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Senate

The Senate met at 10 a.m. and was called to order by the Honorable ROLAND W. BURRIS, a Senator from the State of Illinois.

PRAYER

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

Let us pray.

God of grace and glory, in the darkness of our limited knowledge, we turn to You whose dwelling place is light.

Today, send our lawmakers forth with Your light to do the right as You give them the ability to see it. Lord, help them to keep their minds on You so that Your peace will provide the foundation for their confidence. In their dealings with each other, keep them from unkind words and unkind silences. Kindle on the altar of their hearts a devotion to freedom's cause in all the world, as You bring their thoughts and actions into conformity to Your will. Lord, lift their hearts in gratitude to You for our heritage in this land of rich resources, high privilege, and durable freedom.

We pray in Your sovereign Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ROLAND W. BURRIS 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, July 21, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROLAND W. BURRIS, a Senator from the State of Illinois, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. BURRIS 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, if any, the Senate will resume consideration of the Defense authorization bill. There will be 2 hours of debate prior to a vote on the Levin-McCain amendment regarding F–22 funding. Senators should expect the first vote to begin shortly after 12 today. The Senate will recess from 12:30 to 2:15 for our weekly caucus luncheons. After that time, the bill will be open for further amendment. I hope Members who have amendments they wish to offer will do so at the earliest possible date.

RESERVATION OF LEADER TIME

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

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 1390, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1390) to authorize appropriations for fiscal year 2010 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.

Pending:

Thune amendment No. 1618, to amend chapter 44 of title 18, United States Code, to allow citizens who have concealed carry permits from the State in which they reside to carry concealed firearms in another State that grants concealed carry permits, if the individual complies with the laws of the State.

AMENDMENT NO. 1469

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. Mr. President, I call up amendment No. 1469.

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

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself and Mr. MCCAIN, proposes amendment No. 1469.

The amendment is as follows:

(Purpose: To strike $1,750,000,000 in Procurement, Air Force funding for F–22A aircraft procurement, and to restore operation and maintenance, military personnel, and other funding in divisions A and B that was reduced in order to authorize such appropriation)

At the end of subtitle A of title I, add the following:

SEC. 106. ELIMINATION OF F–22A AIRCRAFT PROCUREMENT FUNDING.

(a) ELIMINATION OF FUNDING.—The amount authorized to be appropriated by section 103(1) for procurement for the Air Force for aircraft procurement is hereby decreased by $1,750,000,000, with the amount of the decrease to be derived from amounts available for F–22A aircraft procurement.

(b) RESTORED FUNDING.—

(1) OPERATION AND MAINTENANCE, ARMY.—The amount authorized to be appropriated by section 301(1) for operation and maintenance for the Army is hereby increased by $350,000,000.

(2) OPERATION AND MAINTENANCE, NAVY.—The amount authorized to be appropriated

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

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by section 301(2) for operation and maintenance for the Navy is hereby increased by $100,000,000.

(3) OPERATION AND MAINTENANCE, AIR FORCE.—The amount authorized to be appropriated by section 301(4) for operation and maintenance for the Air Force is hereby increased by $250,000,000.

(4) OPERATION AND MAINTENANCE, DEFENSE-WIDE.—The amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities is hereby increased by $150,000,000.

(5) MILITARY PERSONNEL.—The amount authorized to be appropriated by section 421(a)(1) for military personnel is hereby increased by $400,000,000.

(6) DIVISION A AND DIVISION B GENERALLY.—In addition to the amounts specified in paragraphs (1) through (5), the total amount authorized to be appropriated for the Department of Defense by divisions A and B is hereby increased by $500,000,000.

The ACTING PRESIDENT pro tempore. Under the previous order, there is 2 hours of debate on the amendment.

Mr. LEVIN. Mr. President, this amendment will strike $1.75 billion in additional funding for F–22 aircraft that was in the committee-reported bill. It will also restore serious cuts that were made in readiness and military personnel accounts and across-the-board cuts. These cuts were made in order to shift funds to support F–22 production. It is appropriate that the F–22 issue receive the full consideration by the Senate that it has received. The F–22 debate is among the most important debates we will have on the DOD authorization bill this year.

Stating what may be one of the worst kept secrets in Washington today, the Department of Defense budget request called for ending production of several programs, including the F–22 program. I suspect the Department of Defense will seldom shut down any major acquisition program without a fair amount of controversy, and I agree with the Senator from Georgia that Congress should never be a rubberstamp for the executive branch. But neither should we object to terminating production of a weapons system because of parochial reasons.

Terminating production, such as closing a base, can involve some economic loss for communities involved. I know that very personally. But we must do so from time to time and make these difficult decisions based on what is best for the Nation and what is best for the men and women of the Armed Forces.

As President Obama said the other day, in strong support of ending the F–22 production:

> To continue to procure additional F–22s would be to waste valuable resources that should be more usefully employed to provide our troops with the weapons that they actually do need.

The Senate has heard from the senior leadership of the Defense Department, both civilian and military, that we should end F–22 production. The recommendation is strong and clear, as strong and clear as I have ever heard when it comes to ending the production of a weapons system.

The Secretary of the Air Force and the Chief of Staff of the Air Force sent me and Senator MCCAIN a letter on this matter. This letter is already part of the RECORD. It reads, in part, as follows:

> This review concluded with . . . a balanced set of recommendations for our fighter forces: 1) focus procurement on modern 5th generation aircraft rather than less capable F–15s and F–16s; 2) given that the F–35 will constitute the majority of the future fighter force, transition as quickly as is prudent to F–35 production; 3) complete F–22 procurement at 187 aircraft, while continuing plans for future F–22 upgrades; and 4) accelerate the retirements of the old 4th generation aircraft and modify the remaining aircraft with necessary upgrades in capability.
>
> In summary, we assessed the F–22 decision from all angles, taking into account competing strategic priorities and complementary programs and alternatives, all balanced within the context of available resources. We did not and do not recommend F–22s be included in the FY10 defense budget. This is a difficult decision but one with which we are comfortable. Most importantly, in this and other budget decisions, we believe it is important for Air Force leaders to make clear choices, balancing requirements across a range of Air Force contributions to joint capabilities.

The Senate has also heard from the Secretary of Defense and the Chairman of the Joint Chiefs of Staff. In their letter to me and Senator MCCAIN on July 13, Secretary Gates and Admiral Mullen wrote the following:

> There is no doubt that the F–22 is an important capability for our Nation's defense. To meet future scenarios, however, the Department of Defense has determined that 187 aircraft are sufficient, especially considering the future roles of Unmanned Aerial Systems and the significant number of 5th generation stealth F–35s coming on-line in our combat air portfolio.
>
> It is important to note that the F–35 is a half generation newer aircraft than the F–22, and more capable in a number of areas such as electronic warfare and combating enemy air defenses. To sustain U.S. overall air dominance, the Department's plan is to buy roughly 500 F–35s over the next five years and more than 2,400 over the life of the program.
>
> Furthermore, under this plan, the U.S. by 2020 is projected to have some 2,500 manned fighter aircraft, almost 1,000 of them will be 5th generation F–35s and F–22s. China, by contrast, is expected to have only slightly more than half as many manned fighter aircraft by 2020, none of them 5th generation.
>
> The F–22 program proposed in the President's budget reflects the judgment of two different Presidents, two different Secretaries of Defense, three chairmen of the Joint Chiefs of Staff, and the current secretary and chief of staff of the Air Force. If the Air Force is forced to buy additional F–22s beyond what has been requested, it will come at the expense of other Air Force and Department of Defense priorities—and require deferring capabilities in areas we believe are much more critical for our Nation's defense.

For all these reasons, the Secretary of Defense and the Chairman of the Joint Chiefs concluded:

> [W]e strongly believe that the time has come to close the F–22 production line. If the Congress sends legislation to the President that requires the acquisition of additional F–22 aircraft beyond Fiscal Year 2009, the Secretary of Defense will strongly recommend he veto it.

You do not get much stronger statements than that from a Secretary of Defense and a Chairman of the Joint Chiefs.

The Secretary of Defense, just last Thursday, expanded on those thoughts at the Economic Club in Chicago, when he said the following:

> . . . supporters of the F–22 lately have promoted its use for an ever expanding list of potential missions. These range from protecting the homeland from seaborne cruise missiles to, as one retired general recommended on TV, using F–22s to go after Somali pirates who in many cases are teenagers with AK–47s—a job we already know is better done at much less cost by three Navy SEALS.

The Secretary, in Chicago, said:

> These are examples of how far-fetched some of the arguments have become for a program that has cost $65 billion—and counting—to produce 187 aircraft, not to mention the thousands of uniformed Air Force positions that were sacrificed to help pay for it.

The Senate has also heard, of course, from President Obama, as follows—this is what he wrote us:

> In December 2004, the Department of Defense determined that 183 F–22s would be sufficient to meet its military needs. This determination was not made casually. The Department conducted several analyses which support this position based on the length and type of wars that the Department thinks it might have to fight in the future, and an estimate of the future capabilities of likely adversaries. To continue to procure additional F–22s would be to waste valuable resources that should be more usefully employed to provide our troops with the weapons that they actually do need.

So the President, based on his uniformed and civilian advisers' recommendations, has now said he will veto this bill if we keep the additional $1.75 billion in the bill to buy the additional seven F–22s those military leaders—uniformed and civilian—strongly say we do not need.

I know my friend from Georgia has quoted some private sector individuals and one senior military official in particular, GEN John Corley, the Commander of the Air Force's Air Combat Command.

I do not take lightly the recommendations and advice of someone with a distinguished career such as General Corley. However, General Corley's assessment of a high military risk if we end the buy of F–22s at 187 is not shared by the most senior leadership of the Department that is responsible for viewing the F–22 program, and all other Department of Defense programs, from a broader perspective. These same leaders from the previous administration—the previous Secretary of Defense, the previous Chairman of the Joint Chiefs of Staff—recommended termination to President Bush, and President Bush also urged the termination of this program.

General Cartwright said at his confirmation hearing—or reconfirmation hearing—2 weeks ago the following:

. . . I was probably one of the more vocal and ardent supporters for the termination of the F–22 production. The reason's twofold. First . . . there is a study in the Joint Staff that we just completed and partnered with the Air Force on that, number one, said that proliferating within the United States military fifth-generation fighters to all three services was going to be more significant than having them based solidly in just one service, because of the way we deploy and because of the diversity of our deployments.

General Cartwright went on to say the following:

Point number two is, in the production of the F–35 Joint Strike Fighter, the first aircraft variant will support the Air Force replacement of their F–16s and F–15s. It is a very capable aircraft. It is 10 years newer—

''It'' being the F–35 Joint Strike Fighter—

It is 10 years newer in advancement in avionics and capabilities in comparison to the F–22. It is a better, more rounded, capable fighter.

Well, that F–35 is in production now. In fact, there are 30 being paid for and bought and produced in the very budget for the Department of Defense which is before this body now.

President Eisenhower noted, from time to time, the military industrial complex will push for more and more, more than is needed. In this case, however—in this case—the senior military leadership is not pushing for more.

Finally, to quote again from Secretary Gates's speech last week—this was in Chicago at the Economic Club—

The grim reality is that with regard to the budget we have entered a zero-sum game. Every defense dollar diverted to fund excess or unneeded capacity—whether for more F–22s or anything else—is a dollar that will be unavailable to take care of our people, to win the wars we are in, to deter potential adversaries, and to improve capabilities in areas where America is underinvested and potentially vulnerable.

Secretary Gates said:

That is a risk I cannot accept and I will not take.

So, Mr. President, the time has come to end F–22 production at 187 F–22As. That is all we need to buy, that is all we can afford to buy, and that is all we should buy.

Mr. President, I yield the floor and reserve the remainder of our time.

RECOGNITION OF THE MINORITY LEADER

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

Mr. McCONNELL. Mr. President, I am going to proceed on my leader time.

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

HEALTH CARE WEEK VII, DAY I

Mr. McCONNELL. Mr. President, Americans are eager for health care reforms that lower costs and increase access. This is why many of us are proposing reforms that should be easy for everyone to agree on, such as reforming our medical liability laws, strengthening wellness and prevention programs that would encourage people to make healthy choices, such as quitting smoking and losing weight and addressing the needs of small businesses without imposing new taxes that kill jobs.

The administration is taking a different approach to health care reform, and the more Americans learn about it, the more concerned they become. So it is good the President plans to spend a lot of his time in the days ahead discussing the administration's plan for reform because people need to know what the administration's plan is.

Specifically, Americans have concerns about losing the care they have and spending trillions of dollars for a so-called reform that could leave them with worse care than they have now, especially if it is paid for by seniors and small business owners.

One prospect Americans are extremely concerned about is that they will be forced off of their current plans as part of a government takeover of health care. Despite repeated assurances from the administration to the contrary, the independent Congressional Budget Office says that just one section of one of the Democratic proposals we have seen would force 10 million people off their current health plans.

Americans do not want a government takeover, and they certainly do not want the government to spend trillions of their tax dollars to pay for it, especially if the care they end up with is worse than the care they already receive, and especially if the money that is spent on these so-called reforms only adds to the national debt.

The President has repeatedly promised that his reform would not add to the debt. Yet both the House and Senate reform bills we have seen would do just that. This is why even Democrats have started to backpedal from the administration's plans.

One reason Democrats are having second thoughts is because the Director of the Congressional Budget Office has sounded the alarm over the administration's claims that its reforms would cut long-term overall health care costs. On the contrary, he said the administration's reforms would actually lead to an increase in overall costs. Concerns like these about costs and debt have been building slowly for weeks.

Another growing concern even among Democrats is the impact these higher costs would have on States in the form of higher Medicaid costs. At a time of tight budgets, this is something that Governors from both political parties are not very happy about.

For example, New Mexico Governor Bill Richardson has said, and I am quoting him directly:

I'm personally very concerned about the cost issue, particularly the $1 trillion figures being batted around.

Expanding Medicaid might look like an easy way to expand access, but it will actually mean massive spending increases for both Federal and State taxpayers. This could be a devastating blow to States such as Kentucky and many others which are already struggling to pay the Medicaid costs they currently owe.

The administration's efforts to pay for its plans are not the least bit reassuring. The two main groups they are targeting are the last two that should be expected to pay for it: seniors, through Medicare cuts, and small business owners, through higher taxes.

To me, it is just common sense that in the middle of a recession the last thing—the last thing—we should be doing is raising taxes on small businesses. Yet both bills we have seen would do just that. Indeed, under the House bill, taxes on some small businesses would rise as high as roughly 45 percent. This means in order to pay for health care reform, Democrats would increase the tax rate on some small businesses to about 30 percent higher than the rate for big corporations. Taxes would go up so much, in fact, under the House proposal that the average combined Federal and State top tax rate for individuals would be about 52 percent—52 percent, Mr. President.

Let's consider that figure for a moment. To repeat: In order to pay for a health care proposal that would not even address all the concerns Americans have about access and cost—and which might even increase overall health care costs—Democrats in the House would raise the average top tax rate in the United States to about 52 percent.

The chart behind me was created by the Heritage Foundation and appeared last week in the Wall Street Journal. It shows that the House bill would raise the top U.S. rate above even France. Of the 30 countries the OECD measures, only Belgium, Sweden, and Denmark have higher rates, and five U.S. States would have tax rates even higher than both Belgium and Sweden.

The United States is in the middle of a recession. We have lost more than 2.5 million jobs since this January. Families are losing homes. The last thing they need is a government takeover that kills even more jobs, adds to the ballooning national debt, increases Americans' long-term health care costs, and leaves Americans paying more for worse care than they now receive. The proposals we have seen are not just incomplete, they are indefensible, particularly at a time of spiraling debt and ever-increasing job losses.

Maybe this is why the administration has started to insist on an artificial deadline for getting its reform proposals through. We certainly do not need to rush and spend $1 trillion to enact this flawed proposal by the August recess. The American people and members of both parties in Congress are calling on us to slow down and take the time to get it right.

Health care reform is too important to rush through and get it wrong. We saw what happened when some rushed and spent $1 trillion on an artificial

deadline with the stimulus. The American people do not want the same mistake to be made. Instead of setting a 3-week deadline on legislation that would end up affecting one-sixth of our economy, the administration should focus on meeting existing deadlines.

The Mid-Session Review of the administration's earlier predictions about unemployment, economic growth, government spending, and the outlook for the Federal deficit has traditionally been released in mid-July. Yet now we are hearing the administration may not release its midsession review until August, after Congress has adjourned and after the administration's artificial deadline for a Senate bill on health care.

The administration is also struggling to meet its decision to close Guantanamo by January 2010. The administration's task force on detainee policy has said it will miss its deadline for making recommendations. It seems premature to announce a closing date for Guantanamo without knowing where these detainees may be sent. The most recent delay is even more reason for the administration to show flexibility and reconsider its artificial deadline for closing Guantanamo.

Americans want Republicans and Democrats to enact real health care reform that reduces costs and makes health care more accessible. They don't want a government takeover of the health care system that costs trillions of dollars, is paid for by seniors and job-killing taxes on small businesses and that leaves them paying more for worse care than they currently have. Before the administration rushes to spend another trillion dollars, it needs to slow down and focus on fixing our economy and addressing the issues it is already falling behind on.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I rise in opposition to the Levin-McCain amendment on the F–22. I was listening with interest to the chairman speak a little bit earlier when he raised several points that I am going to address specifically as I get into the guts of the argument. I think it is kind of interesting when he gives a list of those individuals in the Pentagon and in the White House who are now in opposition to continued production of the F–22. Interestingly enough, everybody he talked about—from the President to the Secretary of Defense, to the Secretary of the Air Force, the Chief of Staff of the Air Force, the Chairman of the Joint Chiefs—every single one of those individuals is political. They are appointed. They are appointed by the President.

