYSTEMS.**

(a) **CONTENT OF REPORTS.**—Clause (ii) of section 102A(q)(1)(C) of the National Security Act of 1947 (50 U.S.C. 403-1(q)(1)(C)) is amended by striking the period at the end and inserting “that includes—

“(I) the current total acquisition cost for such system, and the history of such cost from the date the system was first included in a report under this clause to the end of the calendar quarter immediately preceding the submittal of the report;

“(II) the current development schedule for such system, including an estimate of annual development costs until development is completed;

“(III) the planned procurement schedule for such system, including the best estimate of the Director of National Intelligence of the annual costs and units to be procured until procurement is completed;

“(IV) a full life-cycle cost analysis for such system;

“(V) the result of any significant test and evaluation of such system as of the date of the submittal of the report, or, if a significant test and evaluation has not been conducted, a statement of the reasons therefor and the results of any other test and evaluation that has been conducted of such system;

“(VI) the reasons for any change in acquisition cost, or schedule, for such system

from the previous report under this clause, if applicable;

“(VII) each major contract related to such system; and

“(VIII) if there is any cost or schedule variance under a contract referred to in subclause (VII) since the previous report under this clause, the reasons for such cost or schedule variance.”.

(b) **DETERMINATION OF INCREASE IN COSTS.**—Subsection (q) of section 102A of the National Security Act of 1947 (50 U.S.C. 403-1) is amended—

(1) by redesignating paragraphs (3) and (4) as paragraph (4) and (5), respectively; and

(2) by inserting after paragraph (2) the following:

“(3) Any determination of a percentage increase in the acquisition costs of a major system for which a report is filed under paragraph (1)(C)(ii) shall be stated in terms of constant dollars from the first fiscal year in which funds are appropriated for such system.”.

(c) **DEFINITIONS.**—Paragraph (5) of such subsection (q), as redesignated by subsection (b)(1) of this section, is amended to read as follows:

“(5) In this subsection:

“(A) The term ‘acquisition cost’, with respect to a major system, means the amount equal to the total cost for development and procurement of, and system-specific construction for, such system.

“(B) The term ‘full life-cycle cost’, with respect to the acquisition of a major system, means all costs of development, procurement, construction, deployment, and operation and support for such program, without regard to funding source or management control, including costs of development and procurement required to support or utilize such system.

“(C) The term ‘intelligence program’, with respect to the acquisition of a major system, means a program that—

“(i) is carried out to acquire such major system for an element of the intelligence community; and

“(ii) is funded in whole out of amounts available for the National Intelligence Program.

“(D) The term ‘major contract’, with respect to a major system acquisition, means each of the 6 largest prime, subordinate, or government-furnished equipment contracts under the program that is in excess of \$40,000,000 and that is not a firm, fixed price contract.

“(E) The term ‘major system’ has the meaning given that term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

“(F) The term ‘significant test and evaluation’ means the functional or environmental testing of a major system or of the subsystems that combine to create a major system.”.

**SEC. 1084. EXCESSIVE COST GROWTH OF MAJOR SYSTEMS.**

(a) **NOTIFICATION.**—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.) is amended by inserting after section 506A the following new section:

“EXCESSIVE COST GROWTH OF MAJOR SYSTEMS

“SEC. 506B. (a) **COST INCREASES OF AT LEAST 25 PERCENT.**—(1)(A) On a continuing basis, and separate from the submission of any other report on a major system required by this Act, the program manager shall determine if the acquisition cost of such major system has increased by at least 25 percent as compared to the baseline cost of such major system.

“(B) Not later than 10 days after the date that a program manager determines that an increase described in subparagraph (A) has

occurred, the program manager shall submit to the Director of National Intelligence notification of such increase.

“(2)(A) If, after receiving a notification described in paragraph (1)(B), the Director of National Intelligence determines that the acquisition cost of a major system has increased by at least 25 percent, the Director shall submit to the congressional intelligence committees a written notification of such determination as described in subparagraph (B), a description of the amount of the increase in the acquisition cost of such major system, and a certification as described in subparagraph (C).

“(B) The notification required by subparagraph (A) shall include—

“(i) an updated cost estimate;

“(ii) the date on which the determination covered by such notification was made;

“(iii) contract performance assessment information with respect to each significant contract or sub-contract related to such major system, including the name of the contractor, the phase of the contract at the time of the report, the percentage of work under the contract that has been completed, any change in contract cost, the percentage by which the contract is currently ahead or behind schedule, and a summary explanation of significant occurrences, such as cost and schedule variances, and the effect of such occurrences on future costs and schedules;

“(iv) the prior estimate of the full life-cycle cost for such major system, expressed in constant dollars and in current year dollars;

“(v) the current estimated full life-cycle cost of such major system, expressed in constant dollars and current year dollars;

“(vi) a statement of the reasons for any increases in the full life-cycle cost of such major system;

“(vii) the current change and the total change, in dollars and expressed as a percentage, in the full life-cycle cost applicable to such major system, stated both in constant dollars and current year dollars;

“(viii) the completion status of such major system expressed as the percentage—

“(I) of the total number of years for which funds have been appropriated for such major system compared to the number of years for which it is planned that such funds will be appropriated; and

“(II) of the amount of funds that have been appropriated for such major system compared to the total amount of such funds which it is planned will be appropriated;

“(ix) the action taken and proposed to be taken to control future cost growth of such major system; and

“(x) any changes made in the performance or schedule of such major system and the extent to which such changes have contributed to the increase in full life-cycle costs of such major system.

“(C) The certification described in this subparagraph is a written certification made by the Director and submitted to the congressional intelligence committees that—

“(i) the acquisition of such major system is essential to the national security;

“(ii) there are no alternatives to such major system that will provide equal or greater intelligence capability at equal or lesser cost to completion;

“(iii) the new estimates of the full life-cycle cost for such major system are reasonable; and

“(iv) the management structure for the acquisition of such major system is adequate to manage and control full life-cycle cost of such major system.

“(b) COST INCREASES OF AT LEAST 50 PERCENT.—(1)(A) On a continuing basis, and separate from the submission of any report on a major system required by section 506B of

this Act, the program manager shall determine if the acquisition cost of such major system has increased by at least 50 percent as compared to the baseline cost of such major system.

“(B) Not later than 10 days after the date that a program manager determines that an increase described in subparagraph (A) has occurred, the program manager shall submit to the Director of National Intelligence notification of such increase.

“(2) If, after receiving a notification described in paragraph (1)(B), the Director of National Intelligence determines that the acquisition cost of a major system has increased by at least 50 percent as compared to the baseline cost of such major system, the Director shall submit to the congressional intelligence committees a written certification stating that—

“(A) the acquisition of such major system is essential to the national security;

“(B) there are no alternatives to such major system that will provide equal or greater intelligence capability at equal or lesser cost to completion;

“(C) the new estimates of the full life-cycle cost for such major system are reasonable;

“(D) the management structure for the acquisition of such major system is adequate to manage and control the full life-cycle cost of such major system; and

“(E) if milestone decision authority had been delegated to the program manager, such authority is revoked and returned to the Director, except with respect to Department of Defense programs, such authority is revoked and returned to the Director and the Secretary of Defense, jointly.

“(3) In addition to the certification required by paragraph (2), the Director of National Intelligence shall submit to the congressional intelligence committees an updated notification, with current accompanying information, as required by subsection (a)(2).

“(c) PROHIBITION ON OBLIGATION OF FUNDS.—(1) If a written certification required under subsection (a)(2)(A) is not submitted to the congressional intelligence committees within 60 days of the determination made under subsection (a)(1), funds appropriated for the acquisition of a major system may not be obligated for a major contract under the program. Such prohibition on the obligation of funds shall cease to apply at the end of the 30-day period of a continuous session of Congress that begins on the date on which Congress receives the notification required under subsection (a)(2)(A).

“(2) If a written certification required under subsection (b)(2) is not submitted to the congressional intelligence committees within 60 days of the determination made under subsection (b)(2), funds appropriated for the acquisition of a major system may not be obligated for a major contract under the program. Such prohibition on the obligation of funds for the acquisition of a major system shall cease to apply at the end of the 30-day period of a continuous session of Congress that begins on the date on which Congress receives the notification required under subsection (b)(3).

“(d) DEFINITIONS.—In this section:

“(1) The term ‘acquisition cost’, with respect to a major system, means the amount equal to the total cost for development and procurement of, and system-specific construction for, such system.

“(2) The term ‘baseline cost’, with respect to a major system, means the projected acquisition cost of such system that is approved by the Director of National Intelligence at Milestone B or an equivalent acquisition decision for the development, procurement, and construction of such system.

The baseline cost may be in the form of an independent cost estimate.

“(3) The term ‘full life-cycle cost’, with respect to the acquisition of a major system, means all costs of development, procurement, construction, deployment, and operation and support for such program, without regard to funding source or management control, including costs of development and procurement required to support or utilize such system.

“(4) The term ‘independent cost estimate’ has the meaning given that term in section 506A(e).

“(5) The term ‘major system’ has the meaning given that in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

“(6) The term ‘Milestone B’ means a decision to enter into system development, integration, and demonstration pursuant to guidance prescribed by the Director of National Intelligence.

“(7) The term ‘program manager’, with respect to a major system, means—

“(A) the head of the element of the intelligence community which is responsible for the budget, cost, schedule, and performance of the major system; or

“(B) in the case of a major system within the Office of the Director of National Intelligence, the deputy who is responsible for the budget, cost, schedule, and performance of the major system.”

(b) CLERICAL AMENDMENT.—The table of contents in the first section of the National Security Act of 1947 is amended by inserting after the item relating to section 506A the following:

“Sec. 506B. Excessive cost growth of major systems.”

**SA 5389.** Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

**SEC. 1083. VULNERABILITY ASSESSMENTS OF MAJOR SYSTEMS.**

(a) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.) is amended by inserting after section 506A the following new section:

“VULNERABILITY ASSESSMENTS OF MAJOR SYSTEMS

“SEC. 506B. (a) INITIAL VULNERABILITY ASSESSMENTS.—The Director of National Intelligence shall conduct an initial vulnerability assessment for any major system and its significant items of supply that is proposed for inclusion in the National Intelligence Program prior to completion of Milestone B or an equivalent acquisition decision. The initial vulnerability assessment of a major system and its significant items of supply shall, at a minimum, use an analysis-based approach to—

“(1) identify vulnerabilities;

“(2) define exploitation potential;

“(3) examine the system’s potential effectiveness;

“(4) determine overall vulnerability; and

“(5) make recommendations for risk reduction.

“(b) SUBSEQUENT VULNERABILITY ASSESSMENTS.—(1) The Director of National Intelligence shall conduct subsequent vulnerability assessments of each major system

and its significant items of supply within the National Intelligence Program—

“(A) periodically throughout the life span of the major system;

“(B) whenever the Director determines that a change in circumstances warrants the issuance of a subsequent vulnerability assessment; or

“(C) upon the request of a congressional intelligence committee.

“(2) Any subsequent vulnerability assessment of a major system and its significant items of supply shall, at a minimum, use an analysis-based approach and, if applicable, a testing-based approach, to monitor the exploitation potential of such system and reexamine the factors described in paragraphs (1) through (5) of subsection (a).

“(c) MAJOR SYSTEM MANAGEMENT.—The Director of National Intelligence shall give due consideration to the vulnerability assessments prepared for a given major system when developing and determining the annual consolidated National Intelligence Program budget.

“(d) CONGRESSIONAL OVERSIGHT.—(1) The Director of National Intelligence shall provide to the congressional intelligence committees a copy of each vulnerability assessment conducted under subsection (a) not later than 10 days after the date of the completion of such assessment.

“(2) The Director of National Intelligence shall provide the congressional intelligence committees with a proposed schedule for subsequent vulnerability assessments of a major system under subsection (b) when providing such committees with the initial vulnerability assessment under subsection (a) of such system as required by subsection (d).

“(3) The results of vulnerability assessments conducted under subsection (b) shall be included in the report to Congress required by section 102A(q).

“(e) DEFINITIONS.—In this section:

“(1) The term ‘items of supply’—

“(A) means any individual part, component, subassembly, assembly, or subsystem integral to a major system, and other property which may be replaced during the service life of the major system, including spare parts and replenishment parts; and

“(B) does not include packaging or labeling associated with shipment or identification of items.

“(2) The term ‘major system’ has the meaning given that term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

“(3) The term ‘Milestone B’ means a decision to enter into system development, integration, and demonstration pursuant to guidance prescribed by the Director of National Intelligence.

“(4) The term ‘vulnerability assessment’ means the process of identifying and quantifying vulnerabilities in a major system and its significant items of supply.”

(b) CLERICAL AMENDMENT.—The table of contents in the first section of the National Security Act of 1947 is amended by inserting after the item relating to section 506A the following:

“Sec. 506B. Vulnerability assessments of major systems.”

**SA 5390.** Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

**SEC. 1083. ACCOUNTABILITY REVIEWS BY THE DIRECTOR OF NATIONAL INTELLIGENCE.**

(a) RESPONSIBILITY OF THE DIRECTOR OF NATIONAL INTELLIGENCE.—Subsection (b) of section 102 of the National Security Act of 1947 (50 U.S.C. 403) is amended—

(1) in paragraph (2), by striking “and” at the end;

(2) in paragraph (3)—

(A) by striking “2004,” and inserting “2004 (Public Law 108-458; 50 U.S.C. 403 note),”; and

(B) by striking the period at the end and inserting a semicolon and “and”; and

(3) by adding after paragraph (3), the following new paragraph:

“(4) conduct accountability reviews of elements of the intelligence community and the personnel of such elements, if appropriate.”

(b) TASKING AND OTHER AUTHORITIES.—Subsection (f) of section 102A of such Act (50 U.S.C. 403-1) is amended—

(1) by redesignating paragraphs (7) and (8), as paragraphs (8) and (9), respectively; and

(2) by inserting after paragraph (6), the following new paragraph:

“(7)(A) The Director of National Intelligence shall, if the Director determines it is necessary, or may, if requested by a congressional intelligence committee, conduct an accountability review of an element of the intelligence community or the personnel of such element in relation to a failure or deficiency within the intelligence community.

“(B) The Director of National Intelligence, in consultation with the Attorney General, shall establish guidelines and procedures for conducting an accountability review under subparagraph (A).

“(C)(i) The Director of National Intelligence shall provide the findings of an accountability review conducted under subparagraph (A) and the Director’s recommendations for corrective or punitive action, if any, to the head of the applicable element of the intelligence community. Such recommendations may include a recommendation for dismissal of personnel.

“(ii) If the head of such element does not implement a recommendation made by the Director under clause (i), the head of such element shall submit to the congressional intelligence committees a notice of the determination not to implement the recommendation, including the reasons for the determination.

“(D) The requirements of this paragraph shall not limit any authority of the Director of National Intelligence under subsection (m) or with respect to supervision of the Central Intelligence Agency.”

**SA 5391.** Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

**SEC. 1083. FUTURE BUDGET PROJECTIONS.**

(a) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.) is amended by inserting after section 506A the following new section:

**“FUTURE BUDGET PROJECTIONS**

**“SEC. 506B. (a) FUTURE YEAR INTELLIGENCE PLANS.—(1) The Director of National Intel-**

ligence, with the concurrence of the Office of Management and Budget, shall provide to the congressional intelligence committees a Future Year Intelligence Plan, as described in paragraph (2), for—

“(A) each expenditure center in the National Intelligence Program; and

“(B) each major system in the National Intelligence Program.

“(2)(A) A Future Year Intelligence Plan submitted under this subsection shall include the year-by-year proposed funding for each center or system referred to in subparagraph (A) or (B) of paragraph (1), for the budget year in which the Plan is submitted and not less than the 4 subsequent budget years.

“(B) A Future Year Intelligence Plan submitted under subparagraph (B) of paragraph (1) for a major system shall include—

“(i) the estimated total life-cycle cost of such major system; and

“(ii) any major acquisition or programmatic milestones for such major system.

“(b) LONG-TERM BUDGET PROJECTIONS.—(1) The Director of National Intelligence, with the concurrence of the Director of the Office of Management and Budget, shall provide to the congressional intelligence committees a Long-term Budget Projection for each element of the National Intelligence Program acquiring a major system that includes the budget for such element for the 10-year period following the last budget year for which proposed funding was submitted under subsection (a)(2)(A).

“(2) A Long-term Budget Projection submitted under paragraph (1) shall include, at a minimum, projections for the appropriate element of the intelligence community for—

“(A) pay and benefits of officers and employees of such element;

“(B) other operating and support costs and minor acquisitions of such element;

“(C) research and technology required by such element;

“(D) current and planned major system acquisitions for such element; and

“(E) any unplanned but necessary next-generation major system acquisitions for such element.

“(c) SUBMISSION TO CONGRESS.—Each Future Year Intelligence Plan or Long-term Budget Projection required under subsection (a) or (b) shall be submitted to Congress along with the budget for a fiscal year submitted to Congress by the President pursuant to section 1105(a) of title 31, United States Code.

“(d) CONTENT OF LONG-TERM BUDGET PROJECTIONS.—(1) Each Long-term Budget Projection submitted under subsection (b) shall include—

“(A) a budget projection based on constrained budgets, effective cost and schedule execution of current or planned major system acquisitions, and modest or no cost-growth for undefined, next-generation systems; and

“(B) a budget projection based on constrained budgets, modest cost increases in executing current and planned programs, and more costly next-generation systems.

“(2) Each budget projection required by paragraph (1) shall include a description of whether, and to what extent, the total projection for each year exceeds the level that would result from applying the most recent Office of Management and Budget inflation estimate to the budget of that element of the intelligence community.

“(e) INCREASE IN FUTURE BUDGET PROJECTIONS.—(1) Not later than 30 days prior to the date that an element of the intelligence community may proceed to Milestone A, Milestone B, or an analogous stage of system development, in the acquisition of a major

system in the National Intelligence Program, the Director of National Intelligence, with the concurrence of the Director of the Office of Management and Budget, shall provide a report on such major system to the congressional intelligence committees.

“(2)(A) A report submitted under paragraph (1) shall include an assessment of whether, and to what extent, such acquisition, if developed, procured, and operated, is projected to cause an increase in the most recent Future Year Intelligence Plan and Long-term Budget Projection for that element of the intelligence community.

“(B) If an increase is projected under subparagraph (A), the report required by this subsection shall include a specific finding, and the reasons therefor, by the Director of National Intelligence and the Director of the Office of Management and Budget that such increase is necessary for national security.

“(f) DEFINITIONS.—In this section:

“(1) The term ‘major system’ has the meaning given that term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

“(2) The term ‘Milestone A’ means a decision to enter into concept refinement and technology maturity demonstration pursuant to guidance issued by the Director of National Intelligence.

“(3) The term ‘Milestone B’ means a decision to enter into system development, integration, and demonstration pursuant to guidance prescribed by the Director of National Intelligence.”

(b) CLERICAL AMENDMENT.—The table of contents in the first section of the National Security Act of 1947 is amended by inserting after the item relating to section 506A the following:

“Sec. 506F. Future budget projections.”

(c) DEFINITION OF MAJOR SYSTEM.—Paragraph (3) of section 506A(e) of the National Security Act of 1947 (50 U.S.C. 415a-1(e)) is amended to read as follows:

“(3) The term ‘major system’ has the meaning given that term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).”

**SA 5392.** Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

**SEC. 1083. ANNUAL PERSONNEL LEVEL ASSESSMENTS FOR THE INTELLIGENCE COMMUNITY.**

(a) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.) is amended by inserting after section 506A the following new section:

**“SEC. 506B. ANNUAL PERSONNEL LEVEL ASSESSMENTS FOR THE INTELLIGENCE COMMUNITY.**

“(a) REQUIREMENT TO PROVIDE.—The Director of National Intelligence shall, in consultation with the head of the element of the intelligence community concerned, prepare an annual personnel level assessment for such element of the intelligence community that assesses the personnel levels for each such element for the fiscal year following the fiscal year in which the assessment is submitted.