I am going to talk about some individuals who are in support of the F–22 who are not appointed. No. 1, they are the men and women who fly the F–22. Secondly, it is men who have had the courage to wear the uniform of the United States of America in an unparalleled way that I have seen since I have been here, who have been willing to stand up to that political leadership and say: You guys are wrong. They have been willing to stand and say that if you cut off production of the F–22 at 187, you are going to put this country at a high risk from a national security standpoint.

As we go through the debate, it is going to be interesting to contrast the statements and the letters that every Member has received a flurry of over the last several days. I have never seen the White House lobby such as they have lobbied on this issue. For a White House that was not supposed to be a lobbying White House or in support of lobbyists, it has been unparalleled in my now going on 15 years as a Member of the Congress.

Senator LEVIN spoke earlier about the F–35: We are going to ramp up production. We are going to buy 30 airplanes, 30, in this budget. Well, guess what we are paying for those airplanes. We are paying $200 million a copy. Guess what we are buying an F–22 for today—an airplane that has been through the test phase; an airplane that has proved itself. We are under a multiyear contract that calls for payment by the Air Force to the contractor of $140 million a copy. There is going to be a lot of conversation on this floor about the cost of the F–22, and it is expensive: $140 million a copy is very expensive. But to come in here with a straight face and say we are going to save taxpayers' money by moving to the F–35 and then turn around and say we are going to pay $200 million a copy in this bill for F–35s, something about that doesn't add up.

Well, let me just say we are in a debate with the Pentagon with respect to budgetary issues submitted by the Pentagon to Congress. There are a lot of people who think we ought to step in line, salute the Pentagon and move ahead and do exactly what the Pentagon says with respect to the purchase of weapons systems. Well, that is not the way the Framers of the Constitution intended the Senate and the House to work. Article I, section 8 of the Constitution provides Congress with the power to levy and collect taxes, provide for the common defense of the United States, to raise and support armies and to make rules for the government and regulation of the land and naval forces.

Clearly, we in Congress have a role in overseeing the Department of Defense, reviewing budgets, and questioning budget and policy recommendations. Our interest and involvement in these issues are appropriate and not just based on parochial issues. We are charged with the responsibility of reviewing DOD policies, whether fiscal policies or otherwise. That is simply a part of our job.

I think it is important to note that on several occasions in recent years, Congress has authorized policy or funding initiatives that DOD has strongly opposed and, in retrospect, Congress was right and DOD was wrong. Perhaps the most similar example to the F–22 is the battle over the F–117 that occurred many years ago when the Air Force wanted to stop buying F–117s. Thank goodness my predecessor, Senator Sam Nunn, who was then chairman of the Senate Armed Services Committee, forced the Air Force to buy more F–117s. Ironically, part of the Air Force's argument was that they wanted to shift funding and focus to buying more F–22s. The F–117 was critical to establishing air dominance over Iraq in Desert Storm, and we can thank Congress for recognizing the need for more F–117s years ago.

There are several other examples, such as the Goldwater-Nichols Reorganization Act of 1986 and the establishment of Special Operations Command in 1987, both of which were strongly opposed by the Pentagon. Other examples are continuation of the V–22 program and prohibition against retiring U–2s and B–52s, all of which are paying dividends beyond what the military expected, including in Iraq and Afghanistan today.

I wish to address a comment Senator LEVIN and others have made regarding previous Secretaries of Defense and Chairmen of the Joint Chiefs supporting only 183—or 187 now, with the addition of four F–22s we are buying in the supplemental. First, that number of 183 originally was established not on the basis of any study or analysis—never a study that came out and said we need 183 and we are going to be basing our decision on that—but it was based on PBD 753, which is inside Washington baseball, which was an OSD budget drill 2 days before Christmas in 2004, in which the Air Force had absolutely no input. Neither the Chief of Staff nor the Secretary was involved. A number of ''183'' or ''187'' has always been budget driven and not strategically driven.

There have been at least 10 studies done on F–22 numbers over the past 10 years. Of those, only one, the Joint Air Dominance Study done by DOD in 2005, recommended 183 F–22s. However, that study was based on only needing F–22s in a single-threat scenario and which also used a fixed budget.

Senator LEVIN mentioned the comments General Cartwright made in the Senate Armed Services Committee hearing 2 weeks ago. And he relies heavily on the statement General Cartwright made. General Cartwright responded to a question I asked, and my question to General Cartwright was: General, you say you support terminating the F–22 program at 187. Has there been any one single study, in the Air Force or outside the Air Force, any analysis done that recommends we terminate the program at 187? General Cartwright's statement to me was: Yes; there is a study going on in the Air Force right now that says we should terminate the program at 187.

Well, unfortunately for General Cartwright, we now know no study was

done. It is our understanding that the comment of General Cartwright is being corrected for the record and that we are receiving a corrected statement coming to the committee shortly.

I wish to quote from a statement by Pentagon spokesman Geoff Morrell that was made last Tuesday with respect to the comments of General Cartwright. This comment is quoted in the Daily Report. It now turns out that a recent study touted by Pentagon leadership as the justification for terminating the F–22 fighter isn't a study at all but a series of briefings by DOD's program analysis and evaluation shop in the Air Force. That word comes from the Pentagon's top spokesman, Geoff Morrell, who told the Daily Report late Tuesday that the study, or whatever it is, is: Not so much a study as work products.

Asked to describe the nature and timing of this study, Morrell told the Daily Report:

> What I think General Cartwright was referring to . . . is two different work products—

One by the PA&E shop and one by the Air Force—

> and not so much a study.

Since PDB 753, only 183 F–22s have been programmed in the budget, with fiscal year 2009 being the last year of funding. To say previous Secretaries of Defense and Chairmen of the Joint Chiefs supported this is misleading since, until the fiscal year 2010 budget bill process, a decision on whether to buy more F–22s would be deferred to future decisionmakers. It is perhaps with this in mind that Secretary Gates himself decided last year to request additional F–22s in the fiscal year 2009 supplemental, and he did, in order to keep the line open and preserve the next administration's option for procurement of the F–22.

I know the former President, President Bush, did not want to see the program terminated. They can say what they want to on the other side, but having had personal conversations, I know what his feeling was about this great aircraft. He could have terminated the program, but he did not terminate the program. It is this administration that is seeking to terminate this program.

There have been five previous Secretaries of the Air Force, six previous Chiefs of Staff of the Air Force, seven previous Secretaries of Defense before this one, and eight previous commanders of Air Combat Command who have said we need more F–22s. We have supported this program from day one. We have continued to reduce the number from the original 781, now down to 187. The current Chief of Staff of the Air Force, whose letters have been quoted and inserted in the RECORD where he says we should cap it at 187, has testified time and time and time again in recent days and in recent weeks and who has written me letters stating that the military requirement for F–22s is not 187, it is 243, but he says we can't afford it. Therefore, he has to salute his boss. His boss is a political appointee—Secretary Gates—and the political appointee says we are going to cap it at 187; therefore, that is the direction in which we are going to go and the direction in which you have to salute the flag and move on.

I am going to close my comments at this time and turn to my colleague from Connecticut. Before I do so, I will quote somebody who is not political, somebody who is not an appointee, somebody who is a former Chief of Staff of the Air Force. That is GEN Merrill McPeak, who, last week, in an unsolicited statement, came out and said, when he talked about terminating the F–22 production rate at 187:

> I think it's a real mistake. . . . The airplane is a game-changer and people seem to forget that we haven't had any of our soldiers or Marines killed by enemy air since 1951. . . . It's been half a century or more since any enemy aircraft has killed one of our guys.
>
> The F–22 is at the top end. We have to procure enough of them for our ability to put a lid on, to dictate the ceiling of any conflict. We certainly need some figure well above 200. That worries me because I think it is pennywise and pound foolish to expose us in a way this much smaller number does. . . . That's taking too much high-end risk.

General McPeak is a supporter of this administration and, as far as we can tell, he is not a consultant for any major defense contractor. For this reason, I think his comments deserve significant attention and credibility.

I will stop at this point, but I will say more later. I now turn to my colleague, Senator DODD, who I will say has been a great champion on this issue, a great partner in support of not just the men and women of the Air Force and our other branches that depend on this weapon system to protect America and our soldiers in the field but also a great protector from an economic standpoint.

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

Mr. DODD. Mr. President, how much time remains for those of us in opposition?

The ACTING PRESIDENT pro tempore. There is 44½ minutes remaining.

Mr. DODD. I ask to be recognized for 10 minutes, and if I need a little more, I will ask for it.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut is recognized for 10 minutes.

Mr. DODD. Mr. President, I commend Senator CHAMBLISS for his eloquent and persuasive argument about why this amendment is a dangerous one, and I say that respectfully. I have great admiration for CARL LEVIN and JOHN MCCAIN, but there are serious problems with this approach, from a national security standpoint as well as a manufacturing and industrial base standpoint.

To put this into context for our colleagues, we are being asked to authorize $1.75 billion, or two-tenths of 1 percent of the budget before us of $680 billion. We are told there are at least 25,000 direct jobs and 95,000 direct and indirect jobs at stake for that $1.75 billion—again, two-tenths of 1 percent of the budget—which Senator CHAMBLISS has offset, by the way. It is not an expenditure that is not going to be accounted for.

We are going to put those jobs at risk—not because this industry is in trouble, unlike the automobile industry, which we bailed out to the tune of $63 billion, by the way—understanding the reason many of us supported that was to maintain an industrial manufacturing base.

In this case, we lead the world in aerospace. Nobody comes even close to the ability of the United States to produce the most sophisticated aircraft in the world. Yet with an industry doing relatively well—although commercial orders are way down, which is causing serious problems but that is as a result of the economic conditions. We are unwilling to come up with $1.75 billion or two-tenths of 1 percent to put those many jobs at risk, not to mention retreating on our air superiority.

One of the critical components of national security is maintaining superiority both at sea and in the air. The F–22, by any estimation, is the most superior aircraft in the world. It is not even close in terms of competitors. Yet with the numbers we have and that we are relying on, we leave ourselves way short of the earlier projected numbers.

As Senator CHAMBLISS pointed out, the testimony over the years of those who advocated this program has been significant. In fact, in the letter most recently received from General Corley, head of the Air Combat Command Office, headquartered at Langley, VA, June 9, it points out how serious this would be in terms of exposing our Nation to national security risks. The head of the Air National Guard Bureau, Lieutenant General Wyatt, makes the same claim. Chief of Staff Schwartz, before he changed his mind a week earlier, advocated the F–22 as well, and its importance.

From both a manufacturing perspective and job loss, at a time when unemployment rates are skyrocketing, this body is about to lay off anywhere from 25,000 to 90,000 people—at a time when unemployment rates are going up, because we decided that $1.75 billion is too expensive at this juncture, even though we have offset it, and we have put that many jobs at risk, not because the industry is failing or because it is a bad aircraft but because the Secretary of Defense and the administration have decided this program isn't worthy of our support.

So explain to those 90,000 people—somewhere in that range—once they lose their jobs and get laid off, and they will—why it was we decided today, because of two-tenths of 1 percent of the budget, to move in a different direction. Put aside, if you will, the $63 billion we spent to develop this aircraft.

I raised these concerns expressed by our military commanders—again, most notably, GEN John Corley of the Air Combat Command, LTG Harry Wyatt of the Air National Guard—I have mentioned them. In my State, there are 2,000 to 3,000 jobs at risk, and 1,000 of the jobs are down because commercial orders are down. So it is really 2,000 to 4,000 people in my State who will lose their jobs.

No matter how much I care about the people in my State, I could not oppose this exclusively on that basis. You ought to look nationwide. It is not just my State; it is all across the country.

I raised concerns about what this amendment would do to our global competitiveness and discussed the potential harm to our economy posed by terminating the world's most advanced fighter jet.

I raised concerns over the industry's ability to build the less sophisticated F–35—which has only one engine not two, and the word ''stealthy'' applied to the F–35 is a myth; it is not as stealthy, even remotely, as the F–22—that the United States and its allies are counting on buying over the next decade.

Mr. President, before I revisit these critically important arguments, let's be clear on the context in which we are having this debate. The proponents of this amendment suggest they are saving taxpayers valuable resources in terminating the F–22. They claim such cost savings are well worth the risk Generals Corley and Wyatt have warned us about.

But out of a total of $680 billion in the Defense authorization bill, this amendment is valued at $1.75 billion. That is two-tenths of 1 percent of the total authorization. Since the planes are fully offset, there are no real savings in this amendment.

Instead, this amendment will come at enormous cost to our security and our economy. We are in the midst of a national manufacturing crisis. Everybody has talked about it. It is why we voted for so much support for the automobile industry only a few weeks ago right here in this body.

According to the Federal Reserve's July 15, 2009, Industrial Production and Capacity Utilization Report, manufacturing production has declined 15.5 percent nationwide, between June 2008 and June 2009. I will repeat that: There has been an over 15 percent decline in our manufacturing sector. This quarter's manufacturing production is the lowest in 27 years, which was the previous low point in production since 1967, when the Fed started to keep track of the data.

We in Congress tried to respond to this crisis. We passed the Emergency Economy Stabilization Act, designed to relieve credit markets and get banks lending again.

We passed the $787 billion American Reinvestment and Recovery Act to stimulate the economy and boost demand in various sectors and put people back to work.

We have provided $63 billion to Chrysler and General Motors to keep their production lines running—companies that were brought to their knees, in part, due to dismal business planning and severe mismanagement of their companies over the years.

Additionally, the government has acquired unprecedented equity stakes in these companies—8 percent in Chrysler and a whopping 60 percent in General Motors.

I have not opposed these efforts. As chairman of the Banking Committee, I worked with my colleagues who represent those States to provide Federal assistance through the legislative process. But we took this step because we were responding to a national manufacturing crisis. We did it because we are responding to the dire and credible warnings about the potential impact of the auto industry's collapse—particularly in Midwestern States, which greatly depend on the auto business.

I will discuss briefly another critically important manufacturing base and its economic impact: the aerospace industry.

While my home State of Connecticut ranks 29th in total population, according to the Bureau of Labor Statistics, it ranks sixth in total aerospace employment.

In 2008, according to the Connecticut Department of Labor, aerospace employed over 36,000 residents of my State. So any discussion of terminating the fighter jet production has an outsize effect on the people I represent.

I would not be arguing this case for the F–22 if it were strictly a parochial matter. We don't have a right to ask 99 other people exclusively because of something happening in our own States. The truth is, halting this production will have consequences for our industry's ability to continue to build aircraft for our military. I will lay out the argument for you.

The expertise of these people cannot be duplicated overnight. These trained engineers, scientists, manufacturers, and machinists are highly skilled and trained. I am concerned their skill sets and experience are being taken for granted, without consideration for the peculiarities of jet engine construction. That doesn't just hurt the workers and their families; it hurts all of us. Let me explain how.

According to the Defense Contract Management Agency, there is a 20- to 24-month lag between payment for and production of jet engines. So the number of planes ordered in any 1 given year doesn't correspond with the delivery time of those engines.

Under Secretary of Defense Gates's plan in calendar year 2010, Pratt & Whitney is expected to make 48 F–22 engines and 19 F–35 engines, for a total of 67 fighter jet engines. The following year, the number will drop precipitously to a total of 43 engines, since the F–35 is not scheduled to begin what is called ''full-rate production'' until 2014.

Thus, in calendar year 2011, Pratt & Whitney will be producing 11 F–22 engines and 32 F–35 engines, for a total of 43 fighter engines. In 2012, since there will be no F–22 production, there will only be 41 F–35 engines built.

The problem is even more acute when you compare overall military engines being built in 2010 versus 2011 and 2012. Under current plans, Pratt & Whitney is expected to go from building 194 military engines to 130 in 2011. That is an average drop of 33 percent in work volume.

What will happen? It is the same thing occurring in manufacturing States all across the country: layoffs. Thousands and thousands of people—not just in my State but across the country.

In the absence of military aircraft work orders for 3 years, companies will be forced to tell the legions of highly skilled engineers, technicians, and machinists—workers such as the Pratt & Whitney mechanics I introduced and mentioned last week—that they are not needed now. They need to retrain. They need to find another vocation.

Then, 3 years later, after these workers have settled in a new job, or have retired, the Department of Defense and our allies will try to ramp up production of the F–35. But they will not be able to. They will be left scratching their heads, wondering: Why can't industry meet our production needs right now? No doubt, we will ask the same question on the Senate floor.

To assume that the thousands of workers across the Nation who work on the F–22 will stand idly by until 2014 when we begin to build the F–35 Joint Strike Fighter is naive at best. This argument I make is not new at all. The Defense Department recognized this point in the 2006 Quadrennial Defense Review, published by the military to identify the needs and strategy of our Armed Forces.

The report stated that F–22 production should be extended ''through fiscal year 2010 with a multiyear acquisition contract to ensure the Department does not have a gap in fifth generation stealth capabilities.''

At the same time, the F–35 was scheduled to begin construction in 2010. Since then, of course, it has been pushed back 4 years to 2014. There are some rumors that this date may be pushed back even further.

This means the military identified only 3 years ago—36 months ago—the most recent published report of this type, that our Nation would suffer a loss in aerospace manufacturing capability if fighter production doesn't have a seamless transition.

Their response was to ensure that we keep building F–22s until the F–35 reached full-rate production. Yet when the F–35 production schedule was pushed back 4 years, we did not extend the F–22 production to stabilize our industrial base. That is why you have the job losses I have mentioned.

Now we find ourselves in the very situation the Department of Defense was

trying to avoid 36 months ago, as we face looming job losses across our Nation, commercial orders down—losing these people on that basis and now because of the vote we may take on this issue—and thus a degradation of our ability to meet the aerospace production capability our national security requires. So I believe it is our duty and responsibility to protect these workers from losing their employment and make sure our country retains a viable and competitive capacity in the years ahead.

Let me also point out—and I did the other day on a national security basis—that, again, superiority is critical. Right now, there are some 40 nations that have the SU–27, which is a sophisticated aircraft, and the MiG–29, which competes with the F–15 and the F–16. Forty nations have that capability. I had a larger chart earlier—I don't have it with me today—but there are little red and yellow dots all over this map that indicate advanced surface-to-air missile capability where there have been orders made or they have already been acquired. Our F–15s and F–16s are vulnerable to those surface-to-air missiles. All over the globe they exist.

The F–22 literally could avoid the kind of detection these surface-to-air missiles provide. So we now have a capacity to be able to respond. Now we may not—and as long as we are dealing with Afghanistan and Iraq, that is one issue. But, frankly, we have to prepare for situations that could get a lot more dangerous for our Nation. The Chinese and the Russians are aggressively pursuing a fifth generation aircraft to compete with the F–22. And to say that the F–22 and the F–35 are virtually alike I think is a mistake. That is not the case at all. There is a difference.

From a national security standpoint as well, there was a reason why General Corley and General Wyatt and others have made a case on these aircraft. There is a reason why we invested some $65 billion to develop this aircraft. There is a reason why the quadrennial report 36 months ago warned about these gaps and what it would do to our industrial base and manufacturing.

I hope our colleagues, in the midst of all of this, would understand what is at stake. Again, here we are, on an economic basis, where many jobs could be lost in our country with critical technology that hangs in the balance. It would be one thing if we were arguing here this plane was no longer needed, it was not going to do the job we thought it would do, it wasn't as sophisticated as we hoped it would be. Then you might decide dropping this, giving up some jobs, may make some sense. But to give up an aircraft of this sophistication and this capability, and simultaneously, in an economic situation such as we are in, to lose as we are predicting somewhere between 25,000 and 90,000 jobs with this decision, for $1.75 billion in this budget—two-tenths of 1 percent out of a $680 billion authorization bill, I think is terribly shortsighted.

I hope my colleagues would listen to these arguments, would debate and understand there is an ability, to reach a compromise where we can go forward with production, reduce some of the cost that the proponents argue for in this amendment, and then move toward together. But to make the decision that we may make in the next hour and a half or so would be a great danger for our Nation.

I appreciate my colleague Senator CHAMBLISS giving me the opportunity to respond on this issue, and I thank him for his work as well in making the case to our colleagues, Democrats and Republicans. This ought not to be an issue that divides along those lines at all. We need to understand what is at stake for our Nation, both in terms of our manufacturing base as well as the national security needs that have been identified.

Mr. President, I ask unanimous consent to have printed in the RECORD the two letters, one from General Corley and one from General Wyatt.

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

DEPARTMENT OF THE AIR FORCE,
HEADQUARTERS AIR COMBAT COMMAND,
Langley Air Force Base, VA, June 9, 2009.

Hon. SAXBY CHAMBLISS,
U.S. Senate,
Washington, DC.

DEAR SENATOR CHAMBLISS: Thank you for your letter and the opportunity to comment on the critical issue of F–22 fleet size. At Air Combat Command we have held the need for 381 F–22s to deliver a tailored package of air superiority to our Combatant Commanders and provide a potent, globally arrayed, asymmetric deterrent against potential adversaries. In my opinion, a fleet of 187 F–22s puts execution of our current national military strategy at high risk in the near to midterm.

To my knowledge, there are no studies that demonstrate 187 F–22s are adequate to support our national military strategy. Air Combat Command analysis, done in concert with Headquarters Air Force, shows a moderate risk force can be obtained with an F–22 fleet of approximately 250 aircraft.

While OSD did not solicit direct input from Air Combat Command, we worked closely with our Headquarters in ensuring our views were available. We realize the tough choices our national leadership must make in balancing current warfighting needs against the fiscal realities our Nation faces.

The F–22, a critical enabler of air dominance, plays a vital role and indispensable role in ensuring joint freedom of action for all forces and underpins our ability to dissuade and deter. Thank you for your continued support of the U.S. Air Force and Air Combat Command.

Sincerely,

JOHN D.W. CORLEY,
General, USAF,
Commander.

Hon. SAXBY CHAMBLISS,
U.S. Senate,
Washington, DC.

DEAR SENATOR CHAMBLISS: Thank you for your inquiry and the opportunity for me to discuss what I believe to be a serious threat to the Air National Guard's ability to fulfill our Nation's highest strategic priority; defending the Homeland. The ANG has proudly performed the bulk of this mission, while simultaneously participating in overseas contingency operations, with aircraft that are rapidly nearing the end of their service life. While I believe our Nation has the capacity to recapitalize the ANG, I am not aware of any plan that commits to doing so. As such, we are in need of an immediate solution in order to ensure that America's most cost effective force can continue to perform its most important mission.

While a variety of solutions abound, I believe the nature of the current and future asymmetric threats to our Nation, particularly from seaborne cruise missiles, requires a fighter platform with the requisite speed and detection to address them. The F–22's unique capability in this arena enables it to handle a full spectrum of threats that the ANG's current legacy systems are not capable of addressing. I am fond of saying that ''America's most important job should be handled by America's best fighter''.

Indeed, I am keenly aware of the severe strain that our current economic situation has placed on the Department of Defense as it attempts to modernize for an ever evolving threat environment. Given this reality, finding more efficient ways to protect our Nation's interests at home and abroad is the new imperative. Many say this will mean making tough choices, but I believe we can maintain our vitality by making smart choices; leveraging the cost effective and dual use nature of the ANG is the answer. Basing F–22s (and eventually F–35s) at strategic ANG locations throughout the United States while simultaneously making them available to rotationally support worldwide contingency operations is the most responsible approach to satisfying all of our Nation's needs.

Again, thank you for your inquiry and your continued support of the Air National Guard.

Sincerely,

HARRY M. WYATT III,
Lieutenant General, USAF,
Director, Air National Guard.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Michigan.

Mr. LEVIN. Madam President, I yield myself 1 minute to give the figures relative to the F–35 production, which are the Pentagon figures. I am not sure where my good friend from Connecticut got his figures on future F–35 production. But the figures from the Pentagon are that there are 30 in this year's budget; in next year's budget, fiscal year 2011, they plan 70 F–35s; in fiscal year 2012, 109 F–35s; in fiscal year 2013, 119 F–35s. Those are far different than the numbers which my friend from Connecticut just gave.

I am not sure the source of his numbers. Perhaps he can give us those numbers at a later time.

At this point, I yield 5 minutes to the Senator from Delaware.

Mr. DODD. Madam President, if I may respond.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. I wanted to state where the numbers came from. They are from the Defense Contracting Management Agency. That is where the numbers came from.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. KAUFMAN. Madam President, today, I would like to speak in strong support of the Levin-McCain amendment which strips $1.75 billion in spending for additional F–22s. These are fighter jets the military does not want and does not need. This is a Cold War system, in a post-9/11 world, that is underperforming and overpriced. To force this purchase, against the best judgment of our military leadership and Commander in Chief, weakens our ability to keep our Nation safe.

The White House and Pentagon agree that continuing the F–22 production line decreases our military readiness by wasting resources that could be much more usefully employed. And it is not a partisan issue. Presidents Obama and Bush; Defense Secretaries Gates and Rumsfeld; Chairman of the Joint Chiefs of Staff, Admiral Mullen, and his two predecessors; and the Secretary and Chief of Staff of the Air Force all agree that the F–22 is not the most efficient or effective warplane to meet our current and future defense needs.

The F–22 has not flown one mission over Afghanistan or Iraq, because it is not the best weapon to meet the challenges we are currently facing.

This system was designed to counter Soviet fighters at the end of the Cold War. And its continued purchase deprives the military of $1.75 billion it requested for other critical priorities, such as building the capability to protect our troops and defeat insurgencies.

With ongoing wars in Afghanistan and Iraq, we cannot afford to disregard the views of our military. And in these tough economic times, we cannot afford to adopt an irresponsible approach to defense spending. These facts speak for themselves, and the stakes are simply too high. What more evidence do we need?

The F–22 prepares us for the wars of the past; the wars we have already won. Today, we must look forward and make tough decisions for the future. We must heed the advice of our military leaders, such as Secretary Gates, to rebalance our defense budget. And enhance our capabilities to succeed against current and future threats. This includes preparing for a wide spectrum of conflict and continuing to engage in counterinsurgency.

Madam President, this debate is not just about the future of F–22s. It is about changing the way we do business. It is about accepting this rebalancing and ending unnecessary waste. And it is about matching vital national security interests with commensurate levels of funding.

The F–22 is the first test of our willingness to make the tough choices necessary to truly prioritize defense spending.

As Secretary Gates said last week:

> The grim reality is that with regard to the budget, we have entered into a zero-sum game. Every defense dollar diverted to fund excess or unneeded capacity—whether for more F–22s or anything else—is a dollar that will be unavailable to take care of our people, to win the wars we are in, to deter potential adversaries, and to improve capabilities in areas where America is underinvested and potentially vulnerable. That is a risk I cannot accept and I will not take.

Madam President, I want to align myself with the remarks of Secretary Gates, and reiterate to my colleagues that this is a risk none of us should be willing to take.

Many of my colleagues have spoken of the sacrifice and cost such a decision incurs in terms of jobs. They are right, and I share their concern about jobs; especially in these tough times. I know this makes our decision today hard, and no one wants to do anything that will hinder job creation and growth. But it is with these economic constraints in mind that we must also consider the implications of spending nearly $2 billion on a defense program that our military leadership says it simply does not need.

Building more F–22s does not allow for smart or efficient growth of our workforce. Moreover, the number of jobs lost on the F–22 will likely be matched by increased production of the F–35, which is a newer and more capable warplane. American workers are needed to meet this and other defense priorities, which strengthen our national security. Jobs should follow, as opposed to dictate, our defense needs.

For those concerned about cuts, I point out that the budget proposed by the President and Secretary Gates represents an increase, not a decrease, in defense spending. But this is not just an increase for the sake of spending.

Rather, it is a budget that recognizes that over the last two decades, the nature of conflict and war has fundamentally changed. It recognizes that we must continue to build the capacity to confront a wide spectrum of challenges—conventional and unconventional; regular and irregular—and better prepare for a future in which we will continue to engage in counterinsurgency.

Today, we must do what is in America's best interest. Today, we must focus on weapons systems that offer the maximum versatility and effectiveness, and prepare the military against the widest range of threats. And today, we must plan for our current and future counterinsurgency needs, as shaped by our experiences in Afghanistan and Iraq.

It is in this regard that I urge my colleagues to join me in supporting the Levin-McCain amendment, and adopt a better approach to defense spending.

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

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

Mr. KAUFMAN. Madam President, I ask unanimous consent that the time during the quorum call be charged equally on both sides.

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

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

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

Mr. CHAMBLISS. Madam President, I yield 5 minutes to the Senator from Washington, Mrs. MURRAY.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Madam President, I thank the Senator for yielding time on this important debate.

As we consider the future of the F–22 program, it is important for us to remember the most fundamental goal we have for our defense industry and the way we have met that goal for many decades. That goal is to give our men and women in uniform technology and equipment that is far superior to that of our enemy so they can protect themselves and defend our Nation. It has been our mission from the time of the Wright brothers to the days of Rosie the Riveter, to the era of stealthy technology.

But maintaining that technology has depended on an important partnership and that is a partnership between the Pentagon, which determines the needs of our war fighters, and industry, which does the research and design and builds the next generation of military equipment that meets those needs. It is a partnership that is vital to our military strength, to our economy, and to the health of our domestic industrial base.

Unfortunately, it is also a partnership that is being weakened by amendments such as the one we are considering today. Instead of treating military procurement such as the partnership that it is, this amendment envisions it as a one-way street. This amendment cancels a vital military program without adequate thought of the men and women we rely on to design and build the equipment our war fighters depend on without any consideration of the fact that if we end the F–22 program, we are cutting a link in technology that we will not be able to repair overnight.

As many of you know, this is not the first time I have come to the floor to talk about the erosion of our Nation's industrial base. It likely will not be the last. That is because protecting our domestic base is not about just one company or one program or one State or one industry. This is about our Nation's economic stability, it is about our future military capability, and it is about the ability to retain skilled family-wage jobs in communities throughout the country.

Just last week, the Aerospace Industries Association issued a major report that finds the Pentagon failed to consider industrial effects when choosing strategies. That report urged the Pentagon to take into account the impact decisions such as the one to stop production of the F–22 make on our manufacturing base. That report also noted that our manufacturing base was not taken into account in past Quadrennial Defense Reviews, and when Secretary Gates unveiled his program cuts in April, he specifically said defense industry jobs were not a factor in his decisions.

As our country faces two difficult but not unrelated challenges—safeguarding our country in a dangerous world and rebuilding a faltering economy—ignoring the needs of our industrial base should not be an option. Whether it is the scientists who are designing the next generation of military satellites or whether it is the engineers who are improving our radar systems or the machinists assembling our war planes, these industries and their workers are one of our greatest strategic assets. What if they, all of a sudden, were not available? What if we made budgetary and policy decisions that did not take into account the need of making sure we have a strong domestic workforce in our country?

Actually, that is not impossible or even unthinkable. It is actually happening today. We need to be clear about the ramifications of amendments such as the ones we are considering today because once we give up on producing this technology, once we say that certain research and development is no longer needed, we lose that. We lose it and we cannot rebuild it overnight.

Today, as we consider a critical tool for the future of our military across the globe, we have to also remember the partnership we have built with our industrial base because, unless we consider the needs of that partnership, we are not only going to continue to lose some of our best-paying American jobs, we are going to lose the backbone of our military might.

Supporting continued F–22 production will help defend against potential threats, it will protect family-wage jobs, and, most importantly, it will preserve our domestic base. That is important because we do not know what conflict will come in the future. We don't know what our challenges will be 10 or 15 or 20 or 30 years from now. If we lose our engineering or our production base and we face a challenge in the future and go back to rebuild that, it will never happen. We will be at a disadvantage in whatever future conflict we might face.

I urge our colleagues to think about the long-term interests of this decision. I oppose the amendment and I look forward to further debate.

I yield the floor.

Mr. LEVIN. Madam President, how much time remains on our side?

The PRESIDING OFFICER. The proponents have 35½ minutes, the opponents have 18½ minutes.

Mr. LEVIN. I yield to the Senator from Arizona as much of that time as he requires.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Madam President, I thank the chair. I, again, thank my friend, the distinguished chairman, for proposing this amendment. I thank the distinguished chairman for being the sponsor of this amendment. It is a privilege to work with him on this as well as many other issues.

This amendment is probably the most impactful amendment I have seen in this body on almost any issue, much less the issue of defense. It boils down to whether we are going to continue the business as usual of once a weapons system gets into full production it never dies or whether we are going to take the necessary steps to reform the acquisition process in this country.

The F–22, in itself, is $1.75 billion. That is an impressive number anyplace outside the beltway. But more important than that, it is a signal that we are not going to continue to build weapons systems that are plagued with cost overruns, which outlive their requirements for defending this Nation and, very frankly, starts to gain control of the acquisition process which is completely out of control.

The Government Accountability Office recently concluded that there were over $295 billion in cost overruns in the last several years—$295 billion in cost overruns. Recently, a close friend of mine and great leader and former Secretary of the Navy wrote an article in the Wall Street Journal. He stated:

> When John McCain was shot down over Hanoi in 1967, he was flying an A–4 sky hawk. That jet cost $860,000.

By the way, I didn't know that cost to the taxpayers I had caused. But the jet cost $860,000.

> Inflation has risen by 700 percent since then. So Mr. MCCAIN's A–4 cost $6.1 million in 2008 dollars. Applying a generous factor of three for technological improvements, the price for a 2008 Navy F–18 fighter should be $18 million. Instead, we are paying about $90 million for each new fighter. As a result, the Navy cannot buy sufficient numbers. This is disarmament without a treaty.
>
> The situation is worse in the Air Force.

Then Secretary Lehman says:

> In 1983, I was in the Pentagon meeting that launched the F–22 Raptor. The plan was to buy 648 jets beginning in 1996 for $60 million each. . . .

That was in 1983 dollars.

> Now they cost $350 million apiece and the Obama budget caps the program at 187 jets.

Then he adds:

> At least they are safe from cyberattack since no one in China knows how to program the '83 vintage IBM software that runs them.

He then goes on to cite other problems, including Navy shipbuilding fiascoes, et cetera.

> . . . the Army's Future Combat System that was meant to re-equip the entire Army, the 400 percent cost overrun of the new Air Force weather satellite . . .

And similar cost overruns.

It is out of control, I say to my colleagues. I will match my commitment to equipping the men and women in the military with that of anyone in this body, but it has to stop, and this vote on the F–22 will determine whether it is business as usual with the earmarking and pork-barreling of billions of dollars which has bred corruption—we have former Members of the Congress residing in Federal prison—or whether we are going to finally get it under control.