“(b) SCHEDULE.—Each assessment required by subsection (a) shall be submitted to the

congressional intelligence committees each year along with the budget submitted by the President under section 1105 of title 31, United States Code.

“(c) CONTENTS.—Each assessment required by subsection (a) submitted during a fiscal year shall contain, at a minimum, the following information for the element of the intelligence community concerned:

“(1) The budget submission for personnel costs for the upcoming fiscal year.

“(2) The dollar and percentage increase or decrease of such costs as compared to the personnel costs of the current fiscal year.

“(3) The dollar and percentage increase or decrease of such costs as compared to the personnel costs during the prior 5 fiscal years.

“(4) The number of personnel positions requested for the upcoming fiscal year.

“(5) The numerical and percentage increase or decrease of such number as compared to the number of personnel positions of the current fiscal year.

“(6) The numerical and percentage increase or decrease of such number as compared to the number of personnel positions during the prior 5 fiscal years.

“(7) The best estimate of the number and costs of contractors to be funded by the element for the upcoming fiscal year.

“(8) The numerical and percentage increase or decrease of such costs of contractors as compared to the best estimate of the costs of contractors of the current fiscal year.

“(9) A written justification for the requested personnel and contractor levels.

“(10) The number of intelligence collectors and analysts employed or contracted by each element of the intelligence community.

“(11) A list of all contractors that have been the subject of an investigation completed by the Inspector General of any element of the intelligence community during the preceding fiscal year, or are or have been the subject of an investigation by such an Inspector General during the current fiscal year.

“(12) A statement by the Director of National Intelligence that, based on current and projected funding, the element concerned will have sufficient—

“(A) internal infrastructure to support the requested personnel and contractor levels;

“(B) training resources to support the requested personnel levels; and

“(C) funding to support the administrative and operational activities of the requested personnel levels.”

(b) CLERICAL AMENDMENT.—The table of contents in the first section of that Act is amended by inserting after the item relating to section 506A the following new item:

“Sec. 506B. Annual personnel levels assessment for the intelligence community.”

**SA 5393.** Mr. BARRASSO (for himself and Mr. ENZI) submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

On page 455, after line 19, add the following:

**SEC. 2822. LAND CONVEYANCE, F.E. WARREN AIR FORCE BASE, CHEYENNE, WYOMING.**

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey to the

County of Laramie, Wyoming (in this section referred to as the “County”) all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon and appurtenant easements thereto, consisting of approximately 73 acres along the southeastern boundary of F.E. Warren Air Force Base, Cheyenne, Wyoming, for the purpose of removing the property from the boundaries of the installation and permitting the County to preserve the entire property for healthcare facilities.

(b) CONSIDERATION.—

(1) IN GENERAL.—As consideration for the conveyance under subsection (a), the County shall provide the United States consideration, whether by cash payment, in-kind consideration as described under paragraph (2), or a combination thereof, in an amount that is not less than the fair market value of the conveyed real property, as determined by the Secretary.

(2) IN-KIND CONSIDERATION.—In-kind consideration provided by the County under paragraph (1) shall include the acquisition, construction, provision, improvement, maintenance, repair, or restoration (including environmental restoration), or combination thereof, of any facilities or infrastructure relating to the security of F.E. Warren Air Force Base, that the Secretary considers acceptable.

(3) RELATION TO OTHER LAWS.—Sections 2662 and 2802 of title 10, United States Code, shall not apply to any new facilities or infrastructure received by the United States as in-kind consideration under paragraph (2).

(4) NOTICE TO CONGRESS.—The Secretary shall provide written notification to the congressional defense committees of the types and value of consideration provided the United States under paragraph (1).

(5) TREATMENT OF CASH CONSIDERATION RECEIVED.—Any cash payment received by the United States under paragraph (1) shall be deposited in the special account in the Treasury established under subsection (b) of section 572 of title 40, United States Code, and shall be available in accordance with paragraph (5)(B)(ii) of such subsection.

(c) REVERSIONARY INTEREST.—

(1) IN GENERAL.—If the Secretary determines at any time that the County is not using the property conveyed under subsection (a) in accordance with the purpose of the conveyance specified in such subsection, all right, title, and interest in and to the property, including any improvements thereon, shall revert, at the option of the Secretary, to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(2) RELEASE OF REVERSIONARY INTEREST.—The Secretary shall release, without consideration, the reversionary interest retained by the United States under paragraph (1) if—

(A) F.E. Warren Air Force Base, Cheyenne Wyoming, is no longer being used for Department of Defense activities; or

(B) the Secretary determines that the reversionary interest is otherwise unnecessary to protect the interests of the United States.

(d) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary shall require the County to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a) and implement the receipt of in-kind consideration under paragraph (b), including survey costs, appraisal costs, costs related to environmental documentation, and other administrative costs related to the conveyance and receipt of in-kind consideration. If amounts are received from the

County in advance of the Secretary incurring the actual costs, and the amount received exceeds the costs actually incurred by the Secretary under this section, the Secretary shall refund the excess amount to the County.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursements under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance and implementing the receipt of in-kind consideration. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) DESCRIPTION OF REAL PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

**SA 5394.** Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle C of title V, add the following:

**SEC. 539. REPORT ON REQUIREMENTS OF THE NATIONAL GUARD FOR NON-DUAL STATUS TECHNICIANS.**

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report setting forth the following:

(1) A description of the current requirements of the National Guard for non-dual status technicians

(2) A description of various means of addressing any shortfalls in meeting such requirements, including both temporary shortfalls and permanent shortfalls.

(b) CONSIDERATIONS.—The report required by subsection (a) shall take into consideration the effects of the mobilization of large numbers of National Guard military technicians (dual status) on the readiness of National Guard units in critically important areas and on the capacity of the National Guard to continue performing home-based missions and responsibilities for the States.

**SA 5395.** Mr. VOINOVICH (for himself and Mr. BROWN) submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

On page 458, between lines 12 and 13, insert the following:

**SEC. 2842. ACCEPTANCE AND USE OF GIFTS FOR CONSTRUCTION OF ADDITIONAL BUILDING AT NATIONAL MUSEUM OF THE UNITED STATES AIR FORCE, WRIGHT-PATTERSON AIR FORCE BASE.**

(a) ACCEPTANCE AUTHORIZED.—The Secretary of the Air Force may accept from the Air Force Museum Foundation, a private nonprofit corporation, gifts in the form of cash, treasury instruments, or comparable United States securities for the purpose of paying the costs of design and construction of a fourth building for the National Museum of the United States Air Force at Wright-Patterson Air Force Base, Ohio. In making a gift, the Air Force Museum Foundation may specify that all or part of the amount of the gift be utilized solely for the purpose of the design and construction of a particular portion of the building.

(b) ESCROW ACCOUNT.—

(1) DEPOSIT OF GIFTS.—The Secretary of the Air Force, acting through the Director of Financial Management of the Air Force Materiel Command (in this section referred to as the “Director”), shall deposit the amount of any gift accepted under subsection (a) in an escrow account established for that purpose.

(2) INVESTMENT.—Amounts in the escrow account not required to meet current requirements of the account shall be invested in public debt securities with maturities suitable to the needs of the account, as determined by the Director, and bearing interest at rates that take into consideration current market yields on outstanding marketable obligations of the United States of comparable securities. The income on such investments shall be credited to and form a part of the account.

(3) LIQUIDATION.—Upon final payment of all invoices and claims associated with the design and construction of the building described in subsection (a), the Secretary shall terminate the escrow account. Any amounts remaining in the account upon termination shall be available to the Secretary, in such amounts as are provided in advance in appropriations Acts, for such purposes as the Secretary considers appropriate.

(c) USE OF GIFTS.—

(1) DESIGN AND CONSTRUCTION.—The Director shall use amounts in the escrow account, including income on investments, to pay the costs of the design and construction of a fourth building for the National Museum of the United States Air Force, including progress payments for such design and construction, subject to any conditions imposed by the Air Force Museum Foundation under subsection (a). Amounts in the account shall be available to the Director, in such amounts as are provided in advance in appropriations Acts, until expended.

(2) TIME FOR PAYMENT.—Amounts shall be payable under paragraph (1) upon receipt by the Director of a notification from the technical representative of the contracting officer that construction activities for which such amounts are payable under paragraph (1) have been undertaken. To the maximum extent practicable consistent with good business practice, the Director shall limit payment of amounts from the account in order to maximize the return on investment of amounts in the account.

(d) LIMITATION ON CONTRACTS.—The Secretary of the Air Force may not initiate a contract for the design or construction of a particular portion of the building described in subsection (a) until amounts in the escrow account are sufficient to cover the amount of the contract.

**SA 5396.** Mr. VOINOVICH (for himself and Mr. BROWN) submitted an amendment intended to be proposed by him

to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

On page 458, between lines 12 and 13, insert the following:

**SEC. 2842. ACCEPTANCE AND USE OF GIFTS FOR CONSTRUCTION OF ADDITIONAL BUILDING AT NATIONAL MUSEUM OF THE UNITED STATES AIR FORCE, WRIGHT-PATTERSON AIR FORCE BASE.**

(a) ACCEPTANCE AUTHORIZED.—The Secretary of the Air Force may accept from the Air Force Museum Foundation, a private nonprofit corporation, gifts in the form of cash, treasury instruments, or comparable United States securities for the purpose of paying the costs of design and construction of a fourth building for the National Museum of the United States Air Force at Wright-Patterson Air Force Base, Ohio. In making a gift, the Air Force Museum Foundation may specify that all or part of the amount of the gift be utilized solely for the purpose of the design and construction of a particular portion of the building.

(b) ESCROW ACCOUNT.—

(1) DEPOSIT OF GIFTS.—The Secretary of the Air Force, acting through the Director of Financial Management of the Air Force Materiel Command (in this section referred to as the “Director”), shall deposit the amount of any gift accepted under subsection (a) in an escrow account established for that purpose.

(2) INVESTMENT.—Amounts in the escrow account not required to meet current requirements of the account shall be invested in public debt securities with maturities suitable to the needs of the account, as determined by the Director, and bearing interest at rates that take into consideration current market yields on outstanding marketable obligations of the United States of comparable securities. The income on such investments shall be credited to and form a part of the account.

(3) LIQUIDATION.—Upon final payment of all invoices and claims associated with the design and construction of the building described in subsection (a), the Secretary shall terminate the escrow account. Any amounts remaining in the account upon termination shall be available to the Secretary, in such amounts as are provided in advance in appropriations Acts, for such purposes as the Secretary considers appropriate.

(c) USE OF GIFTS.—

(1) DESIGN AND CONSTRUCTION.—The Director shall use amounts in the escrow account, including income on investments, to pay the costs of the design and construction of a fourth building for the National Museum of the United States Air Force, including progress payments for such design and construction, subject to any conditions imposed by the Air Force Museum Foundation under subsection (a). Amounts in the account shall be available to the Director, in such amounts as are provided in advance in appropriations Acts, until expended.

(2) TIME FOR PAYMENT.—Amounts shall be payable under paragraph (1) upon receipt by the Director of a notification from the technical representative of the contracting officer that construction activities for which such amounts are payable under paragraph (1) have been undertaken. To the maximum extent practicable consistent with good business practice, the Director shall limit payment of amounts from the account in order to maximize the return on investment of amounts in the account.

(d) LIMITATION ON CONTRACTS.—The Secretary of the Air Force may not initiate a contract for the design or construction of a particular portion of the building described in subsection (a) until amounts in the escrow account are sufficient to cover the amount of the contract.

**SA 5397.** Mr. VOINOVICH (for himself and Mr. BROWN) submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XII, add the following:

**SEC. 1215. AVAILABILITY OF APPROPRIATED FUNDS FOR INTERNATIONAL MILITARY-TO-CIVILIAN AND CIVILIAN-TO-CIVILIAN CONTACT ACTIVITIES CONDUCTED BY THE NATIONAL GUARD.**

(a) IN GENERAL.—Subchapter I of chapter 134 of title 10, United States Code, as amended by section 1202 of this Act, is further amended by inserting after section 2249d the following new section:

**“§ 2249e. International military-civilian contact activities conducted by the National Guard: availability of appropriated funds**

“(a) AVAILABILITY OF APPROPRIATED FUNDS.—Funds appropriated to the Department of Defense shall be available for the payment of costs incurred by the National Guard (including the costs of pay and allowances of members of the National Guard) in conducting international military-to-civilian contacts, civilian-to-civilian contacts, and comparable activities for purposes as follows:

“(1) To support the objectives of the commander of the combatant command for the theater of operations in which such contacts and activities are conducted.

“(2) To build international civil-military partnerships and capacity.

“(3) To strengthen cooperation between the departments and agencies of the United States Government and agencies of foreign governments.

“(4) To facilitate intergovernmental collaboration between the United States Government and foreign governments.

“(5) To facilitate and enhance the exchange of information between the United States Government and foreign governments on matters relating to defense and security.

“(b) LIMITATIONS.—(1) Funds shall not be available under subsection (a) for contacts and activities described in that subsection that are conducted in a foreign country unless jointly approved by the commander of the combatant command concerned and the chief of mission concerned.

“(2) Funds shall not be available under subsection (a) for the participation of a member of the National Guard in contacts and activities described in that subsection in a foreign country unless the member is on active duty in the armed forces at the time of such participation.

“(c) REIMBURSEMENT.—In the event of the participation of personnel of a department or agency of the United States Government (other than the Department of Defense) in contacts and activities for which payment is made under subsection (a), the head of such department or agency shall reimburse the Secretary of Defense for the costs associated with the participation of such personnel in such contacts and activities. Amounts reim-

bursed the Department of Defense under this subsection shall be deposited in the appropriation or account from which amounts for the payment concerned were derived. Any amounts so deposited shall be merged with amounts in such appropriation or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such appropriation or account.

“(d) DEFINITIONS.—In this section:

“(1) The term ‘military-to-civilian contacts’ means the following:

“(A) Contacts between members of the armed forces and foreign civilian personnel.

“(B) Contacts between members of foreign armed forces and United States civilian personnel.

“(2) The term ‘civilian-to-civilian contacts’ means contacts between United States civilian personnel and foreign civilian personnel.

“(3) The term ‘United States civilian personnel’ means the following:

“(A) Personnel of the United States Government (including personnel of departments and agencies of the United States Government other than the Department of Defense) and personnel of State and local governments of the United States.

“(B) Members and employees of the legislative branch, and non-governmental individuals, if the participation of such individuals in contacts and activities described in subsection (a)—

“(i) contributes to responsible management of defense resources;

“(ii) fosters greater respect for and understanding of the principle of civilian control of the military;

“(iii) contributes to cooperation between foreign military and civilian government agencies and United States military and civilian governmental agencies; or

“(iv) improves international partnerships and capacity on matters relating to defense and security.

“(4) The term ‘foreign civilian personnel’ means the following:

“(A) Civilian personnel of foreign governments at any level (including personnel of ministries other than ministries of defense).

“(B) Non-governmental individuals of foreign countries, if the participation of such individuals in contacts and activities described in subsection (a) will further the achievement of any matter set forth in clauses (i) through (iv) of paragraph (3)(B).”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 134 of such title, as so amended, is further amended by inserting after the item relating to section 2249d the following new item:

“2249e. International military-civilian contact activities conducted by the National Guard: availability of appropriated funds.”

**SA 5398.** Mr. VOINOVICH (for himself and Mr. BROWN) submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XII, add the following:

**SEC. 1215. AVAILABILITY OF APPROPRIATED FUNDS FOR INTERNATIONAL MILITARY-TO-CIVILIAN AND CIVILIAN-TO-CIVILIAN CONTACT ACTIVITIES CONDUCTED BY THE NATIONAL GUARD.**

(a) IN GENERAL.—Subchapter I of chapter 134 of title 10, United States Code, as amended by section 1202 of this Act, is further amended by inserting after section 2249d the following new section:

**“§ 2249e. International military-civilian contact activities conducted by the National Guard: availability of appropriated funds**

“(a) AVAILABILITY OF APPROPRIATED FUNDS.—Funds appropriated to the Department of Defense shall be available for the payment of costs incurred by the National Guard (including the costs of pay and allowances of members of the National Guard) in conducting international military-to-civilian contacts, civilian-to-civilian contacts, and comparable activities for purposes as follows:

“(1) To support the objectives of the commander of the combatant command for the theater of operations in which such contacts and activities are conducted.

“(2) To build international civil-military partnerships and capacity.

“(3) To strengthen cooperation between the departments and agencies of the United States Government and agencies of foreign governments.

“(4) To facilitate intergovernmental collaboration between the United States Government and foreign governments.

“(5) To facilitate and enhance the exchange of information between the United States Government and foreign governments on matters relating to defense and security.

“(b) LIMITATIONS.—(1) Funds shall not be available under subsection (a) for contacts and activities described in that subsection that are conducted in a foreign country unless jointly approved by the commander of the combatant command concerned and the chief of mission concerned.

“(2) Funds shall not be available under subsection (a) for the participation of a member of the National Guard in contacts and activities described in that subsection in a foreign country unless the member is on active duty in the armed forces at the time of such participation.

“(c) REIMBURSEMENT.—In the event of the participation of personnel of a department or agency of the United States Government (other than the Department of Defense) in contacts and activities for which payment is made under subsection (a), the head of such department or agency shall reimburse the Secretary of Defense for the costs associated with the participation of such personnel in such contacts and activities. Amounts reimbursed the Department of Defense under this subsection shall be deposited in the appropriation or account from which amounts for the payment concerned were derived. Any amounts so deposited shall be merged with amounts in such appropriation or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such appropriation or account.

“(d) DEFINITIONS.—In this section:

“(1) The term ‘military-to-civilian contacts’ means the following:

“(A) Contacts between members of the armed forces and foreign civilian personnel.

“(B) Contacts between members of foreign armed forces and United States civilian personnel.

“(2) The term ‘civilian-to-civilian contacts’ means contacts between United States civilian personnel and foreign civilian personnel.

“(3) The term ‘United States civilian personnel’ means the following:

“(A) Personnel of the United States Government (including personnel of departments and agencies of the United States Government other than the Department of Defense) and personnel of State and local governments of the United States.

“(B) Members and employees of the legislative branch, and non-governmental individuals, if the participation of such individuals in contacts and activities described in subsection (a)—

“(i) contributes to responsible management of defense resources;

“(ii) fosters greater respect for and understanding of the principle of civilian control of the military;

“(iii) contributes to cooperation between foreign military and civilian government agencies and United States military and civilian governmental agencies; or

“(iv) improves international partnerships and capacity on matters relating to defense and security.

“(4) The term ‘foreign civilian personnel’ means the following:

“(A) Civilian personnel of foreign governments at any level (including personnel of ministries other than ministries of defense).

“(B) Non-governmental individuals of foreign countries, if the participation of such individuals in contacts and activities described in subsection (a) will further the achievement of any matter set forth in clauses (i) through (iv) of paragraph (3)(B).”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 134 of such title, as so amended, is further amended by inserting after the item relating to section 2249d the following new item:

“2249e. International military-civilian contact activities conducted by the National Guard; availability of appropriated funds.”.

**SA 5399.** Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

**SEC. 587. IMPROVEMENT OF POLICIES AND PRACTICES OF THE ARMED FORCES REGARDING PREVENTION AND RESPONSE TO SEXUAL ASSAULT AND RAPE.**

(a) STRATEGY TO ENCOURAGE INVESTIGATION AND PROSECUTION OF CASES.—

(1) IN GENERAL.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall develop a comprehensive strategy to increase and encourage the prevention, investigation, and prosecution of cases of sexual assault and rape in the Armed Forces.

(2) BASIS FOR STRATEGY.—The strategy required by paragraph (1) shall be based on the following:

(A) An analysis of trends in the prevention and reporting of cases of sexual assaults and rape in the Armed Forces.

(B) A review of current training methods for all personnel involved in military investigations of cases of sexual assault and rape in the Armed Forces, including judge advocate general staff.