Who better to be a spokesperson, in my view, than our Secretary of Defense? I have known and admired many Secretaries of Defense. I know of no one whom I admire more than Secretary Gates. He gave a very important speech, on July 16, at the Economic Club of Chicago—a remarkable speech. I hope all my colleagues would have the chance to read it. In part of it he says, about the problems we are having in defense spending:

> First, there is the Congress, which is understandably concerned, especially in these tough economic times, about protecting jobs in certain states and congressional districts. There is the defense and aerospace industry, which has an obvious financial stake in the survival and growth of these programs.
>
> And there is the institutional military itself—within the Pentagon, and as expressed through an influential network of retired generals and admirals, some of whom are paid consultants to the defense industry, and some who often are quoted as experts in the news media.

Secretary Gates goes on to say:

> As a result, many past attempts by my predecessors to end failing or unnecessary programs went by the wayside. Nonetheless, I determined in a triumph of hope over experience, and the President agreed—

I wish to emphasize my strong support and appreciation for the President's stand on this issue.

> —and the President agreed, that given the urgency of the wars we are in, the daunting global security environment we will inhabit for decades to come, and our country's economic problems, we simply cannot afford to move ahead with business as usual.

Then, later on, he talks about the F–22.

> Air superiority and missile defense—two areas where the budget has attracted the most criticism—provide case studies. Let me start with the controversy over the F–22 fighter jet. We had to consider, when preparing for a future conventional state-on-state conflict, what is the right mix of the most advanced fighter aircraft and other weapons to deal with the known and projected threats to U.S. air supremacy. For example, we now have unmanned aerial vehicles that can simultaneously perform intelligence, reconnaissance—

Et cetera.

> The President's budget would buy 48 of the most advanced UAVs. We also took into consideration the capabilities of the newest manned combat aircraft program, the stealth F–35 Joint Strike Fighter. The F–35 is 10 to 15 years newer than the F–22.

He goes on to say how important the F–35 is, and then he says:

The F–22 is clearly a capability we do need—a niche, silver-bullet solution for one or two potential scenarios—specifically the defeat of a highly advanced enemy fighter fleet. The F–22, to be blunt, does not make much sense anyplace else in the spectrum of conflict.

I ask my colleagues, would you ask yourselves why the F–22 has never flown over Iraq or Afghanistan. It has been in production for nearly 5 years. It has never flown over Iraq or Afghanistan. And I want to emphasize that I think it is an important fighter. We are building 187 of them. The question before this body is why we continue to build more, whether we continue to build more, or the F–35, the Joint Strike Fighter, which goes to the Marine Corps and the Navy and the Air Force. Is this the weapons system we need to balance our entire capability of manned aircraft?

I would ask my colleagues, since the F–22 was on the drawing boards and moved into production, look at the advancement in unmanned aerial vehicles. I say that as an old pilot. The unmanned aerial vehicles have been performing a magnificent job both in Iraq and Afghanistan. They have been a critical element sometimes on the battlefields. And this President's budget understands that and gives extreme priority to that.

So as we go on, in light of these factors, Secretary Gates goes on to say:

With the support of Air Force leadership, I concluded that 183—the program of record since 2005, plus four more added in the FY 09 supplemental—was a sufficient number of F–22s and recommended as such to the President.

The reaction from parts of Washington has been predictable for many of the reasons I described before. The most substantive criticism is that completing the F–22 program means we are risking the future of U.S. air supremacy. To assess this risk, it is worth looking at real-world potential threat and assessing the capabilities that other countries have now or in the pipeline.

The fact is, in the view of the President of the United States, the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, the Chief of Staff of the Air Force, and most any objective observer of the military scene, they believe the F–22 is important, we need to have what we have, but it is now time to move on to the F–35, the Joint Strike Fighter.

So this amendment really means, are we going to look at the real and compelling needs we have to have in order to win the war in Afghanistan, continue our success in Iraq, and put our funds into that kind of equipment and weapons systems or are we going to continue?

Finally, I have great sympathy for the Senator from Georgia and other Senators who have come to the floor. I understand the sincerity of their views. I respect them. I would also point out, though, that to argue we should build weapons systems in the name of jobs is not what we should be about. What we should be about is procuring and building the best weapons systems to ensure our national security and how we can best equip the men and women who are in harm's way all around the world today.

So I understand the economic impact, particularly in these hard times. My sympathy goes out to the communities that are dependent on the contracts for the F–22 aircraft. All I can say to them is we will do everything we can to help you and your families and make the adjustments, and there will be—we continue to increase spending on defense. We hope that we will be able to provide you with the necessary jobs and manufacturing that would be devoted to what we have ascertained as our national defense weapons systems procurement priorities, I say with sympathy to my colleagues who are deeply concerned about the loss of jobs in these difficult economic times. But this is not the way to provide jobs. Our obligation is to defend this Nation.

So I think this amendment is overdue. I think it will be a significant, a very significant amendment, as I said before, as to whether we will get our priorities straight and listen to our esteemed Secretary of Defense, our President, our Chairman of the Joint Chiefs of Staff, and other military leaders in whose hands we entrust to make the tough decisions. I understand the final decision is here in Congress, but I also don't think we should dismiss the arguments that have been made by I think one of the finest men to ever serve this country, and that is Secretary of Defense Gates.

I yield the floor.

THE PRESIDING OFFICER. Who yields time to the Senator from Utah?

Mr. CHAMBLISS. I will be happy to yield 7 minutes to the Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Madam President, during his July 16 address, the Secretary of Defense, Robert Gates, said the military needed maximum versatility to bring to bear in a wide range of armed conflicts. Last January, he argued that ''our military must be prepared for a full spectrum of operations, including the [insurgent] type of combat we are facing in Iraq and Afghanistan as well as large-scale threats that we face from places like North Korea and Iran.''

I could not agree more with Secretary Gates. However, just as our Nation unwisely disregarded the hard-learned lessons of how to fight counter-insurgency operations after Vietnam, the Defense Department seems poised to make similar errors by limiting our capability to defeat the air threat of today and tomorrow: the integrated air defense system.

This advanced system is composed of extended-range Russian surface-to-air missiles such as the S–300 and advanced fighters such as the Su–30, which have already been sold in large numbers to China and India. Together, these systems make penetrating hostile airspace extremely difficult, if not deadly, for aircraft lacking the F–22's advanced stealth technology and capability for sustained supersonic speeds. It is these capabilities that enable the Raptor to have the unique capability to conduct stealth operations at any time of day or night.

Secretary Gates argues for ceasing production of the F–22 after only 187 are built because we will not face what the Pentagon refers to as a ''near-peer adversary'' for the foreseeable future.

For the sake of our Nation, I hope he is right. However, I believe this statement misses a critical point: advanced integrated air defense systems are comparably inexpensive and readily affordable by nations such as Iran, with its insistence on developing nuclear weapons.

History provides ample examples of the effective use of integrated air defense systems by nations that lack the resources to be considered a near-peer adversary of the U.S. As retired LTG Michael Dunn recently noted, North Vietnam defended its territory during the Vietnam war with what, at the time, was an advanced air defense system. This system, comprised of surface-to-air missiles and fewer than 200 fighters, was able to shoot down 2,448 American aircraft.

The 1973 War between Israel and Egypt is another example. The Egyptians learning from their recent defeats built an integrated air defense umbrella under which its forces were able to initially make significant territorial gains, while the Israeli Air Force faced serious losses. Only when the Egyptians advanced beyond the range of their surface-to-air missiles' umbrella was the Israeli Air Force able to inflict a significant blow.

A more contemporary example is the loss in the 1990s of an F–117 Nighthawk to the Serbians, who were not equipped with the latest air defense system.

Despite such examples, some argue additional F–22s are not necessary since stealthy jet-powered unmanned aerial vehicles or UAVs, which are still under development, will play an increasingly vital role in destroying critical ground targets. This is true for threats on the ground, but I am unaware of any plans to operationally deploy a UAV that can dogfight existing or next-generation Russian and Chinese jet fighters, which will be hunting these UAVs.

Our forces could be confronted with the next generation Russian and Chinese fighters soon. There have been numerous media reports the Russian Government is developing a new stealthy aircraft, presumably to counter the F–22. This aircraft called PAK–FA, is being developed jointly with the Indian Government. Additional media sources cite China's development of a similar twin engine, stealth aircraft known as the J–12.

Some argue that the F–35 Joint Strike Fighter can tackle those threats and defeat this new generation of advanced aircraft. While the F–35 is a

very capable stealth aircraft, it was designed to complement the F–22, not replace it. The fact is the F–35 is neither as capable a fighter nor as stealthy as the F–22. For example, the F–35 does not have, nor can be upgraded to use, the supercruise engines increasingly needed in today's stealth operations.

Remember the F–22 is the NASCAR racer of this air-dominance team. Fast and unseen, the Raptor will punch a hole in an enemy's defenses, quickly dispatching any challenger in the air and striking at the most important ground targets. The Joint Strike Fighter is the rugged SUV of the team. Impressive, but not as maneuverable or capable of sustained supersonic speeds, the F–35 will exploit the hole opened by the F–22 and attack additional targets and directly support our ground forces. This is not to say the F–35 is not a highly capable stealthy aircraft. But the F–35's role is to supplement the F–22, not substitute for it. Only by utilizing the strengths of both aircraft do we ensure air dominance for the next 40 years.

Furthermore, if the F–22 is such a boondoggle, why do our allies such as Japan and Australia want to spend billions to purchase the aircraft? Why does Australia, for instance, plan to purchase up to 100 F–35s and large numbers of UAVs, and yet remains interested in the F–22? Perhaps it is because Australia understands the Russians and the Chinese are developing even more sophisticated surface-to-air missile systems and stealth fighters, threats the F–22 is uniquely designed and equipped to destroy.

Others point out the F–22 has not been deployed in support of our operations in Iraq and Afghanistan. This is true. However, there were recent plans to deploy the F–22 to the Persian Gulf. But according to the July 9, 2008, edition of the widely respected Defense News, the Pentagon overruled those plans, citing concerns about ''strategic dislocation.'' This means the F–22 is hardly a dinosaur. It is a weapon that can change the balance of power in a region and deter our adversaries.

In conclusion, I am reminded of a point author Michael Korda made in his book about the Battle of Britain. He observed that even though the two British prime ministers before Winston Churchill pursued a policy of appeasement, they also committed their government to develop and procure the three pieces of equipment: the Spitfire fighter, Hurricane fighter and radar, which were to ensure that nation's survival during the Battle of Britain.

I hope the Senate will profit from these lessons of history and vote against the McCain-Levin amendment.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. How much time remains for the proponents?

The PRESIDING OFFICER. There is 21 minutes remaining.

Mr. LEVIN. I ask Senator WYDEN, how much time does he need?

Mr. WYDEN. I believe 10 minutes would be plenty.

Mr. LEVIN. I yield 10 minutes to Senator WYDEN.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. WYDEN. Madam President, I rise this morning to support the Levin-McCain amendment. It seems to me that buying more F–22s at this point would meet the very definition of government waste.

What you have is a situation where the Pentagon, which, suffice it to say, has not exactly been shy over the years in terms of calling for additional weapons, is on record as saying this is unnecessary. Further, I have been out talking with members of the Guard at home and trying to get their sense of what is needed in this dangerous time, and they have never once mentioned something like this.

They talk, for example, about body armor. They talk about boots. They don't talk about more F–22s. Suffice it to say, when the Congress is now having a debate about trying to find additional money for health care, for example, to go out and spend close to $2 billion to buy seven more F–22 fighters the Air Force says it doesn't want defies common sense.

My home State, for example, would love to hire back police and other essential workers who have been laid off. Instead of building seven planes, we could be restoring infrastructure and developing renewable energy. Again, in my home State, we have had budget shortfalls. We have seen reductions in essential services, law enforcement being one. The debate is not about necessary steps to ensuring a strong national defense. The question is about whether the U.S. Congress wants to spend close to $2 billion to pay for more fighter jets the Air Force does not want.

It is also important to remember that the F–22 is not being purchased for wars the United States is currently fighting. Certainly, the Taliban and Iraqi insurgents do not have an Air Force. The F–22 is being purchased to fight in possible future conflicts with other countries that may have an air force. While I strongly believe the Pentagon ought to be able to prepare for such possibilities, it is the Pentagon that is telling us we don't need these additional F–22s.

It is also important to note that the Pentagon has purchased 187 F–22s. There is not a debate about whether the United States ought to have fighters in our arsenal. The question is whether the Air Force needs 194 of them instead of 187. We have a very good Secretary of Defense, Robert Gates. The Secretary has said that 187 is sufficient to combat current and future threats. He is the one who said that more are not needed. He is the one who said:

> We must break the old habit of adding layer upon layer of cost, complexity, and delay to systems that are so expensive and so elaborate that only a small number can be built, and that are then usable only in a narrow range of low probability scenarios.

Secretary Gates has hit the nail about as perfectly on the head as one can. He and our country want the strongest defense possible. But there are ways to make better use of that $1.75 billion than on seven more F–22s.

I serve on the Senate Select Committee on Intelligence. I know there are threats to our forces every single day. I see the Senator from Georgia who serves on the Intelligence Committee. He believes strongly about this as well. We need to make sure we are protecting our troops in harm's way, but we have a variety of choices in order to secure the protection our troops have been in need of. I intend to work with Chairman LEVIN, Secretary Gates, the distinguished Senator from Arizona, and the President to ensure we replace the current F–15 with more capable and safer fighters.

Last month, I visited with some of the 3,000 members of the Oregon National Guard's 41st brigade combat team, as they trained for their current deployment to Iraq. Not a one of the soldiers told me that their big concern was whether the Air Force would have 194 F–22s instead of 187. They talked to me instead about the best vehicles, the best medical care if they are injured, about the best body armor. Not one of them mentioned the F–22.

I am not voting against the F–22. I am voting for the soldier, the taxpayer. They both deserve our government's greatest protection at this critical time in our history.

I urge colleagues to support the Levin-McCain amendment.

I yield the floor.

Mr. INOUYE. Mr. President, I rise today to address the F–22 program. For the past week as the debate has swirled around on this program I have not spoken on the subject. My colleagues know that I have strongly supported the F–22 program over the past two decades. Why? Because it is without question the world's most advanced fighter aircraft. It's capabilities far outstrip anything else in the world. There simply is no match.

When the Advanced Tactical Fighter Program began more than 20 years ago, no one could foresee what the world would look like in 2009. We planned to build 750 F–22s in order to match the Soviet Union's assumed far greater number of advanced fighters. The F–22 was designed with a goal of defeating 10 Soviet fighters apiece. The strategy was that using a combination of stealth and an advanced radar the F–22 would be able to attack Soviet fighters long before the adversary knew they were there.

I am pleased to note that 20 years later as we train with the F–22 our Air Force pilots report that is exactly what it can do. Time after time as we exercise with the F–22, the results are nearly the same. The F–22 defeats all

adversaries nearly with the same predictions as the designers hoped it would do.

What has changed, however, is that the Soviet Union no longer poses the threat that was assumed by the Defense Department in the 1980s. So then, critics say, why do we need to continue to buy more? We will soon have 187 aircraft that should be sufficient.

They note that the F–22 hasn't been used in Afghanistan. While that is considered a clear argument that it isn't needed, it is laughable. As far as I know al- Qaida and the Taliban don't have an air force. The F–22 is designed to defeat conventional military forces. It is designed, for example, to counter a conventional attack by an adversary against one of its neighbors. Were the Chinese to attack Taiwan, the F–22 would provide an incredible counter to the Chinese. The same would be true if a resurgent Russia were to try to reclaim countries in the Baltics. Unless we truly believe that we will never face another nation state in a conventional conflict then the F–22 is indeed necessary.

At 187 aircraft, the F–22 provides a very credible deterrent to those nations. Is it sufficient? Perhaps. Will the Joint Strike Fighter replace it, not a chance. The Joint Strike Fighter, we expect, will be a terrific aircraft, but it is designed primarily to attack ground targets. In a battle against the F–22, it would likely lose each engagement. With better trained pilots and tactics, the Joint Strike Fighter could probably give the F–22 a run for its money, but it was never designed to replace the F–22 and should not be viewed as such.

To me what is maddening about this debate is the sense that the decision is so clear cut that the F–22 program should be killed that it is only parochial politics that could keep it alive. That is pure hogwash.

The Nation has invested more than $65 billion to develop and buy 187 aircraft. If we choose to buy more F–22s we will do so at a very reasonable price—about $150 million. While that is not cheap by any stretch of the imagination, it is far cheaper than what we paid to initiate the program. And, if we kill the program and decide that we need to restart it in a few years, it is far cheaper than we would have to pay to resuscitate production.

This is not a boondoggle. We don't have critics saying the program is flawed and should be killed. Everyone agrees it is a great aircraft. While some of my colleagues obviously support the program because it means jobs in their States, others like myself who have no F–22 jobs in their States support the program because of its capabilities and their concern for the future. Why then has it become an issue over which to veto a bill? Why are the stakes so high with this program?

I have the greatest respect for the President and the current Secretary of Defense. I have supported both in almost every initiative they have advocated. But I see in this case a pattern that I have witnessed over and over again.

Time after time our new leaders, both civilian and military, look at a program and see all the reasons why it isn't the right one. For example, in the early days of the Clinton administration the C–17 program was nearly terminated because the production of the aircraft wasn't performing up to expectations. I recall 2 years prior to that the Appropriations Committee recommended a pause in funding for the C–17, not because we had lost confidence in the program. We still believed in the requirement for the aircraft, but the program wasn't performing. Up to that point, we had appropriated funds for 16 C–17s in total, but not a single one had been delivered, and there were very few coming together on the factory floor in Long Beach. We weren't recommending cancellation, but it served notice that attention was needed. However, the attention that the program received was mostly from critics who sought its termination.

When the Clinton administration came into office many of the new officials were convinced that the C–17 should be terminated. In that instance the Pentagon mandated a study to determine whether the C–17 was still required. Luckily the conclusion was that yes the plane was still needed and those who were calling for its cancellation, including some in Congress, would not get their way.

It was only a few years earlier that Secretary Cheney determined that the V–22 should be terminated. He was justifiably concerned that the price was increasing and that the program was taking longer than planned. It took the concerted effort of the Congress to stand up and say that we would not allow the program to be terminated. Certainly there were those in the Pentagon who agreed with the Secretary, but the Marines did not.

I am told that a few years prior to that my good friend Senator Rudman weighed in with Chairman Stevens to overrule the Air Force who wanted to kill the F–117 after the production of only one squadron of aircraft. I should point out that the F–117 was not built in New Hampshire. There might have been some modest amount of work associated with the plane in his state, but the reason that Senator Rudman insisted that we keep buying the F–117 was because of its unique capabilities not for any parochial reason.

My colleagues all know the history of the B–2 program. It was started as a classified program in 1981. The Air Force was going to build 132 bombers. We expected it to cost between $20 and $25 billion in total. The contractor built a huge state of the art factory out in the high desert of California to handle the production of the aircraft. Because it was highly classified every precaution had to be taken to protect national security all of which dramatically increased the cost to produce the aircraft.

Clearly the contractor and Air Force were overly optimistic on the cost and schedule of the program. Within 5 years it was clear that the program was not going to be completed within $25 billion. As development delays occurred, costs continued to escalate. The Air Force was unwilling to devote more resources to the program so in a series of moves it consistently delayed production of the aircraft and transferred dollars appropriated to build the aircraft to be used instead to cover higher development costs. By the time I became chairman, it was clear that the program would exceed its budget, but it was also clear that if it were successful it would provide an unmatched capability to this Nation. As costs mounted, the Defense Department determined that it would not be able to purchase all 132 aircraft. First production was cut to 75 and eventually it dropped to 20. In 1996 as the program was being killed, the contractor offered to produce three per year for several years at a price of about $600 million per copy. However, by that time support for the program had eroded so that neither the Pentagon nor the Congress would take up the offer. Instead, by only buying a total of 21 aircraft, we invested over $2 billion per plane making it the most costly aircraft in history.

This situation isn't unique to aircraft programs. In the case of shipbuilding, I remember vividly Secretary Cheney's decision to cancel the Seawolf submarine. As a result of that decision, the three Seawolf-class submarines that were eventually built were very expensive. Because we only bought three, the average cost of each submarine was more than $4 billion. Had we built the 29 originally planned, I can only speculate about the cost, but it would certainly have been less than the price we are now paying for its replacement. What is even more galling is that during that time we were still building the capable SSN–688 Los Angeles class submarines and only paying about $800 million apiece for them. Instead of reinvigorating that program, we cancelled the Seawolf program and proceeded with the New Attack submarine, now called the Virginia class, in order to move to a cheaper submarine. Regrettably, I have to report that the cost of the Virginia class submarine is so high that we have only been able to afford to purchase one per year. When I became chairman we were buying four Los Angeles class submarines a year and paying only 1/3 the cost of the Virginia class. Is the Virginia a better submarine? Surely it is. The technological advances that the Nation has developed between the time the Los Angeles subs were designed and this decade have allowed for substantial improvements. Is it better than the Seawolf? That is debatable.

The pattern I have watched during my tenure is a mix of four things.

First, programs are cancelled before or as they reach maturity. Why? Sometimes because new leadership wants to go in a new direction more often, and important costs increase and schedules are delayed which erode the support for the programs. Sometimes programs are cancelled because we believe the promised replacement will be more capable or cheaper. And sometimes we argue times have changed and we don't need them. In a few cases it is clear that the program wasn't performing as expected and should be terminated.

For the F–22 some will argue it is too expensive. That was the argument against the V–22 program. Some say we simply don't need any more. That was the argument used to kill the B–2. Would we like to have more B–2s in the inventory today? I, for one, surely would.

Others will say the threat doesn't warrant buying more F–22s. This is where I have my gravest concern. Some experts will tell you that we know that potential adversaries are working on fifth generation fighters. If in 5 years the Chinese unveil a new fifth generation fighter and begin to produce it in numbers will we regret the decision to kill the F–22, I believe we would.

I am told that no one is likely to be able to develop and build an F–22 equivalent aircraft for a generation. The skill and funding required to do so exceeds any foreign nation's ability. But in my view, they might not be able to design an F–22 themselves, but that doesn't mean they can't steal the plans.

We were told that the North Koreans were years away from a long range missile, then were surprised when they unveiled the Taepo dong. We were surprised when Pakistan conducted a nuclear test. We were shocked when the Soviet Union collapsed and most Americans were shocked when they learned about al-Qaida after 9/11. if there is one thing that shouldn't surprise us is that we cannot foretell the future.

So as my colleagues deliberate on the F–22 program I come down on the side of caution. I believe it makes more sense at this time to continue to produce the program to hedge our bets against the future.

To my knowledge there isn't a single worker in the State of Hawaii whose job is dependent of continuing production of the F–22, but I believe the program merits continued production.

I believe it is unfortunate that the debate on this matter has taken on an overblown proportion. One can make the case that 187 could be sufficient. Our Secretary and Chairman of the Joint Chiefs agree that is the case. But just like the Marines argued for continuing to produce the V–22, the leaders of our Air National Guard and those in charge of flying the aircraft argue that we need more—even though the Defense Secretary said it should be cancelled.

When some say well, the Air Force leaders say they have enough, I will remind my colleagues that the Air Force said the same thing about the F–117 after we only produced one squadron.

When some say we should kill this and move on to the Joint Strike Fighter, I remember the Seawolf debate. We killed that submarine to build a cheaper alternative. Will we do the same thing here and be disappointed in the cost of the so-called alternative?

On February 2, 1989, I was selected as the chairman of the Subcommittee on Defense of the Appropriations Committee. For the past 20 years, it has been my distinct honor to serve either as the chairman of the ranking member of this subcommittee. As my colleagues all know, the defense subcommittee has the largest budget of any of our Appropriations subcommittees, and to many of us it is probably the most important of our subcommittees. It has required a great deal of my time and attention over the past 20 years. For me it has been a labor of love. I have the greatest respect for the men and women of this Nation who are willing to serve and who guarantee constitutional freedoms for the rest of us. It has been my priority to support their cause during this period.

As I consider the F–22, I do so with the past twenty years as my guide. In my opinion what I have learned has taught me to be cautious as we kill programs. Therefore today I will cast my vote to continue the F–22 program.

Mrs. BOXER. Madam President, I am going to continue to support production of the F–22 Raptor because we are still hearing strong indications from top military leaders that we need additional aircraft. Last month, General Corley, the Commander of the Air Force Air Combat Command, wrote that ending procurement of the F–22 would put our ability to execute our nation's military strategy at ''high risk'' over the ''near to mid-term.''

In addition, LTG Harry M. Wyatt III, the Director of the Air National Guard, has stated that these aircraft are particularly important for homeland defense missions, including addressing potential threats from cruise missiles.

GEN Merrill McPeak, retired, the former Chief of Staff of the Air Force, also recently added that ending F–22 procurement ''is a real mistake,'' and that ''we certainly need some figure well above 200.''

I am also not prepared to vote to end production because I have yet to see a conclusive study indicating that 187 F–22s are enough. In fact, as late as May 19 of this year, GEN Norman A. Schwartz, the Chief of Staff of the Air Force, told the House Armed Services Committee that ''243 F–22s is the right number. . . .''

The United States has made a significant investment in the F–22 program. Before terminating it, we must see in unequivocal terms how the defense planning process has determined that requirements and threats have changed to stop production at 187.

The next Quadrennial Defense Review—QDR—which outlines our national security strategy—is scheduled for submission by the Department of Defense in early 2010. This important document shapes how our military will respond to threats to our national security. The timing of today's vote ignores this review.

I will feel more confident making a decision on this important program after reading the QDR, as it will shape our national security strategy for years to come. As GEN James Cartwright, the Vice Chairman of the Joint Chiefs of Staff, said during his confirmation hearing for his second 2-year term, ''The military requirement right now [for the F–22A] is associated with the strategy that we are laying out in the Quadrennial Defense Review.''

While I realize that there are compelling arguments on both sides of this issue, I do not believe we have enough information at this time to shut down the F–22 line and terminate the program at 187 aircraft.

The PRESIDING OFFICER. Who yields time?

Mr. CHAMBLISS. How much time remains on both sides?

The PRESIDING OFFICER. The Senator from Georgia has 11 minutes; the Senator from Michigan has 15 minutes.

Mr. LEVIN. Madam President, I am not sure how many other Senators want to speak or whether the opponents have speakers remaining on their side.

Mr. CHAMBLISS. Madam President, Senator INHOFE indicated a desire to speak. He is tied up in an EPW Committee hearing. He may be able to get here.

Mr. LEVIN. We would like to be at the end of the line, Senator MCCAIN and I.

Mr. CHAMBLISS. I will be happy to make some comments. Then Senator MCCAIN and Senator DODD and the Senator from Michigan could close it out. If Senator INHOFE comes in, we will give him a couple of minutes.

Madam President, would the Chair notify me when I have used 5 minutes?

The PRESIDING OFFICER. The Chair will so notify.

Mr. CHAMBLISS. Madam President, I want to make a couple of quick comments relative to some of what has been said. First, with regard to Senator WYDEN's comments concerning the National Guard, sure, all of us want to make sure we equip our Guard, our Reserve, as well as our active-duty force with all the needs they have. I would cite him to the letter of General Wyatt, who is the head of the Air Force Guard. General Wyatt says the F–22 is uniquely qualified to fill the needs the Guard has for its national security mission. To even slightly indicate that the Guard has issues with this program is simply not correct. The Guard is on record as being a strong supporter of this program.

I have a letter from retired GEN David Bockel, retired from the United States Army. He now is the acting executive director of the Reserve Officers Association. Let me quote part of this:

War plans of the United States are predicated upon technological air dominance to provide asymmetric advantage for victory. Military experts believe the current cap of 187 F–22s is an inadequate number of aircraft to ensure no future threat can impede the U.S. air dominance. The minimum number of F–22s required to ensure a strong defense is 250.

I ask unanimous consent that the letter of retired General Bockel be printed in the RECORD.

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

RESERVE OFFICERS ASSOCIATION,
Washington, DC, July 20, 2009.

Hon. SAXBY CHAMBLISS,
Russell Office Building,
Washington, DC.

DEAR SENATOR CHAMBLISS: The Reserve Officers Association, representing 65,000 Reserve Component members, supports additional procurement of the F–22 Raptor Aircraft. ROA urges Congress to authorize and appropriate funds for continued production of the F–22 Raptor.

War plans of the United States are predicated upon technological air dominance to provide asymmetric advantage for victory. Military experts believe the current cap of 187 F–22 is an inadequate number of aircraft to ensure no future threat can impede U.S. air dominance. The minimum number of F–22s required to ensure a strong defense is 250.

Potential adversary nations are committed to producing their own fifth-generation aircraft in the immediate future. Not providing further funding for this crucial weapons system places at risk our nation's ability to meet known and near future threats. The United States can ill afford a fighter gap or to rely on legacy aircraft.

Thank you for your efforts on this key issue, and other support to the military that you have shown in the past. Please feel free to have your staff call ROA's legislative director, Marshall Hanson, with any question or issue you would like to discuss.

Sincerely,

DAVID R. BOCKEL,
Major General, USA (Retired),
Acting Executive Director.

Mr. CHAMBLISS. I also have quoted earlier the comments by an active-duty general, a guy I consider a great American hero, not just because he falls in that category of wearing the uniform of the United States, but he is standing up to the personnel at the Pentagon. He is saying: You guys are wrong.

For an active-duty general to do that takes significant courage. This is a guy I want in the foxhole with me. That is General Corley, commander of Air Combat Command, who very clearly says in a letter that we have previously entered into the RECORD that a fleet of 187 F–22s puts execution of our national military strategy at high risk in the near to midterm and that the minimum number of F–22s we need, in his opinion, is 381.

I want to also talk for a minute about Senator MCCAIN's comments on the cost. This is an expensive weapons system, but it is also the most sophisticated weapons system ever designed by mankind. Most importantly, it is doing its job. It is doing its job in a very professional way. Instead of costing the $350 million Senator MCCAIN stated in his earlier statements, because of a multiyear procurement contract we entered into between the Pentagon and the Air Force, as approved by this body—and I know Senator MCCAIN objected to that and I understand that—but by a vote of 70 to 28, that multiyear contract was approved by this body as well as by the House. As a result, instead of paying the $350 million per copy he alluded to, we are today, under that multiyear contract, paying $140 million a copy. That is in comparison to the $200 million a copy that will be paid for every single F–35 we are buying in this budget. The figure for 200 F–35s in this budget exceeds $6 billion.

There are a number of people who are watching this debate out there today. Certainly those folks at the Pentagon are anxiously awaiting the results of the vote. The White House is anxiously awaiting the results of the vote. The Chinese are anxiously awaiting this vote. Let me tell colleagues why. I want to quote from an article of July 19 from a gentleman named Robert D. Fisher, Jr., who is a senior fellow with the International Assessment and Strategy Center. He writes:

Though the Chinese government says next to nothing and the U.S. Government says very little, what is known about China's fifth-generation fighter program is disturbing. Both of China's fighter manufacturers, the Shenyang and Chengdu Aircraft corporations, are competing to build a heavy fifth-generation fighter, and there are serious indicators China may be working on a medium-weight fifth-generation fighter similar to the F–35. China can be expected to put a fifth-generation fighter on its future aircraft carriers, and it can be expected to build more than 187.

I ask unanimous consent that that article be printed in the RECORD.

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

[From the Washington Times, July 19, 2009]

F–22 FIGHTERS FOR JAPAN

(By Richard D. Fisher Jr.)

If Japan's long-standing effort to acquire the Lockheed-Martin F–22 Raptor fifth-generation superfighter falls victim to Washington power politics, the United States may inadvertently encourage an Asian arms race over which it may have little control.

It is fortunate for the United States that in what may be the last year a deal is possible, Senate Appropriations Committee Chairman Daniel K. Inouye and his supporters have decided to lead an effort to reverse a 1998 law barring foreign sale of the F–22.

Through Mr. Inouye's efforts Japan now knows a slightly degraded export model of the Raptor may take five years to develop and cost about $290 million a plane for about 40, compared to the estimated $150 million the U.S. Air Force pays.

Japan's long-standing quest to obtain the F–22, however, may be shot down amid the intense political struggle over the F–22s very future. President Obama and Defense Secretary Robert M. Gates have made termination of F–22 production at 187 planes a symbolic goal of their effort to cut defense spending and reorient U.S. military strategy. This has been challenged recently by the House Armed Services Committee, which approved the production of 12 more Raptors, and a Senate committee that approved production of seven more. However, the administration immediately threatened a veto, and the F–22's opponents are working hard to ensure that production ends in 2011 as currently planned.

After 2011, the F–22's costs will grow significantly, so Japan and its U.S. supporters have little time to nail down a deal. However, some U.S. officials have long doubted that Japan can afford to pay for the F–22, which is why the George W. Bush and Obama administrations have not seriously promoted the F–22 for Japan. Mr. Gates reportedly favors selling Tokyo the smaller, somewhat less capable and less expensive Lockheed-Martin F–35 Lighting II.

While Japan may also purchase the F–35, there are two important reasons Washington should fully support Japan's goal to acquire the F–22. First, the F–22 will be the only combat aircraft capable of countering China's expected fifth-generation fighters. Second, selling Japan the Raptor may become a critical nonnuclear means for Washington to help Japan deter a China on its way to becoming a military superpower by the 2020s. If Washington cannot provide decisive nonnuclear means to deter China, Japan may more quickly consider decisive deterrents such as missiles and nuclear weapons.

Though the Chinese government says next to nothing and the U.S. government says very little, what is known about China's fifth-generation fighter program is disturbing. Both of China's fighter manufacturers, the Shenyang and Chengdu Aircraft corporations, are competing to build a heavy fifth-generation fighter, and there are serious indicators China may be working on a medium-weight fifth-generation fighter similar to the F–35. China can be expected to put a fifth-generation fighter on its future aircraft carriers, and it can be expected to build more than 187.

Furthermore, China's development of anti-access capabilities such as anti-ship ballistic missiles, its buildup of nuclear-missile and anti-missile capabilities and space-warfare weapons will increasingly undermine U.S. strategic guarantees for Japan. China's development of long-range anti-air and surface-to-air missiles also threatens the electronic support aircraft critical to the ''networked'' U.S. air-warfare paradigm, meaning that jet fighters could quickly lose force-multiplying radar aircraft, tankers and communication satellites. As such, Japan is correct to prefer the F–22, which reportedly can fly 300 to 400 mph faster and two miles higher than the F–35—an aircraft optimized for attack, not air-superiority missions.