(C) A review of the capacity of the legal infrastructure of the Armed Forces to investigate and prosecute effectively cases of sexual assault in the Armed Forces.

(D) An identification and analysis of any additional barriers, such as the availability of staff and the adequacy of resources, on military installations and facilities in the United States and abroad, and in theaters of operations, to conduct effective investigations of cases of sexual assault and rape in the Armed Forces.

(E) A review of the disposition of cases of sexual assault and rape in the Armed Forces.

(F) Such other matters as the Secretary considers appropriate.

(3) ELEMENTS.—The strategy required by paragraph (1) shall include the following:

(A) Guidelines for expanding, enhancing, and developing programs for the Armed Forces on prevention and response to sexual assault and rape that use proven best-practice methods, support victims of sexual assault or rape, and focus on creating a culture with zero tolerance for sexual assault and rape.

(B) A plan for increased oversight of existing programs of the Armed Forces on prevention and response to sexual assault and rape, including the establishment of—

(i) performance metrics to evaluate the effectiveness of such programs; and

(ii) a timeline for the implementation of such metrics.

(C) In light of the review under paragraph (2)(B), recommendations for improvements to training described in that paragraph, and a timeline for the implementation of new training methods as a result of such review.

(D) A plan for increased communication and data sharing between the Sexual Assault Prevention and Response Office and other components of the Armed Forces, on the one hand, and the Department of Defense, on the other, to enhance coordination and oversight of cases of sexual assault and rape in the Armed Forces as such cases move through the legal process.

(E) In light of the review under paragraph (2)(C), recommendations for improvements to the legal infrastructure of the Armed Forces to ensure that the capacity of such infrastructure is adequate to meet the needs of victims of sexual assault in the Armed Forces.

(F) In light of the review under paragraph (2)(D), recommendations for ways to eliminate the barriers identified under that paragraph.

(G) Such other matters as the Secretary considers appropriate.

(b) POLICIES REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe policies for the Armed Forces as follows:

(1) To require military commanders to report on the outcomes of cases of sexual assault and rape in units under their command, including—

(A) a description of the actions taken to punish assailants;

(B) a description of any retaliatory measures experienced by victims; and

(C) a detailed justification for disposing of such cases through nonjudicial punishment or other administrative actions.

(2) To classify a military protective order as a standing military order, with such order to be overturned only after an investigation has occurred and appropriate command authorities have completely adjudicated allegations.

(3) To require notification to appropriate local civilian law enforcement agencies on any military protective order issued at a military installation to provide continuity of protection to victims of sexual assault or rape in the Armed Forces.

(4) To require that each member of the Armed Forces who has notified the member's command that the member has been sexually assaulted or raped is afforded an opportunity

to be transferred to another unit if a military protective order is issued.

**SA 5400.** Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

On page 309, after line 20, add the following:

**SEC. 1068. IMPROVEMENT OF INFORMATION FOR MEMBERS AND FORMER MEMBERS OF THE ARMED FORCES ON UPGRADES OF DISCHARGE.**

(a) CLARIFICATION AND IMPROVEMENT OF INFORMATION.—

(1) REQUIRED NOTICES.—

(A) NOTICE THAT UPGRADE IS NOT AUTOMATIC.—

(i) IN GENERAL.—Each member of the Armed Forces who is being considered for or processed for an administrative or any other type of discharge shall receive written notice that an upgrade in the characterization of discharge will not automatically result from review of the discharge by a board of review under section 1533 of title 10, United States Code. The notice shall be dated and shall be provided to the member at least 30 days prior to any deadline to elect a particular characterization or type of discharge or manner of processing.

(ii) RELATED CLARIFICATION.—The notice of discharge issued to a member of the Armed Forces upon discharge may not contain or include any information, references, or other material that is inconsistent with the notice required under clause (i).

(B) NOTICE OF RIGHT TO OBTAIN LEGAL COUNSEL.—

(i) IN GENERAL.—The written notice required under subparagraph (A) shall also advise the member in bold letters that the member has the right to meet with and discuss his or her discharge options with military legal counsel prior to electing a characterization or type of discharge or manner of processing. The notice must provide the name, rank, phone number, email address, and physical address of the military legal counsel responsible for providing legal advice to members.

(ii) DELAY IN PROCESSING.—Processing for the discharge of a member of the Armed Forces cannot proceed until the member has either met with military legal counsel or elected in writing not to do so. A member must be given at least 5 duty days after meeting with military legal counsel to make an election regarding characterization or type of discharge or manner of processing.

(C) ACKNOWLEDGMENT OF RECEIPT OF NOTICE.—A member of the Armed Forces receiving notices under subparagraphs (A) and (B) shall be required to acknowledge receipt of such notices by placement of his or her initials or other identifying sign or symbol next to the paragraph or paragraphs that contain such notices. The member shall be provided with a copy of the initialed notices, and a copy of such notices shall be retained in any personnel or other files maintained on such member by the Armed Forces.

(2) ENHANCEMENT OF INFORMATION ON APPLICATION FOR UPGRADE OF DISCHARGE.—Each Secretary concerned shall make available to the public through an Internet website available to the public and by other appropriate mechanisms, information on the means by which former members of the Armed Forces

under the jurisdiction of such Secretary may apply for a review and upgrade of their discharge from the Armed Forces under section 1553 of title 10, United States Code.

(3) ANNUAL REPORTS ON ACTIONS BY BOARDS OF REVIEW.—

(A) IN GENERAL.—Each Secretary concerned shall, on an annual basis, make available to the public information on the reviews of discharge or dismissal undertaken under section 1553 of title 10, United States Code, by boards of review under the jurisdiction of such Secretary during the preceding year. The information shall include, for each Armed Force, the following:

(i) The number of motions for review received by the boards of review during the year.

(ii) The number of reviews conducted by the boards of review during the year.

(iii) The number of discharges upgraded as a result of the reviews referred to in clause (i), set forth by aggregate number of discharges so upgraded and by number of each type of discharge so upgraded.

(B) PROTECTION OF PRIVATE INFORMATION.—Each Secretary concerned shall ensure that the information on reviews made available to the public under subparagraph (A) does not include any personal information regarding the members of the Armed Forces the discharges and dismissals of whom are the subject of such reviews.

(4) SECRETARY CONCERNED DEFINED.—In this subsection, the term “Secretary concerned” has the meaning given that term in section 101(a) of title 10, United States Code.

(b) ENHANCEMENT OF NOTICE TO MEMBERS OF THE ARMED FORCES ON CONSEQUENCES OF DISCHARGE STATUS FOR BENEFITS AND SERVICES THROUGH THE FEDERAL GOVERNMENT.—

(1) IN GENERAL.—The Secretary of Defense shall take appropriate actions to ensure that each member of the Armed Forces receives at the time of discharge from the Armed Forces comprehensive information, in writing, on the effect of the discharge status of such member on the benefits and services available to such member through the Department of Defense, the Department of Veterans Affairs, and any other department or agency of the Federal Government providing benefits or services to individuals in their status as former members of the Armed Forces.

(2) INFORMATION ON UPGRADE OF DISCHARGE.—The information provided pursuant to paragraph (1) shall include the information described in subsection (a)(2).

(c) REQUIREMENT TO TEST MEMBERS OF THE ARMED FORCES FOR CERTAIN INJURIES AND CONDITIONS BEFORE DISCHARGING FOR PERSONALITY DISORDERS.—

(1) TESTING REQUIREMENT.—The Secretary of a military department may not discharge from the Armed Forces for personality disorder any member of the Armed Forces unless such member has undergone testing by the Department of Defense for post-traumatic stress disorder, traumatic brain injury, and any related mental health disorder or injury prior to final action with respect to such discharge.

(2) RESTRICTIONS ON DISCHARGE FOR PERSONALITY DISORDER.—The Secretary of a military department may not discharge from the Armed Forces for personality disorder a member of the Armed Forces determined by the Secretary of Defense to suffer from post-traumatic stress disorder, traumatic brain injury, or any related mental health disorder or injury.

(d) WAIVER OF STATUTE OF LIMITATIONS APPLICABLE TO CERTAIN REVIEWS OF DISCHARGES FOR PERSONALITY DISORDERS.—Section 1553(a) of title 10, United States Code, is amended—

(1) in the second sentence, by striking “A motion or request for review” and inserting “Except as provided in the following sentence, a motion or request for review”; and

(2) by inserting after the second sentence the following: “The Secretary of Defense shall waive the 15 year time limit specified in the preceding sentence in the case of a motion or request for review of a discharge for personality disorder of a former member who has been diagnosed by the Secretary of Veterans Affairs with post-traumatic stress disorder, traumatic brain injury, or any related mental health disorder or injury.”

(e) APPLICABILITY.—Nothing in this section or the amendments made by this section shall be construed to authorize or require the upgrade of a bad conduct discharge or dishonorable discharge imposed on a member of the Armed Forces as the result of a conviction by court-martial, unless the conviction is overturned on appeal.

**SA 5401.** Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

**SEC. 587. EQUITY IN THE AWARD OF MILITARY DECORATIONS AND CITATIONS FOR SERVICE IN THE ARMED FORCES SINCE MARCH 20, 2003.**

(a) IN GENERAL.—The Secretary of Defense shall take appropriate actions to ensure that each member and unit of the Armed Forces (including members and units of the National Guard and Reserve) that has served in the Armed Forces since March 20, 2003, is awarded each decoration, medal, citation, commendation, or other military award to which such member or unit is entitled by reason of service in the Armed Forces since that date.

(b) AUDIT OF AWARDS.—In furtherance of meeting the requirement in subsection (a), the Secretary shall provide for a comprehensive audit of the decorations, medals, citations, commendations, and other military awards awarded for service in the Armed Forces since March 20, 2003, in order to determine whether any decorations, medals, citations, commendations, or other awards to be awarded as described in that subsection have yet to be awarded.

(c) PROCEDURES FOR EXPEDITED REVIEW OF CERTAIN AWARDS.—

(1) IN GENERAL.—Each Secretary of a military department shall establish procedures to provide for the expedited review by general officers or flag officers, as applicable, of recommendations for the award by such military department of decorations medals, badges, or other military awards for service in combat or under hostile fire that require the approval of a general or flag officer.

(2) CONSULTATION.—The Secretary of the Army and the Secretary of the Air Force shall each consult with the adjutants general of the States under the jurisdiction of such Secretary in establishing procedures under paragraph (1).

(d) REPORT ON PROGRESS IN AWARD.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to Congress a reports on the progress made in the award of decorations, medals, citations, commendations, and other military awards as described in that subsection.

**SA 5402.** Mr. BROWN (for himself and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

On page 455, after line 19, add the following:

**SEC. 2822. LAND CONVEYANCE, GEORGE F. PENNINGTON UNITED STATES ARMY RESERVE CENTER, MARION, OHIO.**

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to Marion County, Ohio (in this section referred to as the “County”), all right, title, and interest of the United State in and to a parcel of real property, including improvements thereon, consisting of approximately 5.3 acres located at the George F. Pennington United States Army Reserve Center, 2164 Harding Way Highway East, Marion, Ohio, for public benefit.

(b) PAYMENT OF COSTS OF CONVEYANCES.—

(1) PAYMENT REQUIRED.—The Secretary shall require the County to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, related to the conveyance. If amounts are collected from the County in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the County.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received under paragraph (1) as reimbursement for costs incurred by the Secretary to carry out the conveyance under subsection (a) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(d) ADDITIONAL TERM AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

**SA 5403.** Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle F of title VIII, add the following:

**SEC. 854. REPORT ON CONTRACTS FOR MORALE, WELFARE, AND RECREATION TELEPHONE SERVICES FOR MILITARY PERSONNEL SERVING IN COMBAT ZONES.**

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on current contracts of the Department of Defense for morale, welfare, and recreation telephone services for military personnel serving in combat zones.

(b) **ELEMENTS.**—The report required by subsection (a) shall include the following:

(1) A description of each contract for morale, welfare, and recreation telephone services for military personnel serving in combat zones that was entered into or agreed upon by the Department of Defense after January 28, 2008, and, for each such contract, an assessment of the extent to which the entry into or agreement upon such contract. 1) was accomplished using competitive procedures. 2) provided individual users the flexibility of using phone cards from other phone card companies.

(2) A statement of the average cost per minute of telephone service for military personnel serving in combat zones under each contract of the Department of Defense for morale, welfare, and recreation telephone services for such personnel that is in effect as of the date of the enactment of this Act.

**SA 5404.** Mrs. CLINTON (for herself and Mr. ENSIGN) submitted an amendment intended to be proposed by her to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

On page 342, between lines 10 and 11, insert the following:

**SEC. 1208. SUPPORT FOR AN IRAQ OIL TRUST.**

(a) **STATEMENT OF POLICY.**—It is the policy of the United States that—

(1) the people of Iraq should benefit directly from a share of the revenues generated by the hydrocarbon resources of their country; and

(2) the United States Government should present a plan and provide capacity and economic assistance for the implementation of an Iraq oil trust.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) the future of Iraq's oil reserves remains at the heart of political reconciliation in Iraq;

(2) ensuring that individual Iraqis benefit directly from hydrocarbon revenues is critical to promoting reconciliation and facilitating sustainable stability in Iraq;

(3) the development and implementation of an oil trust could provide significant benefits to Iraq and its citizens, including by—

(A) helping to demonstrate the values at the heart of democratic governance by giving Iraqi citizens a direct stake in the responsible and transparent management of the hydrocarbon resources of Iraq and the use and distribution of hydrocarbon revenues;

(B) helping to diffuse the degree and concentration of control of the revenues generated from hydrocarbon resources, thereby reducing the opportunity for and magnitude of corruption;

(C) facilitating “bottom-up” private sector development, which will be critical to Iraq's

future prosperity and economic diversity, by putting revenues from the oil resources of Iraq directly in the hands of its citizens;

(D) helping to alleviate the incentive for smuggling or sabotage by providing individual citizens a direct stake in the amount of Iraqi oil that is legally produced and sold;

(E) contributing to sustainable security by providing individuals monetary-resource alternatives to cooperating with militias, extremists, and other extra-legal entities;

(F) providing additional income directly to individual citizens, thereby stimulating entrepreneurship and reducing the reliance on the ability of the central and provincial governments to deliver basic services and execute their budgets; and

(G) serving as a model for revenue distribution to other resource-rich countries in the Middle East; and

(4) the United States should provide assistance to Iraq for implementation of an oil trust.

(c) **UNITED STATES ASSISTANCE TO IRAQ.**—

(1) **PURPOSE.**—The purpose of this subsection is to stipulate limitations on United States assistance to Iraq for reconstruction purposes.

(2) **LIMITATION.**—

(A) **IN GENERAL.**—Unless the Secretary of State submits to the appropriate congressional committees the certification described in subsection (d) within 90 days after the date of the enactment of this Act, 10 percent of United States assistance described in subparagraph (D) that is otherwise available to Iraq through the Economic Support Fund shall be withheld.

(B) **ADDITIONAL WITHHOLDING OF FUNDS.**—An additional 10 percent of United States assistance described in subparagraph (D) that is otherwise available to Iraq through the Economic Support Fund shall be withheld for each additional 30 days after funds are withheld under subparagraph (A) until the Secretary of State makes the certification described in subsection (d).

(C) **RELEASE OF WITHHELD FUNDS.**—Any funds withheld under subparagraphs (A) and (B) shall be made available upon submission by the Secretary of State of the certification described in subsection (d).

(D) **COVERED ASSISTANCE.**—The assistance referred to in subparagraphs (A) and (B) are the following funds:

(i) Provincial Reconstruction Development Council Funds.

(ii) Operations and Maintenance Sustainment.

(iii) Targeted Development Program.

(d) **CERTIFICATION.**—The certification referred to in subsection (c) is a certification submitted by the Secretary of State to the appropriate congressional committees that—

(1) certifies that representatives of the United States Government have presented to Government of Iraq representatives an oil trust plan that includes—

(A) background on oil trusts, including those currently used by sovereign nations or territories and states within nations; and

(B) options for different types of oil trusts that could be implemented in Iraq; and

(2) includes a discussion on the steps necessary to implement an oil trust.

(e) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

**SA 5405.** Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

Strike section 1002.

**SA 5406.** Mr. LEAHY (for himself, Mr. BOND, Mr. FEINGOLD, Mr. BROWN, Ms. KLOBUCHAR, Mr. HARKIN, Mr. JOHNSON, Mr. CASEY, Mr. BYRD, Mr. GRASSLEY, Mr. SMITH, Mr. CARDIN, and Mr. CRAIG) submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

**TITLE XVII—NATIONAL GUARD EMPOWERMENT AND RELATED MATTERS**

**SEC. 1701. SHORT TITLE.**

This title may be cited as the “National Guard Empowerment and State-National Defense Integration Act of 2008”.

**SEC. 1702. EXPANDED AUTHORITY OF THE CHIEF OF THE NATIONAL GUARD BUREAU.**

(a) **MEMBERSHIP ON JOINT CHIEFS OF STAFF.**—

(1) **IN GENERAL.**—Section 151(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(7) The Chief of the National Guard Bureau.”

(2) **CONFORMING AMENDMENT.**—Section 10502 of such title is amended—

(A) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(B) by inserting after subsection (c) the following new subsection (d):

“(d) **MEMBER OF JOINT CHIEFS OF STAFF.**—The Chief of the National Guard Bureau shall perform the duties prescribed for him or her as a member of the Joint Chiefs of Staff under section 151 of this title.”

(b) **ANNUAL REPORT TO CONGRESS ON VALIDATED REQUIREMENTS.**—Section 10504 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(c) **ANNUAL REPORT ON VALIDATED REQUIREMENTS.**—Not later than December 31 each year, the Chief of the National Guard Bureau shall submit to Congress a report on the following:

“(1) The requirements validated under section 10503a(b)(1) of this title during the preceding fiscal year.

“(2) The requirements referred to in paragraph (1) for which funding is to be requested in the next budget for a fiscal year under section 10544 of this title.

“(3) The requirements referred to in paragraph (1) for which funding will not be requested in the next budget for a fiscal year under section 10544 of this title.”

**SEC. 1703. EXPANDED FUNCTIONS OF THE NATIONAL GUARD BUREAU.**

(a) **MILITARY ASSISTANCE FOR CIVIL AUTHORITIES.**—Chapter 1011 of title 10, United States Code, is amended by inserting after section 10503 the following new section:

**“§ 10503a. Functions of National Guard Bureau: military assistance to civil authorities**

“(a) IDENTIFICATION OF ADDITIONAL NECESSARY ASSISTANCE.—The Chief of the National Guard Bureau shall—

“(1) identify gaps between Federal and State military capabilities to prepare for and respond to emergencies; and

“(2) make recommendations to the Secretary of Defense on programs and activities of the National Guard for military assistance to civil authorities to address such gaps.

“(b) SCOPE OF RESPONSIBILITIES.—In meeting the requirements of subsection (a), the Chief of the National Guard Bureau shall, in coordination with the adjutants general of the States, have responsibilities as follows:

“(1) To validate the requirements of the several States and Territories with respect to military assistance to civil authorities.

“(2) To develop doctrine and training requirements relating to the provision of military assistance to civil authorities.

“(3) To acquire equipment, materiel, and other supplies and services for the provision of military assistance to civil authorities.

“(4) To assist the Secretary of Defense in preparing the budget required under section 10544 of this title.

“(5) To administer amounts provided the National Guard for the provision of military assistance to civil authorities.

“(6) To carry out any other responsibility relating to the provision of military assistance to civil authorities as the Secretary of Defense shall specify.

“(c) ASSISTANCE.—The Chairman of the Joint Chiefs of Staff shall assist the Chief of the National Guard Bureau in carrying out activities under this section.

“(d) CONSULTATION.—(1) The Chief of the National Guard Bureau shall carry out activities under this section through and utilizing an integrated planning process established by the Chief of the National Guard Bureau for purposes of this subsection. The planning process may be known as the ‘National Guard Bureau Strategic Integrated Planning Process’.