If Japan is serious about the F–22 and its military security, it will have to pay for both. But if Washington is serious about sustaining a strategic alliance, it should sell the Raptor to Japan and be prepared to do more as China's military looms larger.

Mr. CHAMBLISS. There is another group watching very anxiously out there. It is a group of men and women who wear the uniform of the U.S. Air Force. They are lieutenants, captains, and majors. They are watching this anxiously because they are saying to themselves: I signed up to be a part of a U.S. Air Force that believes in putting men and women in cockpits, men and women who are going to carry the fight to the enemy. What am I hearing from Members of Congress? What am I hearing from the leadership at the Pentagon? That we are going to move away from the most advanced fighter in the world today and move to a

smaller fighter? That we are going to move away from fighters maybe even altogether by going to UAVs? Is this the Air Force I signed up for?

I can tell my colleagues why they are anxiously awaiting the outcome. They have talked to me time and time again about the fact that they are concerned about their future in the U.S. Air Force. The worst thing we can do is to discourage those brave men and women who want to make a career of the Air Force and want to be wearing the two, three, and four stars one of these days. I assure my colleagues those lieutenants and those captains and those majors are watching what this body does from a policy standpoint today. They know where their leadership at the Pentagon is coming from. They don't like what they are hearing. They are now looking to Congress to fulfill the role that John Hamre, the director of CSIS, has said time and time again, and that is to objectively review the budget the Pentagon sends to the hill. We are in the process of doing that and exercising the type of oversight we should exercise.

I urge my colleagues to vote against this amendment.

I yield 2 minutes to Senator INHOFE.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, I know almost everything that can be said has been said. Having served on the Armed Services Committee for quite some time and having watched this, what is kind of worrisome to me is that when we started out the F–22 program, the fifth generation fighter program, at that time they were talking about 750. Then the numbers started coming down and approached, I guess, 243. The Air Force officials have repeatedly stated that no fewer than that would be sufficient with a moderate level of risk.

My concern has been the same concern I have when we are talking about ground capability, when we see countries such as China and Russia passing us up in areas. I will not bring up the NLOS cannon right now. But there are many places where our prospective enemies have better equipment than we do. We do know China has their J–12s; and Russia, I believe they are calling theirs the T–50s. We do know those are fifth-generation fighters. It is very disturbing to me that we would consider stopping at this point when this is not going to be adequate to get us out of the medium-risk category.

So I certainly support the effort to maintain those seven. Quite frankly, when Senator CHAMBLISS offered the amendment to expand it by seven, I was thinking we should really be shooting for more, and I think he agreed with that. However, apparently with the exports out there and with the additional seven that were put in, in the committee, that would be enough to keep the line open. So I strongly support the effort to keep those numbers where they are.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Michigan.

Mr. LEVIN. Madam President, how much time remains?

The PRESIDING OFFICER. Fourteen minutes 45 seconds.

Mr. LEVIN. How much time do the opponents have?

The PRESIDING OFFICER. Forty-five seconds.

Mr. LEVIN. Well, if the Senator from Arizona would go, and then Senator DODD, and then myself.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Madam President, how much time do we have remaining?

The PRESIDING OFFICER. Forty-five seconds.

Mr. MCCAIN. Madam President, we would be glad to yield a couple more minutes to the Senator from Connecticut.

Mr. LEVIN. Madam President, I yield 2 additional minutes to the Senator from Connecticut.

Mr. MCCAIN. Three, four. I ask the Senator, do you want to go ahead now?

Mr. DODD. Madam President, I will wait a couple of minutes.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, I will be fairly brief. This argument has been made, and we pretty well covered most of the issue. I would remind my colleagues that all the things we do are a matter of choice because we do not have unlimited amounts of funding, obviously, and if you spend money on one project, then obviously you may have to spend less on another. That is the case of the F–35, if we do not eliminate this $1.75 billion.

But most importantly, I want to point out again, this amendment is more than just about a weapons system. This amendment is about whether we will stop doing business as usual; that is, continuing to fund weapons systems that are no longer needed and unnecessary. We are not saying the F–22 is not a good aircraft. We are saying it is time to end the production of the F–22.

The President of the United States has threatened to veto this entire bill. That is not good for the men and women in the military to have to go through this whole process over again. The Chairman of the Joint Chiefs of Staff, the Chief of Staff of the Air Force, and, very importantly, the Secretary of Defense, who has served now under two Presidents and has gained the respect and appreciation of all of us for his service—Madam President, I ask unanimous consent that Secretary of Defense Gates' speech last July 16 to the Economic Club of Chicago be printed in the RECORD.

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

U.S. DEPARTMENT OF DEFENSE, OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE (PUBLIC AFFAIRS).

ECONOMIC CLUB OF CHICAGO

(As Delivered by Secretary of Defense Robert M. Gates, Chicago, IL, Thursday, July 16, 2009)

Thank you, Secretary Daley, for that kind introduction.

It's an honor to be at the Economic Club of Chicago. I certainly appreciate the special arrangements you made to have me here this afternoon.

I thank all the distinguished citizens of this great city who came here today. I am mindful I am speaking in the adopted hometown of my boss. President Obama sends his greetings, as do Rahm Emanuel and David Axelrod and the rest of the Chicago crew. They are no doubt discovering that Washington is the true ''Windy City.''

The issue that brings me here today is central to the security of all Americans: the future of the United States military: How it should be organized, equipped—and funded—in the years ahead, to win the wars we are in while being prepared for threats on or beyond the horizon. Earlier this year, I recommended to President Obama—and he enthusiastically agreed—that we needed to fundamentally reshape the priorities of America's defense establishment and reform the way the Pentagon does business—in particular, the weapons we buy, and how we buy them. Above all, to prepare to wage future wars, rather than continuing the habit of rearming for previous ones.

I am here on relatively short notice to speak publicly about these matters because Congress is, as we speak, debating the president's defense budget request for the next fiscal year, a budget request that implements many needed reforms and changes. Most of the proposals—especially those that increase support for the troops, their families, and the war effort—have been widely embraced. However, some of the crucial reforms that deal with major weapons programs have met with a less than enthusiastic reaction in the Congress, among defense contractors, and within some quarters of the Pentagon itself. And so I thought it appropriate to address some of these controversial issues here—in a place that is, appropriately enough not only the adopted home of our Commander-in-Chief, but also a symbol of America's industrial base and economic power.

First, some context on how we got to this point. President Obama's budget proposal is, I believe, the nation's first truly 21st century defense budget. It explicitly recognizes that over the last two decades the nature of conflict has fundamentally changed—and that much of America's defense establishment has yet to fully adapt to the security realities of the post-Cold War era and this complex and dangerous new century.

During the 1990s, the United States celebrated the demise of the Soviet Union and the so-called ''end of history'' by making deep cuts in the funding for, and above all, the size of the U.S. military, including a 40 percent drop in the size of the Active Army. This took place even as a post-Cold War world grew less stable, less predictable, and more turbulent. The U.S. military, with some advances in areas such as precision weaponry, essentially became a smaller version of the force that held off the Soviets in Germany for decades and expelled Iraq from Kuwait in 1991. There was little appetite for, or interest in, preparing for what we call ''irregular warfare''—campaigns against insurgents, terrorists, militias, and other non-state groups. This was the bipartisan reality both in the White House and in Congress.

Of course, after September 11th, some things did change. The base defense budget—not counting spending for the wars—increased by some 70 percent over the next eight years. During this period there were important changes in the way U.S. forces were organized, based and deployed, and investments were made in new technologies such as unmanned aerial vehicles. However, when all was said and done, the way the Pentagon selected, evaluated, developed, and paid for major new weapons systems and equipment did not fundamentally change—even after September 11th.

Indeed, the kinds of equipment, programs, and capabilities needed to protect our troops and defeat the insurgencies in Iraq and Afghanistan were not the highest priority of much of the Defense Department, even after several years of war.

I learned about this lack of bureaucratic priority for the wars we are in the hard way—during my first few months on the job as the Iraq surge was getting underway. The challenges I faced in getting what our troops needed in the field stood in stark contrast to the support provided conventional modernization programs—weapons designed to fight other modern armies, navies, and air forces—that had been in the pipeline for many years and had acquired a loyal and enthusiastic following in the Pentagon, in the Congress, and in industry. The most pressing needs of today's warfighter—on the battlefield, in the hospital, or at home—simply lacked place and power at the table when priorities were being set and long-term budget decisions were being made.

So the most important shift in President Obama's first defense budget was to increase and institutionalize funding for programs that directly support those fighting America's wars and their families. Those initiatives included more helicopter support, air lift, armored vehicles, personnel protection equipment, and intelligence, surveillance, and reconnaissance assets for our troops in Iraq and Afghanistan. In addition, we also increased funding for programs that provide long-term support to military families and treatment for the signature wounds of this conflict—such as traumatic brain injury and post traumatic stress.

But, while the world of terrorists and other violent extremists—of insurgents and IEDs—is with us for the long haul, we also recognize that another world has emerged. Growing numbers of countries and groups are employing the latest and increasingly accessible technologies to put the United States at risk in disruptive and unpredictable ways.

Other large nations—known in Pentagon lingo as ''near-peers''—are modernizing their militaries in ways that could, over time, pose a challenge to the United States. In some cases, their programs take the form of traditional weapons systems such as more advanced fighter aircraft, missiles, and submarines.

But other nations have learned from the experience of Saddam Hussein's military in the first and second Gulf wars—that it is ill-advised, if not suicidal, to fight a conventional war head-to-head against the United States: fighter-to-fighter, ship-to-ship, tank-to-tank. They also learned from a bankrupted Soviet Union not to try to outspend us or match our overall capabilities. Instead, they are developing asymmetric means that take advantage of new technologies—and our vulnerabilities—to disrupt our lines of communication and our freedom of movement, to deny us access, and to narrow our military options and strategic choices.

At the same time, insurgents or militias are acquiring or seeking precision weapons, sophisticated communications, cyber capabilities, and even weapons of mass destruction. The Lebanese extremist group Hezbollah currently has more rockets and high-end munitions—many quite sophisticated and accurate—than all but a handful of countries.

In sum, the security challenges we now face, and will in the future, have changed, and our thinking must likewise change. The old paradigm of looking at potential conflict as either regular or irregular war, conventional or unconventional, high end or low—is no longer relevant. And as a result, the Defense Department needs to think about and prepare for war in a profoundly different way than what we have been accustomed to throughout the better part of the last century.

What is needed is a portfolio of military capabilities with maximum versatility across the widest possible spectrum of conflict. As a result, we must change the way we think and the way we plan—and fundamentally reform—the way the Pentagon does business and buys weapons. It simply will not do to base our strategy solely on continuing to design and buy—as we have for the last 60 years —only the most technologically advanced versions of weapons to keep up with or stay ahead of another superpower adversary—especially one that imploded nearly a generation ago.

To get there we must break the old habit of adding layer upon layer of cost, complexity, and delay to systems that are so expensive and so elaborate that only a small number can be built, and that are then usable only in a narrow range of low-probability scenarios.

We must also get control of what is called ''requirements creep''—where more features and capabilities are added to a given piece of equipment, often to the point of absurdity. The most flamboyant example of this phenomenon is the new presidential helicopter—what President Obama referred to as defense procurement ''run amok.'' Once the analysis and requirements were done, we ended up with a helicopter that cost nearly half a billion dollars each and enabled the president to, among other things, cook dinner while in flight under nuclear attack.

We also had to take a hard look at a number of weapons programs that were grotesquely over budget, were having major performance problems, were reliant on unproven technology, or were becoming increasingly detached from real world scenarios—as if September 11th and the wars that followed had never happened.

Those of you with experience in the technology or manufacturing sectors have at some point probably faced some combination of these challenges in your own businesses. But in the defense arena, we faced an additional, usually insurmountable obstacle to bring rationality to budget and acquisition decisions. Major weapons programs, irrespective of their problems or performance, have a habit of continuing long after they are wanted or needed, recalling Ronald Reagan's old joke that a government program represents the closest thing we'll ever see to eternal life on this earth.

First, there is the Congress, which is understandably concerned, especially in these tough economic times, about protecting jobs in certain states and congressional districts. There is the defense and aerospace industry, which has an obvious financial stake in the survival and growth of these programs.

And there is the institutional military itself—within the Pentagon, and as expressed through an influential network of retired generals and admirals, some of whom are paid consultants to the defense industry, and some who often are quoted as experts in the news media.

As a result, many past attempts by my predecessors to end failing or unnecessary programs went by the wayside. Nonetheless I determined in a triumph of hope over experience, and the president agreed, that given the urgency of the wars we are in, the daunting global security environment we will inhabit for decades to come, and our country's economic problems, we simply cannot afford to move ahead with business as usual.

To this end, the president's budget request cut, curtailed, or ended a number of conventional modernization programs—satellites, ground vehicles, helicopters, fighters—that were either performing poorly or in excess to real-world needs. Conversely, future-oriented programs where the U.S. was relatively underinvested were accelerated or received more funding.

For example, we must sustain and continually improve our specialized strategic deterrent to ensure that our—and our allies'—security is always protected against nuclear-armed adversaries. In an initiative little noticed, the President's program includes money to begin a new generation of ballistic missile submarines and nearly $700 million in additional funds to secure and assure America's nuclear deterrent.

Some of our proposed reforms are meeting real resistance. They are called risky. Or not meeting a certain military requirement. Or lacking in study and analysis. Those three words—requirements, risk, and, analysis—are commonly invoked in defense matters. If applied correctly, they help us make sound decisions. I've found, however, that more often they have become the holy trinity of the status quo or business as usual.

In truth, preparing for conflict in the 21st century means investing in truly new concepts and new technologies. It means taking into account all the assets and capabilities we can bring to the fight. It means measuring those capabilities against the real threats posed by real world adversaries with real limitations, not threats conjured up from enemies with unlimited time, unlimited resources, and unlimited technological acumen.

Air superiority and missile defense—two areas where the budget has attracted the most criticism—provide case studies. Let me start with the controversy over the F–22 fighter jet. We had to consider, when preparing for a future potential conventional state-on-state conflict, what is the right mix of the most advanced fighter aircraft and other weapons to deal with the known and projected threats to U.S. air supremacy? For example, we now have unmanned aerial vehicles that can simultaneously perform intelligence, reconnaissance, and surveillance missions as well as deliver precision-guided bombs and missiles. The president's budget request would buy 48 of the most advanced UAVs—aircraft that have a greater range than some of our manned fighters, in addition to the ability to loiter for hours over a target. And we will buy many more in the future.

We also took into consideration the capabilities of the newest manned combat aircraft program, the stealth F–35 Joint Strike Fighter. The F–35 is 10 to 15 years newer than the F–22, carries a much larger suite of weapons, and is superior in a number of areas—most importantly, air-to-ground missions such as destroying sophisticated enemy air defenses. It is a versatile aircraft, less than half the total cost of the F–22, and can be produced in quantity with all the advantages produced by economies of scale—some 500 will be bought over the next five years, more than 2,400 over the life of the program. And we already have eight foreign development partners. It has had development problems to be sure, as has every advanced military aircraft ever fielded. But if properly

supported, the F–35 will be the backbone of America's tactical aviation fleet for decades to come if—and it is a big if—money is not drained away to spend on other aircraft that our military leadership considers of lower priority or excess to our needs.

Having said that, the F–22 is clearly a capability we do need—a niche, silver-bullet solution for one or two potential scenarios—specifically the defeat of a highly advanced enemy fighter fleet. The F–22, to be blunt, does not make much sense anyplace else in the spectrum of conflict. Nonetheless, supporters of the F–22 lately have promoted its use for an ever expanding list of potential missions. These range from protecting the homeland from seaborne cruise missiles to, as one retired general recommended on TV, using F–22s to go after Somali pirates who in many cases are teenagers with AK–47s—a job we already know is better done at much less cost by three Navy SEALs. These are examples of how far-fetched some of the arguments have become for a program that has cost $65 billion—and counting—to produce 187 aircraft, not to mention the thousands of uniformed Air Force positions that were sacrificed to help pay for it.

In light of all these factors, and with the support of the Air Force leadership, I concluded that 183—the program of record since 2005, plus four more added in the FY 09 supplemental—was a sufficient number of F–22s and recommended as such to the president.

The reaction from parts of Washington has been predictable for many of the reasons I described before. The most substantive criticism is that completing the F–22 program means we are risking the future of U.S. air supremacy. To assess this risk, it is worth looking at real-world potential threat and assessing the capabilities that other countries have now or in the pipeline.

Consider that by 2020, the United States is projected to have nearly 2,500 manned combat aircraft of all kinds. Of those, nearly 1,100 will be the most advanced fifth generation F–35s and F–22s. China, by contrast, is projected to have no fifth generation aircraft by 2020. And by 2025, the gap only widens. The U.S. will have approximately 1,700 of the most advanced fifth generation fighters versus a handful of comparable aircraft for the Chinese. Nonetheless, some portray this scenario as a dire threat to America's national security.

Correspondingly, the recent tests of a possible nuclear device and ballistic missiles by North Korea brought scrutiny to the changes in this budget that relate to missile defense. The risk to national security has again been invoked, mainly because the total missile defense budget was reduced from last year.

In fact, where the threat is real or growing—from rogue states or from short-to-medium range missiles that can hit our deployed troops or our allies and friends—this budget sustains or increases funding. Most of the cuts in this area come from two programs that are designed to shoot down enemy missiles immediately after launch. This was a great idea, but the aspiration was overwhelmed by the escalating costs, operational problems, and technological challenges.

Consider the example of one of those programs—the Airborne Laser. This was supposed to put high-powered lasers on a fleet of 747s. After more than a decade of research and development, we have yet to achieve a laser with enough power to knock down a missile in boost phase more than 50 miles from the launch pad—thus requiring these huge planes to loiter deep in enemy air space to have a feasible chance at a direct hit. Moreover, the 10 to 20 aircraft needed would cost about $1.5 billion each plus tens of millions of dollars each year for maintenance and operating costs. The program and operating concept were fatally flawed and it was time to face reality. So we curtailed the existing program while keeping the prototype aircraft for research and development.

Many of these decisions—like the one I just described—were more clear-cut than others. But all of them, insofar as they involved hundreds of billions of dollars and the security of the American people, were treated with the utmost seriousness by the senior civilian and military leadership of the Pentagon. An enormous amount of thought, study, assessment, and analysis underpins these budget recommendations including the National Defense Strategy I issued last summer.

Some have called for yet more analysis before making any of the decisions in this budget. But when dealing with programs that were clearly out of control, performing poorly, and excess to the military's real requirements, we did not need more study, more debate, or more delay—in effect, paralysis through analysis. What was needed were three things—common sense, political will, and tough decisions. Qualities too often in short supply in Washington, D.C.

All of these decisions involved considering trade-offs, balancing risks, and setting priorities—separating nice-to-haves from have-to-haves, requirements from appetites. We cannot expect to eliminate risk and danger by simply spending more—especially if we're spending on the wrong things. But more to the point, we all—the military, the Congress, and industry—have to face some iron fiscal realities.

The last defense budget submitted by President George W. Bush for Fiscal Year 2009 was $515 billion. In that budget the Bush administration proposed—at my recommendation—a Fiscal Year 2010 defense budget of $524 billion. The budget just submitted by President Obama for FY 2010 was $534 billion. Even after factoring inflation, and some of the war costs that were moved from supplemental appropriations, President Obama's defense request represents a modest but real increase over the last Bush budget. I know. I submitted them both. In total, by one estimate, our budget adds up to about what the entire rest of the world combined spends on defense. Only in the parallel universe that is Washington, D.C., would that be considered ''gutting'' defense.

The fact is that if the defense budget had been even higher, my recommendations to the president with respect to troubled programs would have been the same—for all the reasons I described earlier. There is a more fundamental point: If the Department of Defense can't figure out a way to defend the United States on a budget of more than half a trillion dollars a year, then our problems are much bigger than anything that can be cured by buying a few more ships and planes.

What is important is to have a budget baseline with a steady, sustainable, and predictable rate of growth that avoids extreme peaks and valleys that are enormously harmful to sound budgeting. From the very first defense budget I submitted for President Bush in January 2007, I have warned against doing what America has done multiple times over the last 90 years by slashing defense spending after a major conflict. The war in Iraq is winding down, and one day so too will the conflict in Afghanistan. When that day comes, the nation will again face pressure to cut back on defense spending, as we always have. It is simply the nature of the beast. And the higher our base budget is now, the harder it will be to sustain these necessary programs, and the more drastic and dangerous the drop-off will be later.

So where do we go from here? Authorization for more F–22s is in both versions of the defense bill working its way through the Congress. The president has indicated that he has real red lines in this budget, including the F–22. Some might ask: Why threaten a veto and risk a confrontation over a couple billion dollars for a dozen or so planes?

The grim reality is that with regard to the budget we have entered a zero-sum game. Every defense dollar diverted to fund excess or unneeded capacity—whether for more F–22s or anything else—is a dollar that will be unavailable to take care of our people, to win the wars we are in, to deter potential adversaries, and to improve capabilities in areas where America is underinvested and potentially vulnerable. That is a risk I cannot accept and I will not take.

And, with regard to something like the F–22, irrespective of whether the number of aircraft at issue is 12 planes or 200, if we can't bring ourselves to make this tough but straightforward decision—reflecting the judgment of two very different presidents, two different secretaries of defense, two chairmen of the joint chiefs of staff, and the current Air Force Secretary and Chief of Staff, where do we draw the line? And if not now, when? If we can't get this right—what on earth can we get right? It is time to draw the line on doing Defense business as usual. The President has drawn that line. And that red line is a veto. And it is real.

On a personal note, I joined CIA more than 40 years ago to help protect my country. For just about my entire professional career in government I have generally been known as a hawk on national security. One criticism of me when I was at CIA was that I overestimated threats to the security of our country.

Well, I haven't changed. I did not molt from a hawk into a dove on January 20, 2009. I continue to believe, as I always have, that the world is, and always will be, a dangerous and hostile place for my country with many who would do America harm and who hate everything we are and stand for. But, the nature of the threats to us has changed. And so too should the way our military is organized and equipped to meet them.

I believe—along with the senior military leadership of this nation—that the defense budget we proposed to President Obama and that he sent to Congress is the best we could design to protect the United States now and in the future. The best we could do to protect our men and women in uniform, to give them the tools they need to deter our enemies, and to win our wars today and tomorrow. We stand by this reform budget, and we are prepared to fight for it.

A final thought. I arrived in Washington 43 years ago this summer. Of all people, I am well aware of the realities of Washington and know that things do not change overnight. After all, the influence of politics and parochial interests in defense matters is as old as the Republic itself. Henry Knox, the first secretary of war, was charged with building the first American fleet. To get the support of Congress, Knox eventually ended up with six frigates being built in six different shipyards in six different states.

But the stakes today are very high—with the nation at war, and a security landscape steadily growing more dangerous and unpredictable. I am deeply concerned about the long-term challenges facing our defense establishment—and just as concerned that the political state of play does not reflect the reality that major reforms are needed, or that tough choices and real discipline are necessary.

We stand at a crossroads. We simply cannot risk continuing down the same path—where our spending and program priorities are increasingly divorced from the very real threats of today and the growing ones of tomorrow. These threats demand that all of

our nation's leaders rise above the politics and parochialism that have too often plagued considerations of our nation's defense—from industry to interest groups, from the Pentagon to Foggy Bottom, from one end of Pennsylvania Avenue to the other. The time has come to draw a line and take a stand against the business-as-usual approach to national defense. We must all fulfill our obligation to the American people to ensure that our country remains safe and strong. Just as our men and worn in uniform are doing their duty to this end, we in Washington must now do ours.

Mr. McCAIN. Madam President, I am a student of history, and there is one particular President whom I have grown, along with historians, to appreciate more and more for his two terms as President of the United States; that is, Dwight David Eisenhower. We were at peace during President Eisenhower's term, and many believe that perhaps the war in Vietnam might have been avoided if we had heeded his wise counsel. There are many things President Eisenhower did to contribute to this Nation both in war and in peace.

On several occasions, I have reread his farewell speech of January 17, 1961. In his speech, President 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. We must never let the weight of this combination endanger our liberties or democratic processes. We should take nothing for granted. Only an alert and knowledgeable citizenry can compel the proper meshing of the huge industrial and military machinery of defense with our peaceful methods and goals, so that security and liberty may prosper together.

He also said:

To meet it successfully, there is called for, not so much the emotional and transitory sacrifices of crisis, but rather those which enable us to carry forward steadily, surely, and without complaint the burdens of a prolonged and complex struggle with liberty at stake.

I would only add to President Eisenhower's farewell address to the Nation—which is compelling in many ways—that the words should be changed from ''military-industrial complex'' to ''military-industrial-congressional complex.''

What we are seeing here, with the advice and counsel of our President, of our Secretary of Defense, of our uniformed military, with rare exception, is a recommendation that we stop with this aircraft and build another—not that we stop building fighter aircraft for our inventory, not that we stop defending this Nation with weapons systems we need. We are even defending a weapons system's continued production that has never flown in the two wars in which we are engaged.

So I urge my colleagues to understand the impact of this amendment. If we are able to succeed, it is going to send a signal that we are stopping business as usual, and we must move forward providing the men and women with the necessary means to win the struggles we are in throughout the world, especially two wars. So I urge my colleagues to understand that sacrifices will be made. Jobs will be lost. It will cause disruption in some communities. But our first obligation is the defense of this Nation and the use of scarce defense dollars in the most effective fashion.

I urge my colleagues to vote in favor of this amendment.

Madam President, I yield the floor.

Mr. DODD. Madam President, I have 2 minutes; is that correct?

The PRESIDING OFFICER. Correct.

The Senator from Connecticut.

Mr. DODD. Madam President, first of all, let me begin where I did a few moments ago; that is, with my great respect for CARL LEVIN and JOHN McCAIN and for their work in this area.

Let me begin with a point my friend from Arizona has made. There is nothing more important than the national security of our Nation. It is that very argument which brings those of us on this side of the table in support of this program and in opposition to this amendment.

This program is a critically important program to maintain superiority—not parity but superiority—which has always been our goal in protecting our national security interests. It was the very Pentagon itself which advocated we move forward with this program only 36 months ago. Obviously, people can change their minds. But over the months, when they were preparing for the needs of our Nation, it was the Commission on the Future of Aerospace, authorized by this Congress, which concluded the following. They said that ''the Nation immediately reverse the decline in and promote the growth of a scientifically and technologically trained U.S. aerospace workforce,'' adding that ''the breakdown of America's intellectual and industrial capacity is a threat to national security and our capability to continue as a world leader.''

It was the Pentagon, only 36 months ago in their Quadrennial Review, that said the following—and they said in this report—that: The F–22 production should be extended through fiscal year 2010 with a multiyear acquisition contract to ensure the Department does not have a gap in fifth-generation stealth capabilities.

There are reports that the F–35 could be delayed an additional 11 months—what we have already heard about. That creates a gap of 5 years that we are talking about. The danger of losing not just any jobs, anywhere from 25,000 to 90,000 aerospace workers is not insignificant.

Four days ago, we were warned there has been in excess of a 15-percent decline in our industrial capacity in the aerospace industry. This will hit us even further. The ability to have a workforce capable of building these aircraft we need in the 21st century is at risk. That is why the issue not only of the technical capability of the aircraft but the workforce to produce it is at stake with this amendment. And I say that respectfully. But we have this gap in production, which we have been warned about now by the Pentagon—not by the industry itself, by the Pentagon, by the very Commission this Congress authorized to determine what our capacities were and the industrial capacity in aerospace. We are defying both reports and both recommendations by canceling this program at this number and placing at risk the future generation of superior aircraft that we need in the 21st century.

So again, Madam President, I urge my colleagues, respectfully, to reject this amendment. There is a compromise, in my view, available to end up with a number far less than the originally projected numbers. But to cancel the program prematurely and create the gap in our production capabilities is a great danger for our Nation, not to mention these jobs which are critically important to our Nation and its future.

For those reasons, I urge the rejection of the amendment.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, how much time remains?

The PRESIDING OFFICER. Five minutes 45 seconds.

Mr. LEVIN. Madam President, I yield 2 minutes to the Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Madam President, I commend the leaders of the committee. I also commend Senator CHAMBLISS and Senator DODD for their Herculean efforts here to try to stave off the closure of the line. I try to put myself in the shoes of others when I take a position on an issue. What I say comes from the heart and not because of a lack of respect for the efforts they have shown in support of their constituents.

We have just come out of 8 years where we have seen our national debt double. We have incurred as much new debt for our country over the last 8 years as we did in the previous 208 years. We are looking, this year, at a 1-year deficit higher than any in the history of our country. It is believed to be well over $1 trillion.

If you go back to 2001 and look at the cost overruns for major weapons systems, in 2001 it was about $45 billion. Last year, that number had grown to almost $300 billion. We say to our folks who are running the Pentagon, the Department of Defense: Tell us which weapons systems you need and those you do not. And Secretary Gates has said very clearly, as Gordon England did as well, his deputy, and the last President and this President: We do not need more F–22s. We have F–15s. We have F–16s. We have F–18s. Before too many more years, we will have about 2,500 F–35s.

My hope is we will be smart enough—if people are displaced, if the F–22 is

not continued in production—my hope is we will be smart enough, since Lockheed has a role in building the F–35, some of the folks—hands that can build an F–22 can certainly help build F–35s. I would hope that would be the case.

The last thing I would ask everyone to keep in mind—as an old naval flight officer, I used to think about and I still think about how much it costs to fly an aircraft for an hour. It is anywhere from $20,000 to $40,000 for the F–22. It is just too much money.

Thanks very much.

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

The Senator from Michigan.

Mr. LEVIN. Madam President, in terms of the alleged gap, there is no gap. The QDR said we should be building fighters, F–22 production, into fiscal year 2010. As a matter of fact, what we are now doing is exceeding that production with F–35s. We have 30 F–35s in this fiscal year 2010 budget. There is no gap in fighter production.

As to whether the F–35 is a capable fighter, let me just read from what Secretary Gates says:

> The F–35 is 10 to 15 years newer than the F–22, carries a much larger suite of weapons, and is superior in a number of areas—most importantly, air-to-ground missions such as destroying sophisticated enemy air defenses. It is a versatile aircraft, less than half the total cost of the F–22. . . .

The F–22 is costing an awful lot more than has been represented here because they are asking now, if this amendment is defeated, that we would be spending $1.75 billion for seven F–22s, which is approximately $250 million a copy for the ones the opponents of this amendment want to build this year.

The President of the United States, the last President of the United States, the previous one; two Secretaries of Defense, this one and the previous one; two Chairmen of the Joint Chiefs of Staff, and the Secretary of the Air Force and the Chief of Staff of the Air Force say it is time to end production of the F–22 to move into greater production of the F–35 which will serve three services, not just one. If not now, when? If not now, when? When will we end production of a weapons system, if not now, when we have both President Obama and President Bush trying to end it, Secretaries of Defense trying to end it, Chairmen of the Joint Chiefs trying to end the production of the F–22? We must now do what is sensible, that which is requested by Secretary Gates, not because he is saluting the Commander in Chief, as has been suggested. He is not just saluting the Commander in Chief; he feels deep in his gut that we must change the way we do business. We must finally bring some of these systems to an end. That is why Secretary Gates so passionately believes we must bring production of the F–22 to an end and move into greater production of the F–35—more F–35s produced in this budget than would be produced of the F–22 if this amendment is defeated.

Madam President, I don't know if there is any more time. If there is, I yield back the remainder of my time, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The question is on agreeing to amendment No. 1469.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

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

The result was announced—yeas 58, nays 40, as follows:

[Rollcall Vote No. 235 Leg.]

YEAS—58

Alexander	Gillibrand	Merkley
Barrasso	Graham	Nelson (NE)
Bayh	Gregg	Nelson (FL)
Bennet	Hagan	Pryor
Bond	Harkin	Reed
Brown	Johnson	Reid
Burris	Kaufman	Rockefeller
Cardin	Kerry	Sanders
Carper	Klobuchar	Schumer
Casey	Kohl	Shelby
Coburn	Kyl	Specter
Conrad	Landrieu	Stabenow
Corker	Lautenberg	Udall (CO)
DeMint	Leahy	Voinovich
Dorgan	Levin	Warner
Durbin	Lincoln	Webb
Ensign	Lugar	Whitehouse
Enzi	McCain	Wyden
Feingold	McCaskill	
Franken	Menendez	

NAYS—40

Akaka	Cornyn	Murkowski
Baucus	Crapo	Murray
Begich	Dodd	Risch
Bennett	Feinstein	Roberts
Bingaman	Grassley	Sessions
Boxer	Hatch	Shaheen
Brownback	Hutchison	Snowe
Bunning	Inhofe	Tester
Burr	Inouye	Thune
Byrd	Isakson	Udall (NM)
Cantwell	Johanns	Vitter
Chambliss	Lieberman	Wicker
Cochran	Martinez	
Collins	McConnell	

NOT VOTING—2

Kennedy	Mikulski

The amendment (No. 1469) was agreed to.

Mr. LEVIN. Madam President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:39 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Acting President pro tempore.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010—Continued

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. KYL. Mr. President, I will make some brief remarks here, and at the conclusion we will determine whether there is an agreement on the other side so I can go ahead and lay down an amendment. But first I want to discuss what that amendment will be. It is amendment No. 1628, and in a moment I will seek to offer it and get it pending. It is an amendment I introduced with Senator LIEBERMAN, Senator BAYH, and Senator MCCAIN.

Like other Members of this body, we have watched recent events unfold in Iran with great concern. This year began with talk of warming ties and potentially reestablishing contact with Iran; that we would no longer be afraid to talk to Iran and perhaps to even reach some kinds of agreements. In recent months, however, the Iranian regime has continued its support of terrorism, its illegal nuclear weapons program in defiance of its NPT obligations, and its engagement in violent and deadly repression of its own citizens.

While the administration has made clear its intention to continue to pursue high-level talks with Iran, an overture which the regime has not seen fit to even respond, the President has indicated that the window for Iran to negotiate and demonstrate progress toward complying with its international obligations is not open indefinitely.

I think President Obama was correct when he said:

> Iran obtaining a nuclear weapon would not only be a threat to Israel and a threat to the United States, but would be profoundly destabilizing in the international community as a whole and could set off a nuclear arms race in the Middle East that would be extraordinarily dangerous for all concerned, including for Iran.

In May, the President indicated that Iran would have until December to show meaningful improvement. More recently, French President Nicolas Sarkozy said on behalf of the G8 nations that they will give Iran until September 2009 to agree to negotiations with respect to its nuclear activities or face tougher sanctions.