“(2)(A) Under the integrated planning process established under paragraph (1)—

“(i) the planning committee described in subparagraph (B) shall develop and submit to the planning directorate described in subparagraph (C) plans and proposals on such matters under the planning process as the Chief of the National Guard Bureau shall designate for purposes of this subsection; and

“(ii) the planning directorate shall review and make recommendations to the Chief of the National Guard Bureau on the plans and proposals submitted to the planning directorate under clause (i).

“(B) The planning committee described in this subparagraph is a planning committee (to be known as the ‘State Strategic Integrated Planning Committee’) composed of the adjutant general of each of the several States, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, and the District of Columbia.

“(C) The planning directorate described in this subparagraph is a planning directorate (to be known as the ‘Federal Strategic Integrated Planning Directorate’) composed of the following (as designated by the Secretary of Defense for purposes of this subsection):

“(i) A major general of the Army National Guard.

“(ii) A major general of the Air National Guard.

“(iii) A major general of the regular Army.

“(iv) A major general of the regular Air Force.

“(v) A major general (other than a major general under clauses (iii) and (iv)) of the United States Northern Command.

“(vi) The Director of the Joint Staff of the National Guard Bureau under section 10505 of this title.

“(vii) Seven adjutants general from the planning committee under paragraph (B).”

(b) BUDGETING FOR TRAINING AND EQUIPMENT FOR MILITARY ASSISTANCE TO CIVIL AUTHORITIES AND OTHER DOMESTIC MISSIONS.—Chapter 1013 of such title is amended by adding at the end the following new section:

**“§ 10544. National Guard training and equipment: budget for military assistance to civil authorities and for other domestic operations**

“(a) IN GENERAL.—The budget justification documents materials submitted to Congress in support of the budget of the President for a fiscal year (as submitted with the budget of the President under section 1105(a) of title 31) shall specify separate amounts for training and equipment for the National Guard for purposes of military assistance to civil authorities and for other domestic operations during such fiscal year.

“(b) SCOPE OF FUNDING.—The amounts specified under subsection (a) for a fiscal year shall be sufficient for purposes as follows:

“(1) The development and implementation of doctrine and training requirements applicable to the assistance and operations described in subsection (a) for such fiscal year.

“(2) The acquisition of equipment, materiel, and other supplies and services necessary for the provision of such assistance and such operations in such fiscal year.”

(c) CLERICAL AMENDMENTS.—

(1) The table of sections at the beginning of chapter 1011 of such title is amended by inserting after the item relating to section 10503 the following new item:

“10503a. Functions of National Guard Bureau: military assistance to civil authorities.”

(2) The table of sections at the beginning of chapter 1013 of such title is amended by adding at the end the following new item:

“10544. National Guard training and equipment: budget for military assistance to civil authorities and for other domestic operations.”

**SEC. 1704. REDESIGNATION OF POSITIONS OF DIRECTOR OF THE ARMY NATIONAL GUARD, DIRECTOR OF THE AIR NATIONAL GUARD, AND ASSOCIATED POSITIONS.**

(a) REDESIGNATION.—Section 10506 of title 10, United States Code, is amended—

(1) by striking “Director, Army National Guard” each place it appears and inserting “Vice Chief, Army National Guard”;

(2) by striking “Deputy Director, Army National Guard” each place it appears and inserting “Deputy Vice Chief, Army National Guard”;

(3) by striking “Director, Air National Guard” each place it appears and inserting “Vice Chief, Air National Guard”; and

(4) by striking “Deputy Director, Air National Guard” each place it appears and inserting “Deputy Vice Chief, Air National Guard”.

(b) CONFORMING AMENDMENT.—Section 14512(a)(2)(D) of such title is amended by striking “Director of the Army National Guard, or Director of the Air National Guard” and inserting “Vice Chief of the Army National Guard, or Vice Chief of the Air National Guard”.

(c) REFERENCES.—

(1) DIRECTOR, ARMY NATIONAL GUARD.—Any reference in a law, regulation, document, paper, or other record of the United States to the Director of the Army National Guard shall be deemed to be a reference to the Vice Chief of the Army National Guard.

(2) DEPUTY DIRECTOR, ARMY NATIONAL GUARD.—Any reference in a law, regulation, document, paper, or other record of the United States to the Deputy Director of the Army National Guard shall be deemed to be a reference to the Deputy Vice Chief of the Army National Guard.

(3) DIRECTOR, AIR NATIONAL GUARD.—Any reference in a law, regulation, document, paper, or other record of the United States to the Director of the Air National Guard shall be deemed to be a reference to the Vice Chief of the Air National Guard.

(4) DEPUTY DIRECTOR, AIR NATIONAL GUARD.—Any reference in a law, regulation, document, paper, or other record of the United States to the Deputy Director of the Air National Guard shall be deemed to be a reference to the Deputy Vice Chief of the Air National Guard.

**SEC. 1705. TREATMENT OF CERTAIN SERVICE AS JOINT DUTY EXPERIENCE.**

(a) VICE CHIEFS, ARMY AND AIR NATIONAL GUARD.—Section 10506(a)(3) of title 10, United States Code, as amended by section 1704(a) of this Act, is further amended—

(1) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F), respectively; and

(2) by inserting after subparagraph (B) the following new subparagraph (C):

“(C) Service of an officer as adjutant general shall be treated as joint duty experience for purposes of assignment or promotion to any position designated by law as open to a National Guard general officer.”

(b) ADJUTANTS GENERAL AND SIMILAR OFFICERS.—The service of an officer of the Armed Forces as adjutant general, or as an officer (other than adjutant general) of the National Guard of a State who performs the duties of adjutant general under the laws of such State, shall be treated as joint duty or joint duty experience for purposes of any provisions of law required such duty or experience as a condition of assignment or promotion.

(c) REPORT ON DUTY IN JOINT FORCE HEADQUARTERS TO QUALIFY AS JOINT DUTY EXPERIENCE.—Not later than April 1, 2009, the Chief of the National Guard Bureau shall, in consultation with the adjutants general of the National Guard, submit to the Chairman of the Joint Chiefs of Staff and to Congress a report setting forth the recommendations of the Chief of the National Guard Bureau as to which duty of officers of the National Guard in the Joint Force Headquarters of the National Guard of the States should qualify as joint duty or joint duty experience for purposes of the provisions of law requiring such duty or experience as a condition of assignment or promotion.

(d) REPORTS ON JOINT EDUCATION COURSES.—Not later than April 1 of each of 2009, 2010, and 2011, the Chairman of the Joint Chiefs of Staff shall submit to Congress a report setting forth information on the joint education courses available through the Department of Defense for purposes of the pursuit of joint careers by officers in the Armed Forces. Each report shall include, for the preceding year, the following:

(1) A list and description of the joint education courses so available during such year.

(2) A list and description of the joint education courses listed under paragraph (1) that are available to and may be completed by officers of the reserve components of the Armed Forces in other than an in-resident duty status under title 10, United States Code, or title 32, United States Code.

(3) For each course listed under paragraph (1), the number of officers from each Armed Force who pursued such course during such year, including the number of officers of the Army National Guard, and of the Air National Guard, who pursued such course.

**SEC. 1706. ENHANCEMENT OF AUTHORITIES RELATING TO THE UNITED STATES NORTHERN COMMAND AND OTHER COMBATANT COMMANDS.**

(a) **COMMANDS RESPONSIBLE FOR SUPPORT TO CIVIL AUTHORITIES IN THE UNITED STATES.**—The United States Northern Command and the United States Pacific Command shall be the combatant commands of the Armed Forces that are principally responsible for the support of civil authorities in the United States by the Armed Forces.

(b) **DISCHARGE OF RESPONSIBILITY.**—In discharging the responsibility set forth in subsection (a), the Commander of the United States Northern Command and the Commander of the United States Pacific Command shall each—

(1) in consultation with and acting through the Chief of the National Guard Bureau and the Joint Force Headquarters of the National Guard of the State or States concerned, assist the States in the employment of the National Guard under State control, including National Guard operations conducted in State active duty or under title 32, United States Code; and

(2) facilitate the deployment of the Armed Forces on active duty under title 10, United States Code, as necessary to augment and support the National Guard in its support of civil authorities when National Guard operations are conducted under State control, whether in State active duty or under title 32, United States Code.

(c) **MEMORANDUM OF UNDERSTANDING REGARDING THE UNITED STATES NORTHERN COMMAND AND OTHER COMBATANT COMMANDS.**—

(1) **MEMORANDUM REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Commander of the United States Northern Command, the Commander of the United States Pacific Command, and the Chief of the National Guard Bureau shall, with the approval of the Secretary of Defense, jointly enter into a memorandum of understanding setting forth the operational relationships, and individual roles and responsibilities, during responses to domestic emergencies among the United States Northern Command, the United States Pacific Command, and the National Guard Bureau.

(2) **MODIFICATION.**—The Commander of the United States Northern Command, the Commander of the United States Pacific Command, and the Chief of the National Guard Bureau may from time to time modify the memorandum of understanding under this subsection to address changes in circumstances and for such other purposes as the Commander of the United States Northern Command, the Commander of the United States Pacific Command, and the Chief of the National Guard Bureau jointly consider appropriate. Each such modification shall be subject to the approval of the Secretary of Defense.

(d) **AUTHORITY TO MODIFY ASSIGNMENT OF COMMAND RESPONSIBILITY.**—Nothing in this section shall be construed as altering or limiting the power of the President or the Secretary of Defense to modify the Unified Command Plan in order to assign all or part of the responsibility described in subsection (a) to a combatant command other than the United States Northern Command or the United States Pacific Command.

(e) **REGULATIONS.**—The Secretary of Defense shall prescribe regulations for purposes of aiding the expeditious implementation of the authorities and responsibilities in this section.

**SEC. 1707. STATE CONTROL OF FEDERAL MILITARY FORCES ENGAGED IN ACTIVITIES WITHIN THE STATES AND POSSESSIONS.**

(a) **IN GENERAL.**—Part I of subtitle A of title 10, United States Code, is amended by

inserting after chapter 15 the following new chapter:

**“CHAPTER 16—CONTROL OF THE ARMED FORCES IN ACTIVITIES WITHIN THE STATES AND POSSESSIONS**

“Sec.

“341. Tactical control of the armed forces engaged in activities within the States and possessions: emergency response activities.

**“§ 341. Tactical control of the armed forces engaged in activities within the States and possessions: emergency response activities**

“(a) **IN GENERAL.**—The Secretary of Defense shall prescribe in regulations policies and procedures to assure that tactical control of the armed forces on active duty within a State or possession is vested in the governor of the State or possession, as the case may be, when such forces are engaged in emergency response activities within such State or possession.

“(b) **DISCHARGE THROUGH JOINT FORCE HEADQUARTERS.**—The policies and procedures required under subsection (a) shall provide for the discharge of tactical control by the governor of a State or possession as described in that subsection through the Joint Force Headquarters of the National Guard in the State or possession, as the case may be, acting through the officer of the National Guard in command of the Headquarters.

“(c) **POSSESSIONS DEFINED.**—Notwithstanding any provision of section 101(a), in this section, the term ‘possessions’ means the Commonwealth of Puerto Rico, Guam, and the Virgin Islands.”

(b) **CLERICAL AMENDMENTS.**—The tables of chapters at the beginning of title 10, United States Code, and at the beginning of part I of subtitle A of such title, are each amended by inserting after the item relating to chapter 15 the following new item:

**“16. Control of the Armed Forces in Activities Within the States and Possessions ..... 341”.**

**SEC. 1708. REQUIREMENTS RELATING TO NATIONAL GUARD OFFICERS IN CERTAIN COMMAND POSITIONS.**

(a) **COMMANDER OF ARMY NORTH COMMAND.**—The officer serving in the position of Commander, Army North Command, shall be an officer in the Army National Guard of the United States.

(b) **COMMANDER OF AIR FORCE NORTH COMMAND.**—The officer serving in the position of Commander, Air Force North Command, shall be an officer in the Air National Guard of the United States.

(c) **SENSE OF CONGRESS.**—It is the sense of Congress that, in assigning officers to the command positions specified in subsections (a) and (b), the President should afford a preference in assigning officers in the Army National Guard of the United States or Air National Guard of the United States, as applicable, who have served as the adjutant general of a State.

(d) **CERTAIN JOINT TASK FORCE POSITIONS.**—

(1) **IN GENERAL.**—Of the officers serving in the positions specified in each subparagraph of paragraph (2), as least one such officer under each subparagraph shall be an officer in the Army National Guard of the United States or an officer in the Air National Guard of the United States.

(2) **COVERED POSITIONS.**—The positions specified in this paragraph are:

(A) Commander, Joint Task Force Alaska, and Deputy Commander, Joint Task Force Alaska.

(B) Commander, Joint Task Force Civil Support, and Deputy Commander, Joint Task Force Civil Support.

(C) Commander, Joint Task Force North, and Deputy Commander, Joint Task Force North.

**SA 5407.** Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle D of title X, add the following:

**SEC. 1041. SAFETY OF EXPEDITIONARY FACILITIES, INFRASTRUCTURE, AND EQUIPMENT SUPPORTING UNITED STATES MILITARY OPERATIONS OVERSEAS.**

In order to assure the safe utilization by the Armed Forces of expeditionary facilities, infrastructure, and equipment supporting United States military operations overseas, the Secretary of Defense shall certify to the congressional defense committees, by not later than March 30, 2009, that each of the following actions have been accomplished:

(1) That generally accepted industry standards for the safety of personnel are incorporated into military regulations establishing requirements for facilities, infrastructure, and equipment, including standards with respect to fire protection and structural integrity, and standards with respect to electrical systems, water treatment, and telecommunication networks.

(2) That each contract or task or delivery order carried out for the construction, installation, repair, maintenance, or operation of expeditionary facilities for the Armed Forces overseas incorporates generally accepted industry standards for the safety of personnel utilizing such facilities.

(3) That the standards required under paragraphs (1) and (2) apply in all current and future United States military operations overseas.

**SA 5408.** Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle D of title X, add the following:

**SEC. 1041. CONSIDERATION OF ADVISORY MISSIONS BY THE DEPARTMENT OF DEFENSE IN SUPPORT OF UNITED STATES EFFORTS TO BUILD PARTNER CAPACITY IN THE GLOBAL WAR ON TERRORISM IN THE 2009 QUADRENNIAL DEFENSE REVIEW.**

(a) **IN GENERAL.**—In conducting the quadrennial defense review required in 2009 by section 118 of title 10, United States Code, the Secretary of Defense shall assess the following:

(1) The advisability of advisory missions by the Department of Defense in support of United States efforts to build partner capacity in the Global War on Terrorism, including advisory missions as follows:

(A) Combat advisory missions to train ground forces and air forces of partner countries.

(B) Advisory missions to the defense and interior ministries of partner countries.

(2) The forces, whether general purposes forces or special operations forces, that are the most effective means of undertaking the

future advisory missions of the Department as described in paragraph (1).

(3) The modifications in the force structure necessary to ensure the continued effectiveness of the advisory missions of the Department as described in paragraph (1).

(b) **SUBMITTAL TO CONGRESS.**—The quadrennial defense review required to be submitted to Congress under section 118(d) of title 10, United States Code, in 2010 shall include a separate discussion of the results of the assessment required by subsection (a).

**SA 5409.** Mr. BROWN (for himself and Mr. ENSIGN) submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle D of title V, add the following:

**SEC. 556. INCREASE IN NUMBER OF UNITS OF JUNIOR RESERVE OFFICERS' TRAINING CORPS.**

(a) **PLAN FOR INCREASE.**—The Secretary of Defense, in consultation with the Secretaries of the military departments, may implement a plan to establish and support up to 4,000 Junior Reserve Officers' Training Corps units not later than fiscal year 2020.

(b) **COOPERATION.**—The Secretary of Defense, shall work with local educational agencies to increase the employment in Junior Reserve Officers' Training Corps units of retired members of the Armed Forces who are retired under chapter 61 of title 10, United States Code, especially members who were wounded or injured while deployed in a contingency operation.

(c) **REPORT ON PLAN.**—The Secretary of Defense shall provide a report to the congressional defense committees on the following:

(1) A description of how the Secretaries of the military departments can increase the number of units of the Junior Reserve Officers' Training Corps specified in subsection (a), including how many new units may foreseeably be established per year by each service.

(2) The annual funding necessary to support any increase in units, including the personnel costs associated.

(3) The number of qualified private and public schools, if any, who have requested a Junior Reserve Officers' Training Corps unit that are on a waiting list.

(4) Efforts to improve the increased distribution of units geographically across the United States.

(5) Efforts to increase distribution of units in educationally and economically deprived areas.

(6) Efforts to enhance employment opportunities for qualified former military members retired for disability, especially those wounded while deployed in a contingency operation.

(e) **TIME FOR SUBMISSION.**—The report required under subsection (b), along with the report required by subsection (e), shall be submitted to the congressional defense committees not later than May 1, 2009.

**SA 5410.** Mr. HARKIN (for himself and Mr. OBAMA) submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

Strike section 581 and insert the following:  
**SEC. 581. DEPARTMENT OF DEFENSE POLICY ON THE PREVENTION OF SUICIDES BY MEMBERS OF THE ARMED FORCES.**

(a) **POLICY REQUIRED.**—Not later than August 1, 2009, the Secretary of Defense shall develop a comprehensive policy designed to prevent suicide by members of the Armed Forces.

(b) **PURPOSES.**—The purposes of the policy required by this section shall be as follows:

(1) To ensure that investigations, analyses, and appropriate data collection can be conducted, across the military departments, on the causes and factors surrounding suicides by members of the Armed Forces.

(2) To develop effective strategies and policies for the education of members of the Armed Forces and their families to assist in preventing suicides and suicide attempts by members of the Armed Forces.

(c) **ELEMENTS OF INVESTIGATIONS.**—The policy required by subsection (b)(1) shall include, but not be limited to, the following:

(1) Requirements for investigations and data collection in connection with suicides by members of the Armed Forces.

(2) A requirement for the appointment by the appropriate military authority of a separate investigating officer to conduct an administrative investigation into each suicide by a member of the Armed Forces in accordance with the requirements specified under paragraph (1).

(3) Requirements for minimum information to be determined under each investigation pursuant to paragraph (2), including, but not limited to, the following:

(A) Any mental illness or other mental health condition, including Post Traumatic Stress Disorder (PTSD), of the member of the Armed Forces concerned at the time of the completion of suicide.

(B) Any other illness or injury of the member at the time of the completion of suicide.

(C) Any receipt of health care services, including mental health care services, by the member before the completion of suicide.

(D) Any utilization of prescription drugs by the member before the completion of suicide.

(E) The number, frequency, and dates of deployment of the member.

(F) The military duty assignment of the member at the time of the completion of suicide.

(G) Any observations by family members, health care providers, medical care managers, and other members of the Armed Forces of any symptoms of depression, anxiety, alcohol or drug abuse, or other relevant behavior in the member before the completion of suicide.

(H) The results of a psychological autopsy of the member, if conducted.

(4) A requirement for a report from each administrative investigation conducted pursuant to paragraph (2) which shall set forth the findings and recommendations resulting from such investigation.

(5) Procedures for the protection of the confidentiality of information contained in each report on an investigation pursuant to paragraph (4).

(6) A requirement that the Deputy Chief of Staff for Personnel of the military department concerned receive and analyze each report on an investigation pursuant to paragraph (4).

(7) The appointment by the Secretary of Defense of an appropriate official or execu-

tive agent within the Department of Defense to receive and analyze each report on an investigation pursuant to paragraph (4) in order to—

(A) identify trends or common causal factors in suicides by members of the Armed Forces; and

(B) advise the Secretary on means by which the suicide education and prevention strategies and programs of the military departments can respond appropriately and effectively to such trends and causal factors.

(8) A requirement for an annual report to the Secretary of Defense on each Secretary of a military department on the following:

(A) The results of investigations into suicide by members of the Armed Forces pursuant to paragraph (2) for each calendar year beginning with 2010.

(B) Actions taken to improve the suicide education and prevention strategies and programs of the military departments.

(C) Total number of suicides among members of the Armed Forces during the period beginning on January 1, 2002, and ending at the end of the most recent calendar year quarter preceding the submittal of such report, including the number of suicides confirmed and the number of deaths being investigated as a suicide, set forth—

(i) by calendar year quarter in which death occurred;

(ii) by military department of the members concerned; and

(iii) by whether death occurred while the members concerned were deployed or while assigned to permanent duty station or homeport.

(d) **CONSTRUCTION OF INVESTIGATION WITH OTHER INVESTIGATION REQUIREMENTS.**—The investigation of the suicide by a member of the Armed Forces under the policy required by this section shall be in addition to any other investigation of the suicide required by law, including any investigation for criminal purposes.

(e) **ELEMENTS OF EDUCATION.**—The policy required by subsection (b)(2) may include, but not be limited to, the following:

(1) A review and evaluation of existing suicide prevention efforts across the military departments, including an assessment of the effectiveness of current efforts and of how such efforts are addressing issues related to combat stress.

(2) A requirement for suicide prevention training (as described in subsection (f)) on an annual basis for all members of the Armed Forces (including members of the National Guard and Reserve), for all civilian health care community and family support professionals of the Department of Defense, and for such other service personnel of the Department as the Secretary shall designate for purposes of this paragraph.

(3) Enhancement of the basic lifesaving training course for members of the Armed Forces to include within such training matters relating to recognition of risk factors for suicide, identification of signs and symptoms of mental health concerns and combat stress, and protocols for responding to crisis situations involving members of the Armed Forces who may be at high risk for suicide.

(4) Enhancement of training for military medics and medical personnel to include within such training matters relating to recognition of risk factors for suicide, identification of signs and symptoms of mental health concerns and combat stress, and protocols for responding to crisis situations involving members of the Armed Forces who may be at high risk for suicide.

(5) Review and enhancement of requirements for access of units to crisis response teams to prevent and respond to traumatic events, such as members in crisis or loss of unit members, which teams shall include

qualified mental health professionals and may include medical staff, chaplains, family support staff, peers, and other appropriate personnel.

(6) A campaign of outreach throughout the Armed Forces and the military family communities intended to—

(A) reduce the stigma among members of the Armed Forces and their families, and in such communities, associated with mental health concerns;

(B) encourage members of the Armed Forces and individuals in such communities to seek help with such concerns;

(C) increase awareness among members of the Armed Forces and in such communities that mental health is essential to overall health;

(D) increase awareness among members of the Armed Forces and in such communities regarding substance abuse concerns, relationship and financial difficulties, and legal and occupational difficulties; and

(E) inclusion in addresses to veterans service organizations and other public addresses, and in other public speeches, by senior officials of the Department of Defense of the themes of the importance of mental health, and the importance of seeking help on mental health concerns and stress on military family members, for members of the Armed Forces, veterans, and their families.

(7) Post-deployment assistance for spouses and parents of returning members including members of the National Guard and Reserve, who are returning from deployment assistance in—

(A) understanding issues that arise in the readjustment of such members—

(i) for members of the National Guard and Reserve, to civilian life; and

(ii) for members of the regular components of the Armed Forces, to military life in a non-combat environment;

(B) identifying signs and symptoms of substance abuse, mental health conditions, traumatic brain injury, and risk factors for suicide; and

(C) encouraging such members and their families in seeking assistance for such conditions and in seeking assistance on relationship, financial, legal, and occupational difficulties.

(f) **SUICIDE PREVENTION TRAINING.**—For purposes of this section, suicide prevention training is comprehensive training on suicide prevention (including, at a minimum, education, training, peer-to-peer support methods, outreach, and de-stigmatization on suicide) developed by the Secretary of Defense for purposes of this section in consultation with the Secretary of Veterans Affairs, the National Institute of Mental Health, the Substance Abuse and Mental Health Services Administration of the Department of Health and Human Services, and the Centers for Disease Control and Prevention.

(g) **REPORT ON POLICY.**—Not later than August 1, 2009, the Secretary of the Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the policy required by this section. The report shall include the following:

(1) A description of the policy.

(2) A plan for the implementation of the policy throughout the Department of Defense, which plan shall be developed by the Secretary of Defense in consultation with the following:

(A) The Secretary of Veterans Affairs.

(B) The National Institute of Mental Health.

(C) The Substance Abuse and Mental Health Services Administration of the Department of Health and Human Services.

(D) The Centers for Disease Control and Prevention.

(h) **REPORT ON ACTIONS TAKEN.**—

(1) **IN GENERAL.**—Not later than August 1, 2011, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the actions taken to develop and implement effective policies and strategies for the education of members of the Armed Forces and their families on the prevention of suicide by members of the Armed Forces.

(2) **ELEMENTS.**—The report under paragraph (1) shall include the following:

(A) A description of the actions taken as described in paragraph (1).

(B) An evaluation and assessment of the actions referred to in subparagraph (A), which shall include an evaluation and assessment of the effectiveness of such actions in reducing the incidence of suicide among members of the Armed Forces, including an assessment of—

(i) the extent to which such actions effectively targeted members of the Armed Forces and their families; and

(ii) the extent to which such actions increased awareness among members of the Armed Forces and their families on risk factors for suicide.

(3) **PERFORMANCE OF EVALUATION AND ASSESSMENT.**—The evaluation and assessment required under paragraph (2)(B) shall be performed by an appropriate non-Federal Government entity selected by the Secretary for purposes of this subsection. The Secretary may provide for the performance of the evaluation and assessment by the entity so selected by contract or other cooperative agreement with, or by grant to, such entity.

**SA 5411.** Mr. NELSON (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

On page 309, after line 20, add the following:

**SEC. 1068. CLARIFICATION OF CERTAIN ELIGIBILITY REQUIREMENTS FOR ENHANCED DISABILITY SEVERANCE PAY.**

Section 1212(c)(1)(A) of title 10, United States Code, as added by section 1646 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 472), is amended by striking “incurred during the performance of duty in combat-related operations as designated by the Secretary of Defense.” and inserting “incurred (as determined under criteria prescribed by the Secretary of Defense)—

“(i) as a direct result of armed conflict;

“(ii) while engaged in hazardous service;

“(iii) in the performance of duty under conditions simulating war; or

“(iv) through an instrumentality of war.”.

**SA 5412.** Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, add the following:

**SEC. 1068. PILOT PROGRAMS ON TRAINING AND CERTIFICATION FOR FAMILY CAREGIVER PERSONAL CARE ATTENDANTS FOR VETERANS AND MEMBERS OF THE ARMED FORCES WITH TRAUMATIC BRAIN INJURY.**

(a) **PILOT PROGRAMS AUTHORIZED.**—The Secretary of Veterans Affairs shall, in collaboration with the Secretary of Defense, carry out up to three pilot programs to assess the feasibility and advisability of providing training and certification for family caregivers of veterans and members of the Armed Forces with traumatic brain injury as personal care attendants of such veterans and members.

(b) **LOCATIONS.**—Each pilot program under this section shall be carried out in a medical facility of the Department of Veterans Affairs. In selecting the locations of the pilot programs, the Secretary shall give special emphasis to the polytrauma centers of the Department of Veterans Affairs designated as Tier I polytrauma centers.

(c) **TRAINING CURRICULA.**—

(1) **IN GENERAL.**—The Secretary of Veterans Affairs shall develop curricula for the training of personal care attendants under the pilot programs under this section. Such curricula shall incorporate—

(A) applicable standards and protocols utilized by certification programs of national brain injury care specialist organizations; and

(B) best practices recognized by caregiving organizations.

(2) **USE OF EXISTING CURRICULA.**—In developing the curricula required by paragraph (1), the Secretary of Veterans Affairs shall, to the extent practicable, utilize and expand upon training curricula developed pursuant to section 744(b) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2308).

(d) **PARTICIPATION IN PROGRAMS.**—

(1) **IN GENERAL.**—The Secretary of Veterans Affairs shall determine the eligibility of a family member of a veteran or member of the Armed Forces for participation in the pilot programs under this section.

(2) **BASIS FOR DETERMINATION.**—A determination made under paragraph (1) shall be based on the needs of the veteran or member of the Armed Forces concerned, as determined by the physician of such veteran or member.

(e) **ELIGIBILITY FOR COMPENSATION.**—A family caregiver of a veteran or member of the Armed Forces who receives certification as a personal care attendant under the pilot programs under this section shall be eligible for compensation from the Department of Veterans Affairs for care provided to such veteran or member.

(f) **COSTS OF TRAINING.**—

(1) **TRAINING OF FAMILIES OF VETERANS.**—Any costs of training provided under the pilot programs under this section for family members of veterans shall be borne by the Secretary of Veterans Affairs.

(2) **TRAINING OF FAMILIES OF MEMBERS OF THE ARMED FORCES.**—The Secretary of Defense shall reimburse the Secretary of Veterans Affairs for any costs of training provided under the pilot programs for family members of members of the Armed Forces. Amounts for such reimbursement shall be derived from amounts available for Defense Health Program for the TRICARE program.

(g) **ASSESSMENT OF FAMILY CAREGIVER NEEDS.**—

(1) **IN GENERAL.**—The Secretary of Veterans Affairs may provide to a family caregiver who receives training under a pilot program under this section—

(A) an assessment of their needs with respect to their role as a family caregiver; and  
(B) a referral to services and support that—

(i) are relevant to any needs identified in such assessment; and

(ii) are provided in the community where the family caregiver resides, including such services and support provided by community-based organizations, publicly-funded programs, and the Department of Veterans Affairs.

(2) USE OF EXISTING TOOLS.—In developing and administering an assessment under paragraph (1), the Secretary shall, to the extent practicable, use and expand upon caregiver assessment tools already developed and in use by the Department.

(h) CONSTRUCTION.—Nothing in this section shall be construed to require or permit the Secretary of Veterans Affairs to deny—

(1) reimbursement for health care services provided to a veteran with a brain injury to a personal care attendant who is not a family member of such veteran; or

(2) access to other services and benefits otherwise available to veterans with a brain injury.

(i) FAMILY CAREGIVER DEFINED.—In this section, with respect to member of the Armed Forces or a veteran with traumatic brain injury, the term “family caregiver” means a relative, partner, or friend of such member or veteran who is providing care to such member or veteran for such traumatic brain injury.

**SA 5413.** Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

On page 81, before line 6, insert the following:

**SEC. 344. ALTERNATIVE AVIATION FUEL INITIATIVE.**

(a) FINDINGS.—Congress makes the following findings:

(1) Dependence on foreign sources of oil is detrimental to the national security of the United States due to possible disruptions in supply.

(2) The Department of Defense is the largest single consumer of fuel in the United States.

(3) The United States Air Force is the largest consumer of fuel in the Department of Defense.

(4) The skyrocketing price of fuel is having a significant budgetary impact on the Department of Defense.

(5) The United States Air Force uses about 2,600,000,000 gallons of jet fuel a year, or 10 percent of the entire domestic market in aviation fuel.

(6) The fuel costs of the Air Force have tripled over the past four years, costing nearly \$6,000,000,000 in 2007, up from \$2,000,000,000 in 2003. During the same period, its consumption of fuel decreased by 10 percent.

(7) The Air Force is committed to environmentally friendly energy solutions.

(8) The Air Force has developed an energy program (in this section referred to as the “Air Force Energy Program”) to certify the entire Air Force aircraft fleet for operations on a 50/50 synthetic fuel blend by not later than June 30, 2011, and to acquire 50 percent of its domestic aviation fuel requirement from a domestically-sourced synthetic fuel

blend, at prices equal to or less than market prices for petroleum-based alternatives, that exhibits a more favorable environmental footprint across all major contaminants of concern, by not later than December 31, 2016.

(9) The Air Force Energy Program will provide options to reduce the use of foreign oil, by focusing on expanding alternative energy options that provide favorable environmental attributes as compared to currently-available options.

(b) CONTINUATION OF INITIATIVES.—

(1) IN GENERAL.—The Secretary of the Air Force shall continue the alternative aviation fuel initiatives of the Air Force in order to—

(A) certify the entire Air Force aircraft fleet for operations on a 50/50 synthetic fuel blend by not later than June 30, 2011;

(B) acquire 50 percent of its domestic aviation fuel requirement from a domestically-sourced synthetic fuel blend by not later than December 31, 2016, provided that—

(i) the lifecycle greenhouse gas emissions associated with the production and combustion of such fuel shall not be greater than such emissions from conventional fuels that are used in the same application; and

(ii) synthetic fuel prices are equal to or less than market prices for petroleum-based alternatives;

(C) take actions in collaboration with the commercial aviation industry and equipment manufacturers to spur the development of a domestic alternative aviation fuel industry; and

(D) take actions in collaboration with other Federal agencies, the commercial sector, and academia to solicit for and test the next generation of environmentally-friendly alternative aviation fuels.

(2) ANNUAL REPORT.—Not later than 60 days after the date of the enactment of this Act, and annually thereafter, the Secretary of Defense, in consultation with the Secretary of the Air Force, shall submit to Congress a report on the progress of the alternative aviation fuel initiative program, including—

(A) the status of aircraft fleet certification, until complete;

(B) the quantities of domestically-sourced synthetic fuels purchased for use by the Air Force in the fiscal year ending in such year;

(C) progress made against published goals for such fiscal year;

(D) the status of recovery plans to achieve any goals set for previous years that were not achieved; and

(E) the establishment of goals and objectives for the current fiscal year.

(c) ARMY AND NAVY ENERGY INITIATIVES.—

(1) IN GENERAL.—The Secretary of the Army and the Secretary of the Navy should seek to engage their respective services in an alternative aviation fuel initiative in order to—

(A) certify each service’s aircraft fleet for operations on a 50/50 synthetic fuel blend;

(B) acquire 50 percent of its domestic aviation fuel requirement from a domestically-sourced synthetic fuel blend;

(C) take actions in collaboration with the commercial aviation industry and equipment manufacturers to spur the development of a domestic alternative aviation fuel industry; and

(D) take actions in collaboration with other Federal agencies, the commercial sector, and academia to solicit for and test the next generation of environmentally-friendly alternative aviation fuels.

**SA 5414.** Mr. KYL (for himself, Mr. VITTER, Mr. INHOFE, Mr. MARTINEZ, Mr. WARNER, and Mr. LEVIN) proposed an amendment to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the De-

partment 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; which was ordered to lie on the table; as follows:

At the end of subtitle C of title II, add the following:

**SEC. 237. ACTIVATION AND DEPLOYMENT OF AN/TPY-2 FORWARD-BASED X-BAND RADAR.**

(a) AVAILABILITY OF FUNDS.—Subject to subsection (b), of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide activities, up to \$89,000,000 may be available for Ballistic Missile Defense Sensors for the activation and deployment of the AN/TPY-2 forward-based X-band radar to a classified location.

(b) LIMITATION.—

(1) IN GENERAL.—Funds may not be available under subsection (a) for the purpose specified in that subsection until the Secretary of Defense submits to the Committees on Armed Services of the Senate and the House of Representatives a report on the deployment of the AN/TPY-2 forward-based X-band radar as described in that subsection, including:

(A) The location of deployment of the radar.

(B) A description of the operational parameters of the deployment of the radar, including planning for force protection.

(C) A description of any recurring and non-recurring expenses associated with the deployment of the radar.

(D) A description of the cost-sharing arrangements between the United States and the country in which the radar will be deployed regarding the expenses described in subparagraph (C).

(E) A description of the other terms and conditions of the agreement between the United States and such country regarding the deployment of the radar.

(2) FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

**SA 5415.** Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

**SEC. 722. SENSE OF SENATE ON THE FISCAL YEAR 2010 FUNDING REQUEST FOR THE DEPARTMENT OF DEFENSE FOR PROGRAMS AND ACTIVITIES RELATING TO TRAUMATIC BRAIN INJURY AND PSYCHOLOGICAL HEALTH.**

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

(1) The members of the Armed Forces who have served in the Global War on Terror have sacrificed greatly on behalf of the American people and deserve treatment for the injuries they have suffered during their service to our nation.

(2) Funding for programs and activities relating to Traumatic Brain Injury and psychological health have typically been provided by emergency supplemental appropriations.

(3) The budget of the President for fiscal year 2009 (as submitted to Congress pursuant

to section 1105 of title 31, United States Code) included a request for only minimal funds for the Department of Defense for programs and activities relating to Traumatic Brain Injury and psychological health, relying instead on supplemental appropriations.

(4) According to the 2007 annual report of the Congressionally Directed Medical Research Programs, approximately 20 percent of the members of the Armed Forces who have served in the Global War on Terror suffer from some form of Traumatic Brain Injury.

(5) The symptoms and side effects of Traumatic Brain Injury and other psychological health conditions can include depression, anxiety, substance abuse, mental confusion, and seizures.

(6) The symptoms and side effects of Traumatic Brain Injury and other psychological health conditions in members of the Armed Forces require treatment and future monitoring, and treatment of the wounded should be a long-term priority for the Department of Defense.

(7) Treatment of any long-term health condition that affects a significant portion of the members of the Armed Forces, such as Traumatic Brain Injury and other psychological health conditions, requires a regularized funding commitment by the Department of Defense.

(b) SENSE OF SENATE.—It is the sense of the Senate that the amounts requested for the Department of Defense for fiscal year 2010 in the budget of the President for that fiscal year (as submitted to Congress pursuant to section 1105 of title 31, United States Code) should include a specific request for adequate funds to carry out programs and activities relating to Traumatic Brain Injury and psychological health that would improve the well being of members of the Armed Forces.

**SA 5416.** Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VIII, add the following:

**SEC. 804. TECHNICAL CORRECTIONS TO AUTHORITIES RELATING TO CERTIFICATION REQUIREMENTS FOR MAJOR SYSTEMS PRIOR TO TECHNOLOGY DEVELOPMENT.**

(a) IN GENERAL.—Section 2366b of title 10, United States Code, is amended—

(1) in subsection (a), by striking “system” each place it appears and inserting “program”;

(2) in subsection (b)—

(A) by striking “major system” and inserting “major defense acquisition program”; and

(B) by striking “the system” each place it appears and inserting “the program”; and

(3) in subsection (c), by striking paragraph (1) and inserting the following new paragraph:

“(1) The term ‘major defense acquisition program’ has the meaning provided in section 2430 of this title.”.

(b) REVIEW OF DEPARTMENT OF DEFENSE ACQUISITION DIRECTIVES.—Section 943(b) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 289; 10 U.S.C. 2366b note) is amended by striking “major weapon system” and inserting “major defense acquisition program”.

(c) CLARIFICATION OF CERTAIN CERTIFICATION PENDING IDENTIFICATION OF CORE COMPETENCIES OF DoD.—Notwithstanding the effective date in section 943(c) of the National Defense Authorization Act for Fiscal Year 2008, until the completion of the identification of the core competencies of the Department of Defense in the quadrennial review of roles and missions under section 118b of title 10, United States Code, that is conducted during 2008, the Milestone Decision Authority concerned may satisfy the certification requirement of section 2366b(a)(2) of title 10, United States Code (as amended by subsection (a)), with respect to a major defense acquisition program if the Milestone Decision Authority certifies that the program is being executed by an entity with a relevant core competency identified by the Secretary of Defense for purposes of such certification.

**SA 5417.** Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

**SEC. 587. PROTECTION OF CHILD CUSTODY ARRANGEMENTS FOR PARENTS WHO ARE MEMBERS OF THE ARMED FORCES DEPLOYED IN SUPPORT OF A CONTINGENCY OPERATION.**

(a) CHILD CUSTODY PROTECTION.—Title II of the Servicemembers Civil Relief Act (50 U.S.C. App. 521 et seq.) is amended by adding at the end the following new section:

**“SEC. 208. CHILD CUSTODY PROTECTION.**

“(a) RESTRICTION ON CHANGE OF CUSTODY.—If a motion for change of custody of a child of a servicemember is filed while the servicemember is deployed in support of a contingency operation, no court may enter an order modifying or amending any previous judgment or order, or issue a new order, that changes the custody arrangement for that child that existed as of the date of the deployment of the servicemember, except that a court may enter a temporary custody order if there is clear and convincing evidence that it is in the best interest of the child.

“(b) COMPLETION OF DEPLOYMENT.—In any proceeding covered under subsection (a), a court shall require that, upon the return of the servicemember from deployment in support of a contingency operation, the custody order that was in effect immediately preceding the date of the deployment of the servicemember is reinstated, unless there is clear and convincing evidence that such a reinstatement is not in the best interest of the child.

“(c) EXCLUSION OF MILITARY SERVICE FROM DETERMINATION OF CHILD’S BEST INTEREST.—If a motion for the change of custody of the child of a servicemember is filed, no court may consider the absence of the S.L.C. September 9, 2008 (8:42 a.m.) servicemember by reason of deployment, or possibility of deployment, in determining the best interest of the child.

“(d) CONTINGENCY OPERATION DEFINED.—In this section, the term ‘contingency operation’ has the meaning given that term in section 101(a)(13) of title 10, United States Code, except that the term may include such other deployments as the Secretary may prescribe.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is

amended by adding at the end of the items relating to title II the following new item:

“208. Child custody protection.”.

**SA 5418.** Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

On page 240, between lines 6 and 7, insert the following:

**SEC. 854. DEPARTMENT OF DEFENSE TIRE PRIVATIZATION INITIATIVE.**

(a) IMPLEMENTATION AND ADMINISTRATION OF GROUND AND AIR TIRE CONTRACTS.—In implementing and administering ground and air tire contracts of the Department of Defense (Contract No. SPM7L10-07-D-7002 and Contract No. SPM7L10-07-D-7001), the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology, and Logistics shall—

(1) require that fair, equal, and competitive procurement procedures among all qualified manufacturers are employed to ensure that the Department of Defense receives the best value when procuring new tire types, and when procuring tires that are newly added to the contract’s industrial base requirements;

(2) ensure that all tire manufacturers have equal timely information about the future needs of the Department of Defense for tires, including contractor-prepared forecasts; and

(3) provide all manufacturers with equal quarterly information on the number of tires shipped to the Department of Defense and the number of each type of tire shipped by each manufacturer.

(b) IMPARTIAL EVALUATION OF BIDS.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall serve as an impartial evaluator of bids in connection with ground and air tire contracts and shall ensure that the offeror with the most advantageous proposal receives the greatest share of business of the Department of Defense.

(c) ANALYSIS OF TIRE PRICING.—

(1) ANALYSIS.—Not later than 90 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall conduct an analysis of the pricing of tires under existing ground and air tire contracts to determine which tires have high prices even though multiple qualified sources for such tires exist.

(2) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the results of the analysis conducted under paragraph (1).

**SA 5419.** Mr. REID submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle E of title III, add the following:

**SEC. 344. PROCEDURES FOR MITIGATING THE IMPACT OF RENEWABLE ENERGY TECHNOLOGIES ON MILITARY ACTIVITIES OR READINESS.**

(a) **ADVISORY COMMITTEE FOR RECOMMENDATIONS ON PROCEDURES.**—

(1) **REQUIREMENT.**—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall establish within the Department of Defense an advisory committee to make recommendations to the Secretary for the procedures for mitigating any adverse impact of renewable energy technologies (including wind energy, solar energy, geothermal energy, or biomass energy projects) on military training, operations, activities, or readiness.

(2) **MEMBERS.**—The advisory committee shall be composed of such individuals as the Secretary shall designate for purposes of this section.

(b) **DEVELOPMENT OF RECOMMENDATIONS.**—

(1) **IN GENERAL.**—Not later than 90 days after the date of the establishment of the advisory committee required under subsection (a), the advisory committee shall develop and submit to the Secretary such recommendations for procedures described in that subsection as the advisory committee considers appropriate.

(2) **CONSULTATION.**—In developing recommendations under paragraph (1), the advisory committee shall consult with such technical experts, interested parties, representatives of renewable energy industries, other Federal agencies, and members of the public as the advisory committee considers appropriate.

(c) **DESIGNATION OF OFFICIAL.**—Not later than 90 days after the receipt under subsection (b) of the recommendations for procedures required under that subsection, the Secretary shall assign to an official within the Department of Defense the responsibility for advising officials of the Department, agencies of the Federal government and State governments, and private sector entities on steps that should be taken to mitigate any adverse impacts of renewable energy technologies or projects on military training, operations, activities, or readiness.

(d) **REPORT.**—The Secretary shall submit to Congress a report setting forth the findings and recommendations of the advisory committee. The report shall include the following:

(1) A comprehensive description of the procedures recommended by the advisory committee.

(2) The official assigned the responsibility for providing advice in accordance with subsection (c).

**SA 5420.** Mr. TESTER submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VI, add the following:

**SEC. 634. TRAVEL AND TRANSPORTATION FOR SURVIVORS OF DECEASED MEMBERS OF THE UNIFORMED SERVICES TO ATTEND MEMORIAL CEREMONIES.**

(a) **ALLOWANCES AUTHORIZED.**—Subsection (a) of section 411f of title 37, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following new paragraph (2):

“(2) The Secretary concerned shall provide round trip travel and transportation allowances to eligible relatives of a member of the uniformed services who dies while on active duty in order that the eligible relatives may attend a memorial service for the deceased member that occurs at a location other than the location of the burial ceremony for which travel and transportation allowances are provided under paragraph (1). Travel and transportation allowances may be provided under this paragraph for travel of eligible relatives to only one memorial service for the deceased member concerned.”

(b) **CONFORMING AMENDMENTS.**—Subsection (c) of such section is amended by striking “subsection (a)(1)” both places it appears and inserting “paragraph (1) or (2) of subsection (a)”.

**SA 5421.** Mr. REED (for himself and Mrs. DOLE) submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

**SEC. 216. PARTICIPATION OF DEFENSE LABORATORIES IN COMPETITIVE SOLICITATIONS OF THE DEPARTMENT OF DEFENSE.**

(a) **IN GENERAL.**—

(1) **POLICY ON PARTICIPATION.**—The Secretary of Defense shall prescribe policies and regulations such that, to the maximum extent practicable, Department of Defense laboratories are permitted to respond to competitive solicitations for research, development, test, and evaluation funding of the Department of Defense.

(2) **CONFLICTS OF INTEREST.**—The regulations under paragraph (1) shall ensure that the participation of Department laboratories in competitive solicitations as described in that paragraph is consistent with Federal Government and Department of Defense policies regarding conflicts of interest.

(b) **REPORT.**—Not later than March 1, 2010, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the following:

(1) A description of the policies and regulations prescribed under subsection (a).

(2) A description of the number and value of research, development, test, and evaluation awards competitively awarded to Department of Defense laboratories through Department of Defense solicitations in fiscal year 2009.

(3) An identification of any competitive Federal Government solicitations in fiscal year 2009 for research and development funding from which Department of Defense laboratories were prohibited from direct participation or direct receipt of funds for research and development activities.

**SA 5422.** Mr. BAYH (for himself, Mr. SESSIONS, Mr. KENNEDY, Mrs. CLINTON, Mr. LIEBERMAN, Mr. OBAMA, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VI, add the following:

**SEC. 652. NO ACCRUAL OF INTEREST FOR MEMBERS OF THE ARMED FORCES ON ACTIVE DUTY.**

Section 455(o) of the Higher Education Act of 1965 (20 U.S.C. 1087e(o)) is amended—

(1) in paragraph (1)—

(A) by striking “paragraphs (2) and (4)” and inserting “paragraph (3)”; and

(B) by striking “for which the first disbursement is made on or after October 1, 2008”;

(2) by striking paragraph (2); and

(3) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

**SA 5423.** Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

On page 311, between lines 13 and 14, insert the following:

**SEC. 1083. SENSE OF CONGRESS ON RENEWAL OF STRATEGIC ARMS REDUCTION TREATY.**

It is the sense of Congress that the President should take action to renew the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Reduction and Limitation of Strategic Offensive Arms, signed at Moscow July 31, 1991 (commonly referred to as the “START I Treaty”), before the expiration date of December 5, 2009.

**SA 5424.** Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XXXI, add the following:

**SEC. 3116. STUDY ON SURVEILLANCE OF THE NUCLEAR WEAPONS STOCKPILE.**

(a) **STUDY.**—

(1) **IN GENERAL.**—The Administrator for Nuclear Security shall enter into a contract with the private scientific advisory group known as JASON to conduct an independent technical study of the efforts of the National Nuclear Security Administration to monitor the aging of, and to detect defects related to aging in, nuclear weapons components and materials that could affect the reliability of nuclear weapons currently in the nuclear weapons stockpile.

(2) **AVAILABILITY OF INFORMATION.**—The Administrator shall make available to JASON all information necessary to complete the study on a timely basis.

(b) **ELEMENTS.**—The study required under subsection (a) shall include an assessment of the following:

(1) The ability of the National Nuclear Security Administration to monitor and measure the effects of aging on, and defects relating to aging in, nuclear weapons components

and materials, other than plutonium pits, that could affect the reliability of nuclear weapons in the nuclear weapons stockpile.

(2) Available methods for addressing such effects.

(c) REPORT.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, JASON shall submit to the Administrator for Nuclear Security and Congress a report containing—

(A) the findings of the study; and

(B) recommendations for improving efforts within the Directed Stockpile Work Program, the Science Campaign, and the Engineering Campaign of the National Nuclear Security Administration to monitor the effects of aging on, and to detect defects related to aging in, the nuclear weapons stockpile between fiscal year 2009 and fiscal year 2014.

(2) FORM OF REPORT.—The report required under paragraph (1) shall be submitted in an unclassified form, but may include a classified annex.

**SA 5425.** Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

On page 41, strike lines 1 through 3 and insert the following:

(1) The ballistic missile threat posed by North Korea, Iran, and other countries with active ballistic missile development and fielding programs, including the following:

(A) The existing inventories of short-range, medium-range, long-range, and intercontinental-range ballistic missiles of each such country, and the ranges of such missiles based on possible launch points.

(B) The ballistic missile programs currently under development by each such country, including, for each such program, an assessment of—

(i) the ranges of the ballistic missiles under such program;

(ii) the fuel propulsion systems for such missiles;

(iii) the booster and warhead characteristics of such missiles; and

(iv) the capacity of such missiles to employ countermeasures, decoys, or multiple re-entry vehicles.

(C) The ballistic missile tests and exercises of each such country since 2005.

(D) The proliferation of ballistic missile hardware, technology and expertise of each such country.

(E) The ballistic missile launch facilities of each such country, whether existing or under construction.

**SA 5426.** Mr. LEVIN (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XII, add the following:

**SEC. 1233. ONE-YEAR EXTENSION OF BRIEFINGS ON QUARTERLY REPORTS ON THE WAR STRATEGY IN IRAQ.**

Section 1222(c) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3463) is amended by striking “December 31, 2008” and inserting “December 31, 2009”.

**SA 5427.** Mrs. BOXER (for Mr. BAUCUS) proposed an amendment to the bill H.R. 6532, to amend the Internal Revenue Code of 1986 to restore the Highway Trust Fund balance; as follows:

On page 3, line 2, strike “September 30, 2008” and insert “the date of the enactment of this Act”.

**SA 5428.** Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

**SEC. 587. ENHANCEMENT OF CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY (DD FORM 214).**

The Secretary of Defense shall modify the Certificate of Release or Discharge from Active Duty (DD Form 214) to include a current electronic mail address (if any) and a current telephone number as information requested of a member of the Armed Forces by the form. Such information shall be provided only with the consent of the member of the Armed Forces.

**SA 5429.** Mr. NELSON of Nebraska (for himself, Ms. COLLINS, and Mr. BAYH) submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

On page 395, strike lines 5 through 8 and insert the following:

(3) EXCEPTIONS FOR MILITARY CONSTRUCTION AND CERP.—The limitations in paragraphs (1) and (2) do not apply to—

(A) military construction (as that term is defined in section 2801 of title 10, United States Code); or

(B) amounts authorized to be appropriated for the Commanders’ Emergency Response Program (CERP).

**SA 5430.** Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, add the following:

**SEC. 1068. PROVISION TO INJURED MEMBERS OF THE ARMED FORCES OF INFORMATION CONCERNING BENEFITS.**

Section 1651 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 476; 10 U.S.C. 1071 note) is amended to read as follows:

**“SEC. 1651. HANDBOOK FOR MEMBERS OF THE ARMED FORCES ON COMPENSATION AND BENEFITS AVAILABLE FOR SERIOUS INJURIES AND ILLNESSES.**

“(a) INFORMATION ON AVAILABLE COMPENSATION AND BENEFITS.—Not later than October 1, 2009, the Secretary of Defense shall develop and maintain, in a handbook and on a publically-available Internet website, a comprehensive description of the compensation and other benefits to which a member of the Armed Forces, and the family of such member, would be entitled upon the separation or retirement of the member from the Armed Forces as a result of a serious injury or illness.

“(b) CONTENTS.—The handbook and Internet website shall include the following:

“(1) The range of compensation and benefits based on grade, length of service, degree of disability at separation or retirement, and other factors affecting compensation and benefits as the Secretary considers appropriate.

“(2) Information concerning the Disability Evaluation System of each military department, including—

“(A) an explanation of the process of the Disability Evaluation System;

“(B) a general timeline of the process of the Disability Evaluation System;

“(C) the role and responsibilities of the military department throughout the process of the Disability Evaluation System; and

“(D) the role and responsibilities of a member of the Armed Forces throughout the process of the Disability Evaluation System.

“(3) Benefits administered by the Department of Veterans Affairs that a member of the Armed Forces would be entitled upon the separation or retirement from the Armed Forces as a result of a serious injury or illness.

“(c) CONSULTATION.—The Secretary of Defense shall develop and maintain the comprehensive description required by subsection (a) in consultation with the Secretary of Veterans Affairs, the Secretary of Health and Human Services, and the Commissioner of Social Security.

“(d) UPDATE.—The Secretary of Defense shall update the comprehensive description required by subsection (a) on a periodic basis, but not less often than annually.

“(e) PROVISION TO MEMBERS.—The Secretary of the military department concerned shall provide the handbook to each member of the Armed Forces under the jurisdiction of that Secretary as soon as practicable following an injury or illness for which the member may retire or separate from the Armed Forces.

“(f) PROVISION TO REPRESENTATIVES.—If a member is incapacitated or otherwise unable to receive the handbook, the handbook shall be provided to the next of kin or a legal representative of the member, as determined in accordance with regulations prescribed by the Secretary of the military department concerned for purposes of this section.”.

**SA 5431.** Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

**SEC. 1056. REPORT ON ADEQUACY OF CURRENT AUTHORITIES AND PROCEDURES FOR THE PROVISION OF MILITARY ADVICE BY THE JOINT CHIEFS OF STAFF AND THE COMMANDERS OF THE COMBATANT COMMANDS TO THE SENIORMOST OFFICIALS AND COUNCILS OF THE GOVERNMENT.**

(a) FINDINGS.—Congress makes the following findings:

(1) Civilian control of and authority over the military is fundamental to United States democratic values.

(2) The tradition of civilian control of the military is a time-honored and deeply rooted value of the United States military.

(3) United States civilian leaders value the expertise, advice, and judgment of military professionals in defense and national security policy deliberations.

(4) In his commencement address at the United States Naval Academy on May 23, 2008, Admiral Mullen, the Chairman of the Joint Chiefs of Staff, said that “few things are more vital to an organization than someone who has the moral courage to question the direction in which an organization is headed and then the strength of character to support whatever final decisions are made”.

(5) In the same address, Admiral Mullen added that “the military as an institution must remain a neutral instrument of the state”.

(6) Admiral Mullen also said “that few things are more damaging to our democracy than a military officer who doesn’t have the moral courage to stand up for what’s right or the moral fiber to step aside when circumstances dictate”.

(7) The Goldwater-Nichols Department of Defense Reorganization Act of 1986 (Public Law 99-433) codified, in sections 151 and 164 of title 10, United States Code, the roles of the Chairman of the Joint Chiefs of Staff, other members of the Joint Chiefs of Staff, and the combatant commanders.

(8) Section 151(b) of title 10, United States Code, designates the Chairman of the Joint Chiefs of Staff as the principal military advisor to the President, the National Security Council, the Homeland Security Council, and the Secretary of Defense.

(9) Section 151(b) of title 10, United States Code, also designates the other members of the Joint Chiefs of Staff (as designated in section 151(a) of title 10, United States Code) as the military advisors to the President, the National Security Council, the Homeland Security Council, and the Secretary of Defense as specified in subsections (d) and (e) of section 151 of title 10, United States Code.

(10) Section 151(c) of title 10, United States Code directs that “the Chairman shall, as he considers appropriate, consult with and seek the advice of the other members of the Joint Chiefs of Staff and the commanders of the unified and specified combatant commands”.

(11) Section 151(d) of title 10, United States Code, establishes mechanisms for members of the Joint Chiefs of Staff, other than the Chairman, to submit “to the Chairman advice or an opinion in disagreement with, or advice or an opinion in addition to the advice presented by the Chairman to the President, the National Security Council, the Homeland Security Council, and the Secretary of Defense”.

(12) Section 151(e) of title 10, United States Code, directs members of the Joint Chiefs of Staff, individually or collectively, in their capacity as military advisors to provide advice on a particular matter to the President, the National Security Council, the Homeland

Security Council, and the Secretary of Defense when requested.

(13) Section 151(f) of title 10, United States Code, permits a member of the Joint Chiefs of Staff to make recommendations to Congress relating to the Department of Defense as he considers appropriate after first informing the Secretary of Defense.

(14) Section 164 of title 10, United States Code, establishes the powers, responsibilities, and duties of the commanders of the combatant commands.

(15) The Goldwater-Nichols Department of Defense Reorganization Act of 1986 was enacted 22 years ago and the provisions of title 10, United States Code, referred to in paragraphs (8) through (14) of this subsection, as enacted by that have not been amended since except to include the Homeland Security Council as the authorized recipient of military advice from the Joint Chiefs of Staff and the commanders of the combatant commands.

(16) The employment of the Armed Forces in the 22 years since the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 has produced a body of experience and lessons learned by the Joint Chiefs of Staff and the commanders of the combatant commands.

(b) SENSE OF CONGRESS.—It is the sense of Congress that it is an appropriate time in the national interests of the United States for the Joint Chiefs of Staff and the commanders of the combatant commands to review the authorities of and procedures for members of the Joint Chiefs of Staff and the commanders of the combatant commands to provide military advice to the President, the Secretary of Defense, the National Security Council, and the Homeland Security Council.

(c) REVIEW OF AUTHORITIES AND PROCEDURES.—The Chairman of the Joint Chiefs of Staff shall, in consultation with the other members of the Joint Chiefs of Staff and the commanders of the combatant commands, conduct a review of sections 151 and 164 of title 10, United States Code, for the purposes as follows:

(1) To determine whether the authorities in such sections are adequate and sufficient such that those senior military officers are afforded the opportunity to present military advice or opinion to the President, the National Security Council, the Homeland Security Council, and the Secretary of Defense.

(2) To identify recommendations, if any are determined appropriate, for modifications to the authorities in such sections to ensure or enhance the provision of military advice to the President, the National Security Council, the Homeland Security Council, and the Secretary of Defense by those senior military officers.

(d) REPORT.—

(1) REPORT TO SECRETARY OF DEFENSE.—Not later than June 15, 2009, the Chairman of the Joint Chiefs of Staff shall submit to the Secretary of Defense a report on the review conducted under subsection (c), including a comprehensive description of the determinations made under subsection (c)(1) and of any recommendations identified under subsection (c)(2).

(2) REPORT TO CONGRESS.—Not later than July 30, 2009, the Secretary of Defense shall transmit to the congressional defense committees the report submitted under paragraph (1). In transmitting the report, the Secretary may include such comments on and recommendations regarding the report as the Secretary considers appropriate.

**SA 5432.** Mr. BUNNING submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

On page 216, strike line 15 and all that follows through page 221, line 3, and insert the following:

“(a) MULTIYEAR CONTRACTS AUTHORIZED.—The head of an agency may enter into contracts or agreements for the acquisition of alternative or synthetic fuels, if such contracts or agreements are—

“(1) for a term of not more than 25 years;

“(2) at a price that is competitive, throughout the term of the contract or agreement concerned, with the market price of petroleum-derived fuel of similar quality; and

“(3) for a fuel that has lower lifecycle greenhouse gas emissions when compared to the lifecycle greenhouse gas emissions of conventional petroleum-based fuels that are used in the same application;

“(b) DETERMINATION OF LIFECYCLE GREENHOUSE GAS EMISSIONS.—In the case of a contract or agreement under subsection (a) for an alternative fuel or synthetic fuel, the lifecycle greenhouse gas emissions associated with the production and combustion of the fuel supplied under such contract or agreement shall be considered to be less than such emissions for the equivalent conventional fuel produced from conventional petroleum sources if such emissions are determined to be lower—

“(1) by peer-reviewed research conducted or reviewed by a national laboratory; or

“(2) by the head of the agency, based on available research and testing.

“(c) DEFINITIONS.—In this section:

“(1) The term ‘head of an agency’ has the meaning given that term in section 2302(1) of this title.

“(2) The term ‘alternative fuel’ has the meaning given that term in section 301(2) of the Energy Policy Act of 1992 (42 U.S.C. 13211(2)).

“(3) The term ‘synthetic fuel’ means any liquid, gas, or combination thereof that—

“(A) can be used as a substitute for petroleum or natural gas (or any derivative thereof, including chemical feedstocks); and

“(B) is produced by chemical or physical transformation of domestic sources of energy (including coal, natural gas, biomass, ethanol, butanol, and hydrogen).”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 141 of such title is amended by adding at the end the following new item:

“2410r. Multiyear procurement authority: purchase of alternative and synthetic fuels.”.

(b) SENSE OF SENATE.—It is the sense of the Senate that the Department of Defense and other departments and agencies of the Federal Government should continue research, testing, evaluation, and use of alternative and synthetic fuels (as that term is defined in section 2410r(c) of title 10, United States Code (as added by subsection (a)) with the goals of—

(1) reducing emissions;

(2) lowering the cost of fuel; and

(3) increasing the performance, reliability, and security of fuel production and supply for the Armed Forces.

**SA 5433.** Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of title subtitle G of title X, add the following:

**SEC. 1083. WEEKLY INCREASE IN BOUNTY FOR THE CAPTURE OR KILLING OF OSAMA BIN LADEN AND AYMAN AL-ZAWAHIRI.**

On the date that is seven days after the date of the enactment of this Act, and every seven days thereafter until the capture or killing of such individual, the Secretary of Defense shall increase by an amount equal to \$1,000,000 the amount of the bounty payable for the capture or killing of each of the following:

- (1) Osama bin Laden.
- (2) Ayman al-Zawahiri.

**SA 5434.** Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

**SEC. 722. INCREASING THE NUMBER OF PSYCHOLOGIST INTERNSHIPS.**

There shall be set-aside from amounts appropriated under section 1403, \$1,775,000 for fiscal year 2009, and \$3,100,000 for fiscal year 2010, to remain available until expended, to enable the Office of the Surgeon General to increase by 30 the number of civilian psychologist internships provided for by the Office.

**SA 5435.** Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

**SEC. 722. INSTITUTE OF MEDICINE STUDY ON MANAGEMENT OF MEDICATIONS FOR PHYSICALLY AND PSYCHOLOGICALLY WOUNDED MEMBERS OF THE ARMED FORCES.**

(a) **STUDY REQUIRED.**—There shall be set-aside from amounts appropriated under section 1403, \$1,000,000 for fiscal year 2009 to enable the Secretary of Defense shall enter into an agreement with the Institute of Medicine of the National Academy of Sciences for the purpose of conducting a study on the management of medications for physically and psychologically wounded members of the Armed Forces.

(b) **ELEMENTS.**—The study required under subsection (a) shall include the following:

(1) A review and assessment of current practices within the Department of Defense for the management of medications for physically and psychologically wounded members of the Armed Forces.

(2) A review and analysis of the published literature on factors contributing to the

misadministration of medications, including accidental and intentional overdoses, under and over medication, and adverse interactions among medications.

(3) An identification of the medical conditions, and of the patient management procedures of the Department of Defense, that increase the risk of misadministration of medications in populations of members of the Armed Forces.

(4) An assessment of current and best practices in the military, other government agencies, and civilian sector concerning the prescription, distribution, and management of medications, and the associated coordination of care.

(5) An identification of means for decreasing the risk of medication misadministration and associated problems with respect to physically and psychologically wounded members of the Armed Forces.

(c) **REPORT.**—Not later than 18 months after entering into the agreement for the study required under subsection (a), the Institute of Medicine shall submit to the Secretary of Defense, and to Congress, a report on the study containing such findings and determinations as the Institute of Medicine considers appropriate in light of the study.

**SA 5436.** Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

**SEC. 722. TRAUMATIC BRAIN INJURY SURVEY.**

There shall be set-aside from amounts appropriated under section 1403, \$1,000,000 for fiscal year 2009 to enable the Secretary of Defense, in consultation with the Secretary of Veterans Affairs, to enter into a contract with the Center for Military Health Policy Research, RAND, for the conduct of a follow-up survey of the 1,950 service member and veteran participants of the Invisible Wounds of War study to determine if there is any long-term impairment from traumatic brain injuries, to identify the factors that inhibit access to treatment, including cognitive rehabilitation for mental health disorders, and to assess conditions leading to unemployment and substance use. The analysis of the survey results shall identify priority research needs and gaps in the health care system for individuals with traumatic brain injuries and post traumatic stress disorders. The survey under this section shall be completed not later than 1 year after the date of enactment of this Act.

**SA 5437.** Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

**SEC. 722. COGNITIVE REHABILITATION STUDY.**

(a) **IN GENERAL.**—There shall be set-aside from amounts appropriated under section

1403, \$10,000,000 for fiscal year 2009 to enable the Secretary of Defense, in consultation with the Secretary of Veterans Affairs, the Director of the National Institutes of Health, the Administrator of the Substance Abuse and Mental Health Services Administration, the Director of the Centers for Disease Control and Prevention, and the Director of the Agency for Healthcare Research and Quality, to conduct a long-term (10 year), integrated study of at least 10,000 participants (including injured service members, smaller at-risk populations, and those individuals separated from service but not seeking Veterans Administration services) concerning cognitive rehabilitation research.

(b) **REQUIREMENTS.**—The cognitive rehabilitation research study conducted under subsection (a) shall—

(1) be designed to contribute to the establishment of evidence-based practice guidelines in the area of cognitive rehabilitation including predictors of relapse and recovery;

(2) evaluate how use of health care services affects symptoms, functioning, and outcomes over time;

(3) evaluate how traumatic health injuries and mental health conditions affect physical health, economic productivity, and social functioning;

(4) evaluate how long-term impairments may be reduced based on different rehabilitation options;

(5) be designed to result in the implementation of strategies for accessing quality mental health treatment care, including cognitive rehabilitation;

(6) assess current research activity on post traumatic stress disorder and traumatic brain injury, evaluate programs, and make recommendations for strategic research priority setting; and

(7) be coordinated with the study conducted under section 721 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364).

(c) **REPORTS.**—

(1) **BASELINE REPORT.**—Not later than 2 years after the date of enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a baseline report on the results of the study conducted under subsection (a).

(2) **PRELIMINARY REPORT.**—Not later than 4 years after the date of enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a preliminary report on the results of the study conducted under subsection (a).

(3) **FINAL REPORT.**—Not later than 10 years after the date of enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a final report on the results of the study conducted under subsection (a).

**SA 5438.** Mr. WEBB (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VI, add the following:

**SEC. 642. SURVIVOR BENEFIT PLAN ANNUITIES FOR SPECIAL NEEDS TRUSTS ESTABLISHED FOR THE BENEFIT OF DEPENDENT CHILDREN INCAPABLE OF SELF-SUPPORT.**

(a) **SPECIAL NEEDS TRUST AS ELIGIBLE BENEFICIARY.**—

(1) IN GENERAL.—Subsection (a) of section 1450 of title 10, United States Code, is amended—

(A) by redesignating paragraph (4) as paragraph (5); and

(B) by inserting after paragraph (3) the following new paragraph (4):

“(4) SPECIAL NEEDS TRUSTS FOR SOLE BENEFIT OF CERTAIN DEPENDENT CHILDREN.—Notwithstanding subsection (i), a supplemental or special needs trust established under subparagraph (A) or (C) of section 1917(d)(4) of the Social Security Act (42 U.S.C. 1936p(d)(4)) for the sole benefit of a dependent child considered disabled under section 1614(a)(3) of that Act (42 U.S.C. 1382c(a)(3)) who is incapable of self-support because of mental or physical incapacity.”.

(2) CONFORMING AMENDMENT.—Subsection (i) of such section is amended by inserting “(a)(4) or” after “subsection”.

(b) REGULATIONS.—Section 1455(d) of such title is amended—

(1) in the subsection caption, by striking “AND FIDUCIARIES” and inserting “, FIDUCIARIES, AND SPECIAL NEEDS TRUSTS”;

(2) in paragraph (1)—

(A) in subparagraph (A), by striking “and” at the end;

(B) in subparagraph (B), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following new subparagraph:

“(C) a dependent child incapable of self-support because of mental or physical incapacity for whom a supplemental or special needs trust has been established under subparagraph (A) or (C) of section 1917(d)(4) of the Social Security Act (42 U.S.C. 1936p(d)(4)).”;

(3) in paragraph (2)—

(A) by redesignating subparagraphs (C) through (H) as subparagraphs (D) through (I), respectively;

(B) by inserting after subparagraph (B) the following new subparagraph (C):

“(C) In the case of an annuitant referred to in paragraph (1)(C), payment of the annuity to the supplemental or special needs trust established for the annuitant.”;

(C) in subparagraph (D), as redesignated by subparagraph (A) of this paragraph, by striking “subparagraphs (D) and (E)” and inserting “subparagraphs (E) and (F)”; and

(D) in subparagraph (G), as so redesignated—

(i) by inserting “or (1)(C)” after “paragraph (1)(B)” in the matter preceding clause (i);

(ii) in clause (i), by striking “and” at the end;

(iii) in clause (ii), by striking the period at the end and inserting “; and”; and

(iv) by adding at the end the following new clause:

“(iii) procedures for determining when annuity payments to a supplemental or special needs trust shall end based on the death or marriage of the dependent child for which the trust was established.”; and

(4) in paragraph (3), by striking “OR FIDUCIARY” in the paragraph caption and inserting “, FIDUCIARY, OR TRUST”.

**SA 5439.** Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

**SEC. 1083. DESIGNATION OF THE LIBERTY MEMORIAL AT THE NATIONAL WORLD WAR I MUSEUM IN KANSAS CITY, MISSOURI, AS THE NATIONAL WORLD WAR I MEMORIAL.**

(a) FINDINGS.—Congress makes the following findings:

(1) Although more than 4,000,000 Americans served in World War I, there is no nationally recognized memorial honoring the service of such Americans in that war.

(2) In 1919, the people of Kansas City, Missouri, expressed an outpouring of support and raised more than \$2,000,000 in two weeks for a memorial to the service of Americans in World War I. That fundraising was an accomplishment unparalleled by any other city in the United States irrespective of population and reflected the passion of public opinion about World War I, which had so recently ended.

(3) Following the drive, a national architectural competition was held by the American Institute of Architects for designs for a memorial to the service of Americans in World War I, and the competition yielded a design by architect H. Van Buren Magonigle.

(4) On November 1, 1921, more than 100,000 people witnessed the dedication of the site for the Liberty Memorial in Kansas City, Missouri. That dedication marked the only time in history that the five allied military leaders present, Lieutenant General Baron Jacques of Belgium, General Armando Diaz of Italy, Marshal Ferdinand Foch of France, General John J. Pershing of the United States, and Admiral Lord Earl Beatty of Great Britain, were together at one place.

(5) General Pershing, a native of Missouri and the commander of the American Expeditionary Forces in World War I, noted at the November 1, 1921 dedication that “[t]he people of Kansas City, MO are deeply proud of the beautiful memorial, erected in tribute to the patriotism, the gallant achievements, and the heroic sacrifices of their sons and daughters who served in our country’s armed forces during the World War. It symbolized their grateful appreciation of duty well done, and appreciation which I share, because I know so well how richly it is merited”.

(6) During an Armistice Day ceremony in 1924, President Calvin Coolidge marked the beginning of a three-year construction project for the Liberty Memorial by the laying of the cornerstone of the memorial.

(7) The 217-foot Liberty Memorial Tower has an inscription that reads “In Honor of Those Who Served in the World War in Defense of Liberty and Our Country” as well as four stone “Guardian Spirits” representing courage, honor, patriotism, and sacrifice, which rise above the observation deck, making the Liberty Memorial a noble tribute to all who served in World War I.

(8) During a rededication for the Liberty Memorial in 1961, World War I veterans and former Presidents Harry S. Truman and Dwight D. Eisenhower recognized the memorial as a constant reminder of the sacrifices during World War I and the progress that followed.

(9) The 106th Congress recognized the Liberty Memorial as a national symbol of World War I.

(10) The 108th Congress designated the museum at the base of the Liberty Memorial as “America’s National World War I Museum”.

(11) The National World War I Museum is the only public museum in the United States specifically dedicated to the history of World War I.

(12) The National World War I Museum is known throughout the world as a major center of World War I remembrance.

(b) DESIGNATION.—The Liberty Memorial at the National World War I Museum in Kansas City, Missouri, is hereby designated as the “National World War I Memorial”.

**SA 5440.** Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VII, add the following:

**SEC. 702. IDENTIFICATION AND TREATMENT OF DRUG AND ALCOHOL DEPENDENCE IN MEMBERS OF THE ARMED FORCES UNDER TRICARE THROUGH OUTPATIENT SUBSTANCE ABUSE TREATMENT PROGRAMS.**

Section 1090 of title 10, United States Code, is amended—

(1) by inserting “(a) IN GENERAL.—” before “The Secretary of Defense”; and

(2) by adding at the end the following new subsection:

“(b) ACTIVITIES UNDER TRICARE PROGRAM THROUGH OUTPATIENT SUBSTANCE ABUSE TREATMENT PROGRAMS.—The regulations required by subsection (a) with respect to the TRICARE program shall provide for the provision of services to identify, treat, and rehabilitate members of the armed forces under that subsection through outpatient substance abuse treatment programs.”.

**SA 5441.** Mr. REID (for Mr. BIDEN (for himself and Mr. LUGAR)) submitted an amendment intended to be proposed by Mr. REID to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

On page 360, after line 20, add the following:

**Subtitle E—Other Matters**

**SEC. 1241. SPECIAL ENVOY FOR SOUTH AND CENTRAL ASIA REGIONAL COOPERATION.**

(a) STATEMENT OF POLICY.—Congress declares that it is in the national interest of the United States that the countries of South and Central Asia work together to address common challenges hampering the stability, security, and development of their region and to enhance their cooperation.

(b) ESTABLISHMENT.—The President shall, by and with the advice and consent of the Senate, appoint a special envoy to promote closer cooperation between the countries of South and Central Asia. The special envoy shall have the rank of ambassador.

(c) DUTIES.—

(1) IN GENERAL.—The primary responsibility of the special envoy shall be to coordinate United States policy on issues relating to strengthening and facilitating relations between the nations of South and Central Asia for the benefit of stability and economic growth in the region.

(2) ADVISORY ROLE.—The special envoy shall advise the President and the Secretary of State, as appropriate, and, in coordination with the Assistant Secretary of State for South and Central Asian Affairs, shall make recommendations regarding effective strategies and tactics to achieve United States policy objectives to—

(A) stem cross-border terrorist activities;

(B) provide assistance to refugees to ensure orderly and voluntary repatriation from neighboring states;

(C) bolster people-to-people ties and economic cooperation between the nations of South and Central Asia, including bilateral trade relations;

(D) explore opportunities to anticipate and seek solutions to critical cross-border issues; and

(E) offer comprehensive efforts to support effective counter-narcotics strategies in South and Central Asia.

**SA 5442.** Mrs. MCCASKILL (for herself and Ms. MIKULSKI, and Mr. KENNEDY) submitted an amendment intended to be proposed by her to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

On page 75, between lines 6 and 7, insert the following:

**SEC. 323. TIME LIMITATION ON DURATION OF PUBLIC-PRIVATE COMPETITIONS.**

(a) TIME LIMITATION.—Section 2461(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(5)(A) The duration of a public-private competition conducted pursuant to Office of Management and Budget Circular A-76 or any other provision of law for any function of the Department of Defense performed by Department of Defense civilian employees may not exceed a period of 720 days, commencing on the date on which the preliminary planning for the public-private competition begins through the date on which a performance decision is rendered with respect to the function.

“(B) The time period specified in subparagraph (A) for a public-private competition does not include any day during which the public-private competition is delayed by reason of a protest before the Government Accountability Office or the United States Court of Federal Claims unless the Secretary of Defense determines that the delay is caused by issues being raised during the appellate process that were not previously raised during the competition.”

(b) EFFECTIVE DATE.—Paragraph (5) of section 2461(a) of title 10, United States Code, as added by subsection (a), shall apply with respect to a public-private competition covered by such section that is being conducted on or after the date of the enactment of this Act.

**SA 5443.** Mr. HATCH (for himself and Mr. BENNETT) submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

On page 455, after line 19, add the following:

**SEC. 2822. LAND CONVEYANCE, BUREAU OF LAND MANAGEMENT LAND, CAMP WILLIAMS, UTAH.**

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Interior, acting through the

Bureau of Land Management, may convey, without consideration, to the State of Utah all right, title, and interest of the United States in and to certain lands comprising approximately 431 acres, as generally depicted on a map entitled “Proposed Camp Williams Land Transfer” and dated March 7, 2008, which are located within the boundaries of the public lands currently withdrawn for military use by the Utah National Guard and known as Camp Williams, Utah, for the purpose of permitting the Utah National Guard to use the conveyed land as provided in subsection (c).

(b) REVOCATION OF EXECUTIVE ORDER.—Executive Order No. 1922 of April 24, 1914, as amended by section 907 of the Camp W.G. Williams Land Exchange Act of 1989 (title IX of Public Law 101-628; 104 Stat. 4501), shall be revoked, only insofar as it affects the lands identified for conveyance to the State of Utah under subsection (a).

(c) REVERSIONARY INTEREST.—The lands conveyed to the State of Utah under subsection (a) shall revert to the United States if the Secretary of the Interior determines that the land, or any portion thereof, is sold or attempted to be sold, or that the land, or any portion thereof, is used for non-National Guard or non-national defense purposes. Any determination by the Secretary of the Interior under this subsection shall be made in consultation with the Secretary of Defense and the Governor of Utah and on the record after an opportunity for comment.

(d) HAZARDOUS MATERIALS.—With respect to any portion of the land conveyed under subsection (a) that the Secretary of the Interior determines is subject to reversion under subsection (c), if the Secretary of the Interior also determines that the portion of the conveyed land contains hazardous materials, the State of Utah shall pay the United States an amount equal to the fair market value of that portion of the land, and the reversionary interest shall not apply to that portion of the land.

**SEC. 2823. LAND CONVEYANCE, ARMY PROPERTY, CAMP WILLIAMS, UTAH.**

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the State of Utah on behalf of the Utah National Guard (in this section referred to as the “State”) all right, title, and interest of the United States in and to two parcels of real property, including any improvements thereon, that are located within the boundaries of Camp Williams, Utah, consist of approximately 608 acres and 308 acres, respectively, and are identified in the Utah National Guard master plan as being necessary acquisitions for future missions of the Utah National Guard.

(b) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under subsection (a), or any portion thereof, has been sold or is being used solely for non-defense, commercial purposes, all right, title, and interest in and to the property shall revert, at the option of the Secretary, to the United States, and the United States shall have the right of immediate entry onto the property. It is not a violation of the reversionary interest for the State to lease the property, or any portion thereof, to private, commercial, or governmental interests if the lease facilitates the construction and operation of buildings, facilities, roads, or other infrastructure that directly supports the defense missions of the Utah National Guard. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(c) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary shall require the State to cover costs to be incurred by the Secretary, or to reimburse

the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the State in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the State.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursements under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) DESCRIPTION OF REAL PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

**SA 5444.** Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, add the following:

**SEC. 1068. VISION CENTER OF EXCELLENCE.**

(a) FINDINGS.—Congress makes the following findings:

(1) Ocular injuries are the third highest incidence for injuries sustained in Operation Iraqi Freedom and Operation Enduring Freedom after Traumatic Brain Injury and Post Traumatic Stress Disorder.

(2) From 2002 through January 2008, more than 1,300 members of the Armed Forces suffered eye injuries in Operation Iraqi Freedom or Operation Enduring Freedom, and the Department of Veterans Affairs enrolled it its health care system more than 100 veterans of such operations who are legally blind.

(3) The most common causes of eye injury in Operation Iraqi Freedom and Operation Enduring Freedom include—

- (A) improvised explosive device blasts;
- (B) rocket propelled grenade explosions; and
- (C) gunshot wounds.

(4) In some cases, such injuries may not manifest until weeks or months following exposure to a traumatic event, including Traumatic Brain Injury. Research has found that 63 percent of Traumatic Brain Injury wounded at the Palo Alto Veterans Affairs Medical Center Polytrauma Center located at Palo Alto, California, have a visual impairment associated with Traumatic Brain Injury. In addition, general Traumatic Brain Injury screening at the Hines Department of Veterans Affairs Low Vision Clinic located at Chicago, Illinois, determined that 68 percent of all Traumatic Brain Injury veterans have a visual impairment.

(5) Section 1623 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 455; 10 U.S.C. 1071 note) requires the Secretary of Defense to establish a center of excellence for the prevention, diagnosis, mitigation, treatment, and rehabilitation of military eye injuries. That section also requires the Department of Defense to work with Department of Veterans Affairs, to the maximum extent practicable, as well as with public and private entities and institutions of higher learning, to develop a comprehensive plan and strategy for a Military Eye Injury Registry, which would track the diagnosis, surgical intervention, and follow up for each significant case of eye injury incurred by a member of the Armed Forces while serving on active duty.

(6) Section 1623 of the National Defense Authorization Act for Fiscal Year 2008 also requires the Department of Defense and the Department of Veterans Affairs to provide a cooperative program for members of the Armed Forces and veterans with traumatic eye injury by conducting research on prevention of visual dysfunctions, which is a frequent complication from Traumatic Brain Injury.

(7) On June 9, 2008, the Assistant Secretary of Defense for Health Affairs decided that the Vision Center of Excellence will be established in the National Capital Region and will be comprised of multiple clinical centers throughout the Nation at Department of Defense and Department of Veterans Affairs medical centers.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Vision Center of Excellence will be a world class vision center supporting both members of the Armed Forces and veterans;

(2) research on visual impairments related to Traumatic Brain Injury needs to be expanded, and the Vision Center of Excellence should play a key role in identifying current and future research needs;

(3) the goal of the Vision Center of Excellence is to provide all members of the Armed Forces who suffer ocular trauma or disease the most comprehensive, coordinated, progressive, and highest quality eye care possible;

(4) the Vision Center of Excellence should maximize Department of Defense, Department of Veterans Affairs, and civilian resources to ensure the most compassionate, synchronized, and professional eye care; and

(5) the Department of Defense should examine the potential benefit of screening for eye injuries when service members are screened for Traumatic Brain Injury.

(c) REPORTS TO CONGRESS.—

(1) REPORT ON IMPLEMENTATION OF VISION CENTER OF EXCELLENCE.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall, in coordination with the Secretary of Veterans Affairs, submit to the Committees on Armed Services and Veterans' Affairs of the Senate and the Committees on Armed Services and Veterans' Affairs of the House of Representatives a report on the status of implementation of the Vision Center of Excellence. The report shall include, at a minimum, a description of the mission of the Vision Center of Excellence, the resources or funds available to fund the Vision Center of Excellence from fiscal years 2009 through 2013, and the planned programs and priorities of the Vision Center of Excellence.

(2) REPORT ON VISUAL SCREENINGS IN CONNECTION WITH TBI.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the feasibility and advisability of performing visual screenings on all members of the Armed Forces who experience Traumatic Brain Injury.

**SA 5445.** Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VIII, add the following:

**SEC. 815. ENHANCEMENT OF BUY AMERICAN REQUIREMENTS WITH RESPECT TO SPECIALTY METALS CRITICAL TO NATIONAL SECURITY.**

(a) INCLUSION OF HIGH PERFORMANCE MAGNETS AMONG SPECIALTY METALS.—Subsection (1) of section 2533b of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(5) High performance magnets.”.

(b) DEFINITIONS.—Subsection (m) of such section is amended by adding at the end the following new paragraphs:

“(11) The term ‘produced’, in the case of a specialty metal or high performance magnet, means melting, gas atomization, sputtering, or consolidation from powder using non-melt technology in the United States. The term does not include a rolling or finishing process such as quenching and tempering of armor plate.

“(12) The term ‘high performance magnet’ means a permanent magnet containing 10 or more percent by weight of cobalt, samarium, or nickel.”.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Wednesday, August 10, 2008, at 10 a.m., in room 253 of the Russell Senate Office Building.

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

##### COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Wednesday, September 10, 2008 at 10 a.m. in room 406 of the Dirksen Senate Office Building to hold a hearing entitled, “Improving the Federal Bridge Program: Including an Assessment of S. 3338 and H.R. 3999.”

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

##### COMMITTEE ON FINANCE

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, September 10, 2008, at 10 a.m., in room 215 of Dirksen Senate Office Building.

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

##### COMMITTEE ON FOREIGN RELATIONS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Com-

mittee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, September 10, 2008, at 10:30 a.m.

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

##### COMMITTEE ON FOREIGN RELATIONS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, September 10, 2008, at 2 p.m.

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

##### COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, September 10, 2008, at 10 a.m., to conduct a hearing entitled “Expediency Versus Integrity: Do Assembly-Line Audits at the Defense Contract Audit Agency Waste Taxpayer Dollars?”

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

##### COMMITTEE ON THE JUDICIARY

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct a hearing entitled “New Strategies for Combating Violent Crime: Drawing Lessons From Recent Experience” on Wednesday, September 10, 2008, at 10 a.m., in room SD-562 of the Dirksen Senate Office Building.

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

##### SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet during the session of the Senate on Wednesday, September 10, 2008, at 2:30 p.m. to conduct a hearing entitled, “Managing the Challenges of the Federal Government Transition.”

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

##### SUBCOMMITTEE ON TRANSPORTATION SAFETY, INFRASTRUCTURE SECURITY, AND WATER QUALITY

Mr. LEVIN. Mr. President, I ask unanimous consent that the Subcommittee on Transportation Safety, Infrastructure Security, and Water Quality, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Wednesday, September 10, 2008, at 3 p.m., in room 406 of the Dirksen Senate Office Building to hold a hearing entitled, “Quality and Environmental Impacts of Bottled Water.”

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

## PRIVILEGES OF THE FLOOR

Mr. LEVIN. Mr. President, I ask unanimous consent that Jamie Lynch, Nathan Buniva, and Thomas Barlow, congressional fellows and staff in the office of Senator JIM WEBB, be allowed privileges of the floor during consideration of S. 3001.

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

Mr. SESSIONS. Madam President, I ask unanimous consent that MAJ Monique Matthews, a military legislative fellow in my office, be granted the privilege of the floor for the remainder of the discussion of the Defense bill.

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

Mr. DORGAN. Madam President, I ask unanimous consent that Jon Cary, a military fellow from my office, be granted the privilege of the floor during consideration of the Defense authorization bill.

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

Mr. HARKIN. Mr. President, I ask unanimous consent that Luke Lynch and Peter Lillis of my staff be granted the privileges of the floor for the duration of today's session.

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

HONORING THE LIFE OF ANNE  
LEGENDRE ARMSTRONG

Mr. SANDERS. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration and the Senate now proceed to the consideration of S. Res. 645.

The PRESIDING OFFICER. The clerk will state the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 645) honoring the life of Anne Legendre Armstrong.

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

Mr. SANDERS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 645) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

## S. RES. 645

Whereas Anne Legendre Armstrong, a pioneer for women in public service, passed away on July 30, 2008, at the age of 80;

Whereas Anne Armstrong was educated at Foxcroft School in Middleburg, Virginia, where she was valedictorian of her graduating class;

Whereas Anne Armstrong received her B.A. degree from Vassar College, where she was elected to Phi Beta Kappa in her junior year;

Whereas Anne Armstrong was an active and respected leader in the Texas Republican Party and the first female co-chair of the Republican National Committee;

Whereas Anne Armstrong served both President Richard Nixon and President Ger-

ald Ford as a Cabinet-level counselor, the first woman to do so;

Whereas Anne Armstrong was named by President Gerald Ford as the United States Ambassador to the United Kingdom, the first woman to hold that important and prestigious post;

Whereas Anne Armstrong was awarded the Presidential Medal of Freedom, the Nation's highest civilian honor, by President Ronald Reagan;

Whereas Anne Armstrong graciously hosted world leaders and other prominent individuals at the legendary Armstrong Ranch in Kenedy County, Texas;

Whereas Anne Armstrong was inducted into the Texas Women's Hall of Fame in 1986 for her numerous achievements and contributions to the State of Texas and the Nation;

Whereas Anne Armstrong lost her beloved husband Tobin in 2005, and is survived by 5 five children: J. Barclay Armstrong, Katharine Armstrong Love, Sarita Armstrong Hixon, James Armstrong, and Tobin Armstrong, Jr.;

Whereas Anne Armstrong is also survived by 13 grandchildren and a sister, Katharine Legendre King; and

Whereas Anne Armstrong will be deeply missed by the people of Texas and the Nation as a whole: Now, therefore, be it

Resolved, That the Senate honors the life of Anne Legendre Armstrong, an exemplar of dedication to public service and an inspiration for the Texans who have followed her.

HONORING THE LIFE AND ACCOMPLISHMENTS OF  
STEPHANIE TUBBS JONES

Mr. SANDERS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 654, submitted earlier today by Senator BROWN.

The PRESIDING OFFICER. The clerk will state the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 654) honoring the life and recognizing the accomplishments of the Honorable Stephanie Tubbs Jones, a Member of the House of Representatives for the 11th congressional district of Ohio.

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

Mr. SANDERS. Mr. President, I ask unanimous consent that the resolution and the preamble be agreed to en bloc, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the resolution be printed in the RECORD.

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

The resolution (S. Res. 654) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

## S. RES. 654

Whereas Stephanie Tubbs Jones was born on September 10, 1949, in Cleveland, Ohio, and attended Case Western Reserve University and the Franklin Thomas Backus School of Law;

Whereas, in 1982, at the age of 33, Stephanie Tubbs Jones was elected to serve on the Cleveland Municipal Court;

Whereas, in 1983, Stephanie Tubbs Jones became the first African-American woman to

serve on the Court of Common Pleas in the State of Ohio;

Whereas Stephanie Tubbs Jones served as the Cuyahoga County Prosecutor from 1991 through 1999, becoming the first woman and the first African-American to hold the position;

Whereas, in 1998, Stephanie Tubbs Jones was elected to the first of 5 terms in the House of Representatives, where she was a tireless advocate for the citizens of Ohio's 11th Congressional District and championed increased access to health care, improved voting rights, and quality education for all;

Whereas Stephanie Tubbs Jones was the first African-American woman to represent the State of Ohio in Congress;

Whereas Ohio has lost a beloved daughter and the House of Representatives one of its strongest voices with the passing of Stephanie Tubbs Jones on August 20, 2008: Now, therefore, be it

Resolved, That the Senate—

(1) mourns the loss of the Honorable Stephanie Tubbs Jones and expresses its condolences to her family and friends and to the people of the 11th Congressional District of Ohio; and

(2) honors the life of Stephanie Tubbs Jones, a highly esteemed and accomplished Member of Congress, dedicated community leader, and tireless advocate for those in need.

ORDERS FOR THURSDAY,  
SEPTEMBER 11, 2008

Mr. SANDERS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10:30 a.m. tomorrow, Thursday, September 11; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and that there be a period of morning business for up to 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the second half; and that following morning business, the Senate resume consideration of S. 3001, the Department of Defense authorizations bill. I further ask that there be a moment of silence at 12:30 p.m. to honor the victims of the September 11 attacks.

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

Mr. SANDERS. In addition to the moment of silence tomorrow, at 11:45 a.m. on the West front steps of the U.S. Capitol, there will be a bipartisan, bicameral congressional ceremony to honor those who lost their lives and heroically saved others in the attacks of September 11, 2001.

## ORDER FOR ADJOURNMENT

Mr. SANDERS. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order following the remarks of Senator LIEBERMAN.

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

The Senator from Connecticut is recognized.

#### DEFENSE AUTHORIZATION

Mr. LIEBERMAN. Mr. President, I rise to speak on behalf of amendment No. 5368, which Senator GRAHAM of South Carolina and I have filed. It is an amendment to the National Defense Authorization Act, which we hope to be able to call up in the next day or two.

This amendment expresses the sense of the Senate recognizing the strategic success of the troop surge in Iraq and expressing gratitude to the members of the U.S. Armed Forces who have made that success possible.

It was exactly 1 year ago today, September 10, 2007, that GEN David Petraeus came to Capitol Hill to testify about the situation in Iraq. At that time, General Petraeus laid out the facts. He gave us an accurate and honest assessment of the situation on the ground. He presented the growing evidence that the surge was working and that security there was improving.

Many, I fear, did not want to listen to General Petraeus, because many had already made up their minds about the surge. They were wedded to the idea that the surge was a mistake because they were wedded to the idea that the war was a mistake and that, in fact, we had already lost it. They didn't want to hear evidence that General Petraeus presented that day that America could still win this critical fight. As a result, even before GEN David Petraeus set foot on Capitol Hill, this honorable American soldier was met by a hail of preemptive attacks by opponents of the surge and the war.

One group, [moveon.org](http://moveon.org), made the absolutely irresponsible and offensive accusation that General Petraeus would try to cook the books to justify the surge. But 1 year later, we know the truth. It was, in fact, [moveon.org](http://moveon.org) that was cooking the books, not General Petraeus. The general was right that the surge was working, and his critics were wrong. Had we heeded their advice to abandon the surge and retreat from Iraq in 2007, the United States would have suffered by its own decision a catastrophic defeat in Iraq that would have had terrible consequences far beyond Iraq for years to come. Fortunately, we did not abandon General Petraeus and his brave troops, and as a result, the situation in Iraq has now completely reversed.

In the 12 months since General Petraeus came before Congress to testify on this very day a year ago, almost every imaginable indicator of progress in Iraq, particularly political, economic, military, and security, has changed for the better. The surge is not just a tactical success, as some of its opponents have suggested. It is a strategic success for the United States and for the cause of freedom. Because of the surge, our two most threatening

enemies in the world today—al-Qaida and Iran—are weaker and America is safer.

I don't believe this is a matter of opinion by this Senator. I believe it is now a matter of fact that should be acknowledged. I know some opponents of the surge have recently tried to write off this remarkable success by claiming it doesn't matter. They say the success of the surge is irrelevant because Iraq itself is irrelevant, a distraction from the real central front of the war on terror which they say is Afghanistan.

This is a profoundly mistaken and misguided argument. Both Iraq and Afghanistan are important, but I ask my colleagues: Does anyone here believe it is irrelevant if al-Qaida wins or loses in Iraq, a nation that historically has been at the heart of the Arab world? Does anyone here really believe it is irrelevant if Iran succeeds or fails in its efforts to seize control of Iraq? Does anyone really want to tell our brave men and women in uniform in Iraq that the hard-won gains they have achieved over the past year, the lives that have been lost in that effort through their struggle and sacrifice are irrelevant? The answer, to me, is clearly no.

So let there be no doubt, the outcome of the war in Iraq is anything but irrelevant. On the contrary, in my opinion, there are few matters more important to the safety and security of the United States today than whether we win or lose in Iraq.

If there is anyone in this Chamber who doubts the strategic stakes in Iraq, I urge them to listen to General Petraeus. Listen to General Petraeus who warned us in an interview published today in the Washington Post that "Iraq is still viewed as the central front for al-Qaida." Let me repeat that: "Iraq is still viewed as the central front for al-Qaida," which is to say by al-Qaida. Not Afghanistan, Iraq; not Pakistan, Iraq.

This is not the opinion of a Member of Congress. It is not the opinion of a politician running for office. It is the judgment of America's most successful battlefield commander in the war on terror which began 7 years ago tomorrow when America was brutally attacked on 9/11/2001. This is the judgment of a general whom this Senate confirmed as the Supreme Commander for U.S. Forces in the Middle East and South Asia, who is soon to become the Commander in Chief at CENTCOM. What this general tells us is that it is Iraq, not Afghanistan, that is the central front of al-Qaida's war on us as defined by them, by the enemy.

One year ago, many in Congress did not want to listen to General Petraeus. In the 12 months since then, however, we have been presented with ample evidence why that was a mistake. I hope we will not repeat that mistake again.

So today on the 1-year anniversary of General Petraeus's testimony before Congress, let's resolve to come together across party lines. It is time to

recognize reality. It is time to acknowledge that the surge has been a strategic success in the central front of the war on the terrorists who attacked us 7 years ago tomorrow morning. It is time to express thanks to our courageous men and women in uniform who made the surge possible, rather than undercutting their struggle and sacrifices as irrelevant. And it is time to pledge that the hard-won gains secured by the surge will be honored and preserved, not squandered by attempts to impose arbitrary timetables for withdrawal, regardless of what is happening on the ground in Iraq.

The good news is that all of the troops who were sent to Iraq as part of the surge, approximately 30,000, have now returned home because of the success of the surge, and they are not being replaced. President Bush announced just yesterday that an additional 8,000 troops will be withdrawn by next February. Again, because the surge has worked, because the Iraq Security Forces are more capable of protecting their own country, because the political leadership of the country has come together to govern—giant steps along the path to what we have been hoping for throughout this conflict.

That is why Senator GRAHAM and I have offered this bipartisan amendment to the National Defense Authorization Act. We hope the Senate can unite to take up and adopt this amendment. It is not going to happen today on the 1-year anniversary of the Petraeus testimony, but I hope it will happen soon.

Let's stop for a moment, is what we are asking, and acknowledge the historic significance of what has been achieved at great sacrifice by the men and women who have worn the uniform of the United States, by the coalition forces who have been there, and, indeed, by the Iraq Security Forces themselves.

Eighteen months ago, Iraq was in chaos. Very few thought we could achieve success there. Yet now in the space of less than 2 years an extraordinary turnaround, one of the most remarkable in the history of the American military, the proud history of the American military, has been brought about. I truly believe the men and women who have served there under General Petraeus, now soon under General Odierno, a wonderfully prepared and able and strong leader, will be viewed by history as America's next or newest "greatest generation."

Obviously, there is still much we need to do to secure ultimate victory in Iraq. Of course, we still face other great challenges from terrorists throughout the world and from others, such as autocratic powers rising again.

But at this moment, particularly on this day, I wanted to give thanks for the truly historic achievement that belongs to GEN David Petraeus and the men and women of the American military who have served under him. I hope this amendment can be brought up, and

when it is, we will come together as Americans who are grateful to our troops for a job well done.

I thank the Chair. I thank everyone here who stayed until I finished.

I yield the floor and wish everyone a good night.

ADJOURNMENT UNTIL 10:30 A.M.  
TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 10:30 a.m. tomorrow.

Thereupon, the Senate, at 7:46 p.m., adjourned until Thursday, September 11, 2008, at 10:30 a.m.