If negotiations do not prove fruitful, the United States must be ready to act quickly to increase pressure on Iran to end its support for terrorist groups and its illegal nuclear program.

The Kyl-Lieberman amendment expresses the sense of the Senate that the President should sanction the Iranian Central Bank if, by December, Iran has not verifiably halted its uranium enrichment activities, as well as come into full compliance with the Nuclear Nonproliferation Treaty and the Additional Protocol.

> By sanctioning the Central Bank of Iran—Bank Markazi—our Nation would send the message that we will use all methods at our disposal to stop the spread of nuclear weapons and oppose sponsors of terror.

The case against the Iranian Central Bank is strong. It is knee-deep in the regime's illicit activities. Last year, Deputy Secretary of the Treasury Robert Kimmit revealed that between 2001

and 2006 the bank had moved $50 million from banks in London to Hezbollah front organizations in Beirut. Hezbollah, of course, is a terrorist organization.

It also processes transactions for Iranian banks that already face U.S. sanctions. The Central Bank of Iran is instrumental in helping Iranian banks—the very ones this body voted overwhelmingly to sanction in 2007—to avoid sanctions. In March 2008, the Financial Crimes Enforcement Network of the Department of the Treasury warned financial institutions about the illicit behavior of the Central Bank of Iran. Here is what the advisory said:

> The Central Bank of Iran and Iranian commercial banks have requested that their names be removed from global transactions in order to make it more difficult for intermediary financial institutions to determine the true parties in the transaction. They have also continued to provide financial services to Iranian entities designated by the U.N. Security Council in its Resolutions 1737 and 1747. The U.S. Department of Treasury is particularly concerned that the Central Bank of Iran may be facilitating transactions for sanctioned Iranian banks.

Under U.S. law, institutions that aid entities covered by financial sanctions are liable to penalties. The Central Bank's activities clearly warrant such action, and sanctioning the bank would increase the effectiveness of existing measures. I urge my colleagues to support our amendment at such time as we are able to get a vote on it.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank the Chair and I thank my friend from Arizona, Senator KYL, for his very strong statement. I rise to speak in support of this bipartisan amendment which I have cosponsored along with Senator KYL, Senator BAYH, and Senator MCCAIN.

As you know, President Obama has made a historic offer to Iran's leaders, inviting them to engage in direct diplomacy to resolve the outstanding differences between our two countries. As the President has repeatedly said, the door is open for the Iranians to come in out of the cold, if they choose to do so. It is by suspending their illicit nuclear activities and ending their support for terrorism that the Iranians have a clear path to ending their international isolation and taking their rightful place in the community of nations.

Unfortunately, as Senator KYL said, it has now been more than 3½ months since the formal offer of engagement was made by President Obama, and there has been no reply from the Iranians. Meanwhile, Iran's illicit nuclear activities have continued to speed forward, in violation of multiple U.N. Security Council resolutions. Thousands of additional centrifuges are being installed, and more and more fissile material is being stockpiled.

At the same time, Iran's support for terrorist proxies in Iraq, in Lebanon, and in the Palestinian Authority areas has continued. And, of course, over the past month we and the rest of the world have watched with horror as the Iranian regime has engaged in a brutal crackdown against its own people, who have sought no more than basic human rights.

President Obama, together with our international allies, has been very clear that we will not wait indefinitely for the Iranians to respond to our offer of talks, nor will we enter into negotiations—if that is the willingness of the Iranians—that go on without end. Two weeks ago, at the annual G8 summit in Italy, the President joined with other world leaders to make clear to the Iranians that they have until the G20 summit in Pittsburgh, at the end of September, to return to the negotiating table or face the consequences.

The amendment Senators KYL, BAYH, MCCAIN, and I have put forward would place the full weight of the U.S. Senate behind the time frame that the President and the G8 have articulated. Our amendment expresses our strong hope that Iran seizes this historic opportunity for direct dialogue.

We also make clear that if the Iranians have failed to engage with us diplomatically by the time of that G20 summit 2 months from now, it is our preference that multilateral sanctions be imposed through the United Nations Security Council. However, the Iranian Government—the regime that controls the people of Iran—must also understand that the United States is itself prepared to put in place what Secretary of State Clinton a while ago referred to as crippling sanctions in the event that they in Tehran continue to flaunt the will of the international community.

Specifically, our amendment asks the President to impose sanctions on the Central Bank of Iran and other banks involved in proliferation and terrorist activities, in the event that the Iranians haven't entered into negotiations that are serious by the time of the Pittsburgh summit or if they haven't suspended enrichment and reprocessing activities within 60 days of that summit.

The Central Bank of Iran is the financial lifeline of that regime. It is an entity that our own Treasury Department says has engaged in deceptive financial practices and facilitated the efforts of other Iranian banks that are involved in bankrolling proliferation and terrorist activities to avoid international sanctions, and that have themselves been sanctioned by the U.N. and our Treasury Department as a result.

I will say this. The idea of imposing sanctions on the Iranian Central Bank is not new. It has already been endorsed by a bipartisan majority in this Chamber. Last year, the Senate Banking Committee, under Chairman DODD, adopted bipartisan legislation by a vote of 19 to 2 to urge the President to immediately impose sanctions against the Central Bank. Also last year, the House of Representatives passed such legislation that urged immediate sanctions.

More recently, the legislation that Senators BAYH, KYL, and I introduced this spring—the Iran Refined Petroleum Sanctions Act, S. 908—in addition to the other steps it takes—also expresses the sense of the Senate that the President should impose sanctions against the Central Bank of Iran.

I am very grateful to report that S. 908, the Iran Refined Petroleum Sanctions Act, now has 67 Members of the Senate, a strong bipartisan group of 67, or two-thirds, as cosponsors of that legislation. These cosponsors range all across the ideological spectrum of Members of the Senate, and clearly make the point to Iran and to the rest of the world that whatever other differences we have, we stand together here as a strong majority and beyond the Senate in our concern about the nuclear proliferation and terror-sponsoring activities of the Iranian Government.

You might say, if you are one of the 67 cosponsors of S. 908—which does more than this amendment does but includes it—you have already spoken in favor of this amendment.

This amendment, I want to point out and make clear, in no way ties the President's hand in his diplomacy with Iran. That is not our intent. The amendment is about empowering the President, giving him additional leverage in his diplomacy, by endorsing the same timetable that came out of the G8 summit a short while ago. The effect is this, and I will repeat: The Iranians must appreciate that there will be consequences if they fail to respond to the international community's diplomatic initiatives; in other words, if they continue to speed their nuclear program forward.

I think this amendment will send an unmistakable message to the fanatical regime in Tehran, in support of the G8, in support of President Obama: Either you can engage with the United States and the world community and take steps to suspend your nuclear activities or you can continue on your current course, in which case you will face the crippling sanctions this sense-of-the-Senate resolution calls for.

I thank the Chair, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. Mr. President, before my colleague Senator LIEBERMAN leaves the floor, I wish to thank him for this amendment. We are working right now to see if we can get the amendment pending and possibly a voice vote, because it is clear it is a very important amendment and one where I think we need to express very strongly the sense of the Senate, given the situation as it exists in Iran.

I wish to thank Senator LIEBERMAN, and right now it is my understanding that your side is checking to see if it is an agreeable amendment. Hopefully,

we will get that decision and move forward with it right away on a voice vote, if that is agreeable to the Senator from Connecticut.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. LIEBERMAN. I thank my friend from Arizona. I am encouraged by that. And in talking to the other cosponsors, we would be happy to have a voice vote. It would send a message.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. Mr. President, the amendment is straightforward and expresses the sense of the Senate that there should be a date certain—and soon—by which Iran is required to end its nuclear program or face severe sanctions. The amendment expresses that if the Iranian regime has not accepted the offer of the United States of direct diplomatic talks by the time of the G20 summit in late September or if it has not suspended all of its nuclear enrichment and reprocessing activities within 60 days after the summit, and if the U.N. Security Council does not adopt new and significant and meaningful sanctions on the regime, the President should sanction the Central Bank of Iran.

The situation with respect to Iran is nearing the crisis point, if it is not there already. We have all watched the brutal crackdown in the streets of Tehran and elsewhere as the Iranian regime imposed the results of a fraudulent election. We have been astonished by the courage and resolve of those Iranian citizens who have protested for their own inalienable rights in the face of repression. And we have known that, while these dramatic events have played themselves out, the Iranian regime has continued its enrichment of uranium, growing ever closer to the day on which it has a nuclear weapons capability.

The Iranian regime has gotten away with too much for too long. Its illicit nuclear activities, combined with its development of unconventional weapons and ballistic missiles, support for Hezbollah and other terrorist groups, and its repeated threats against Israel and the United States, represent a real and growing threat to the security of the United States and the Middle East. It is in the interest of the United States, and the world's other great powers, to achieve an end to the Iranian nuclear program.

The administration has held out an ''open hand,'' making clear that it intends to open direct talks with Iran. Yet 3½ months since the President's formal offer, the Iranian government has made no response, nor has it suspended its enrichment activities, as required by U.N. Security Council resolutions. Time is not on the side of those pushing the Iranians to cease these dangerous actions. Administration officials and others, including the French President, have stated that they will not wait interminably while the Iranian nuclear program proceeds.

At the G–8 summit 2 weeks ago, the assembled leaders agreed that the Iranians do not have forever, and that they should return to the negotiating table by the time of the G–20 summit in September. This amendment puts the Senate on record behind that timeframe, irrespective of any Senator's individual view about the likelihood of agreement soon.

Make no mistake: we must not wait interminably. According to the IAEA's latest report, Iran has increased its stockpile of low enriched uranium by some 60 percent in the previous 6 months, and has brought the number of active centrifuges above 7,000. The IAEA also reported that Iran denied inspectors access to the Arak heavy water reactor. As the threats—including to the State of Israel—continue.

As the Secretary of State has recently articulated, should Iran continue to defy the international community, it must face severe sanctions. Should the regime not take up the historic offer extended to it, this resolution advocates sanctions on the Iranian Central Bank, the country's major connection to the international financial system. The U.S. Treasury Department has stated that the central bank has engaged in deceptive financial practices and facilitated the movement of funds to those involved in proliferation and terrorist activities. This must end, and in fact 67 Senators have cosponsored legislation—the Iran Refined Petroleum Sanctions Act—that urges the President to sanction the central bank.

By adopting this resolution, we will send an unmistakable message to the government of Iran that its actions are unacceptable and will result in real and severe consequences if continued. The administration has offered to talk; the ball is in the Iranian court, and if that regime continues down its destructive path, we have no choice but to impose crippling sanctions for its continued defiance.

I urge my colleagues to support this amendment.

Let me point out again, this amendment is a sense-of-the-Senate amendment, an important sense of the Senate but certainly one that allows the administration the latitude it needs in its handling of its relations with Iran.

I yield the floor.

Ms. STABENOW. Mr. President, I would first ask to speak as in morning business.

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

Ms. STABENOW. Mr. President, I want to recognize that tremendously hard work both the chair of the Armed Services Committee and ranking member are doing. We are very proud of the chairman, coming from Michigan, and of all of his excellent work in standing up for the troops. This bill is another example of that.

I would like to congratulate him and the Senator from Arizona for working together on this very important bill.

HEALTH CARE REFORM

Ms. STABENOW. Mr. President, I want to speak for a moment on health care. We are hearing a lot, as we hear from colleagues, many colleagues—not every one but many colleagues on the other side of the aisle—about the need to be against health care reform, to be a ''no.''

We all know that saying no to health care reform means we are going to have the status quo. ''No'' equals the status quo. For too many families, too many businesses all across this country, that is absolutely not acceptable.

The status quo works, it is good—for special interests making profits off the current system. But it is bad for American families, American small businesses, American manufacturers that are trying to pay the bills and trying to make sure health care is available for the employees.

We need change. We are here because the system, with all of its good parts—and there are many strengths in the American system—is also broken in too many cases for people. We want to build on what works and what is great and we want to fix what is broken.

Right now our current health care system is bankrupting too many families. We know over 60 percent of bankruptcies are linked to medical expenses, and 75 percent of families who file bankruptcy actually have health insurance. Those with insurance, on average, are putting out medical expenses of over $18,000 when they file—even though they have an insurance policy.

There are many families—we are not only talking about those who do not have health insurance, but those who do who find themselves in very difficult situations.

I am constantly amazed when I hear the argument about: We can't do any kind of reform because reform means putting a bureaucrat between your doctor and yourself. You and your doctor can't make decisions about what you need for your health care.

Do you know who stands between you and your doctor right now? An insurance company, an insurance company bureaucrat. Your doctors can't just give you whatever tests they wish. You are not able to get whatever care you need for your family. The first call they make is to the insurance company, and it decides.

Reform is about putting health care decisions back in the hands of doctors and patients and being able to create a system that actually works for people. That is what it is all about.

I set up online the Health Care People's Lobby for those I represent in the State of Michigan so they could share their stories. We have a lot of folks lining the halls who represent all kinds of interests, all kinds of special interests, and they tell us what they think should be happening or not happening. But in Michigan we have set up the Health Care People's Lobby so people can share their stories about the real

world operating under the current system.

If the system worked today, there would be no reason for us to be here. We would be working on something else. But the fact is, we are spending twice as much on health care as any other country and have 47 million people at any one time who do not have health insurance. Those two numbers don't add up.

On top of that, people who are currently covered are battling every day to try to get what they thought they were paying for or to make sure their family is covered or that test or procedure or medicine can be covered.

One constituent of mine in Michigan, Sandra Marczewski from Waterford, MI, wrote to me that she and her husband have been without insurance for 7 months now. She writes:

You have no idea the fear I walk around with every day.

That is too many people in Michigan, over a million people in Michigan, without insurance altogether, and millions more who are fearful every day if they lose their job, their health care goes with it, for themselves and their families. People every night are putting the kids to bed and worrying about whether someone is going to get sick, saying a prayer: Please, God, don't let the kids get sick. Don't let me get sick. I have to be able to go to work so I can make sure we still have our health care.

There are a lot of people, as I mentioned before, who make a lot of money off of the status quo, off of the current system. It is no surprise they don't want to change it. All the ads we see, all the things going on, all the scare tactics that are going on—and there are plenty of scare tactics going on right now—all of that is about trying to scare people and raise red flags. It is easy just to be no, no, no. We certainly hear that around here all the time, people who are just saying no to any kind of progress or change or making things better for people.

The reality is, the status quo for a lot of folks means more profit, and that is underlying a lot of the motivation of what is going on right now. Our job is to make sure the American people can afford health care and have the care they need for their families. For too many families, the status quo means insecurity, expenses, and fear that come along with not knowing whether they are going to be able to afford the health care they have from month to month and whether they will, in fact, even have health care.

We are here because when it comes to health care, American families and businesses are in a serious crisis, and they are asking us for action. The status quo is not good enough anymore. It is not working. It is going to bankrupt families, businesses, and the country. High health care costs are causing cuts in benefits, increases in premiums, adding to the ranks of the uninsured at alarming rates. Even those who have insurance, as I indicated before, are feeling the pain of the current system. Every day in America families are forced to choose a different doctor because their health care plan was changed, because their employer can no longer afford the old plan they had.

Skyrocketing health care costs make American businesses less competitive in the global economy. It costs us jobs, and I can speak directly to that coming from the great State of Michigan.

Every day in America, families see their health care plan benefits eroding because they cannot keep up with high premiums, copays, and deductibles. Every day in America, people decide to skip a doctor visit and the medication and treatment they know they need because they cannot afford the payment—in the greatest country in the world—because the expense is too high. Year after year, as health care costs increase, American families are losing the very parts of their health care they value most: their choice of doctor, hospital, and insurance plans; their choice of treatments; the security and stability that comes from knowing they are covered if anything goes wrong. That is what we are about fixing. That is what we will fix as we do health care reform.

Recently, Families USA found that the average costs of family coverage in the workplace rose 78 percent in 7 years—78 percent. During those years, health insurance company profits ballooned 428 percent. At the same time, wages went up about 15 percent. So wages go up 15 percent, health insurance profits go up 428 percent, and premiums just keep rising for businesses and individuals.

The fact is, we cannot wait to get started on reform. The status quo is not acceptable and ''no'' equals the status quo. So we are here working with colleagues to get it done. Doing nothing is not acceptable.

Recently, the nonpartisan Robert Wood Johnson Foundation released a report that projects if Federal reform efforts are not enacted within 10 years, the cost of health care for businesses could double and the number of uninsured could rise to over 65 million people with middle-class families being hit the hardest. The report shows if health care reform is not enacted, individuals and families would see health care costs dramatically increased.

Total individual and family spending on premiums and out-of-pocket costs could increase 68 percent in the next 10 years. I cannot imagine 68 percent out-of-pocket costs. That is if we do nothing, if we listen to those just saying no. Even under the best-case scenario, health care costs would likely increase, according to this report, at least 46 percent. And I can tell you absolutely wages are not going to go up 46 percent. Businesses could see their health care costs doubled within 10 years. The report found that employer spending on premiums would more than double, and even in the best-case economic condition, employer spending on health care will rise 72 percent. The result would likely be far fewer Americans being able to be offered insurance or accepting employer-sponsored insurance. Estimates suggest a drop of 56 percent of Americans who are now covered by their employers, dropping from 56 to 49 percent in 10 years.

So there are many numbers. There are numbers that relate to the public programs of Medicaid and children's health insurance and the increased cost there as well and what will happen if we do nothing. The amount of uncompensated care in the health care system will increase, and the worst-case scenario: the total of uncompensated care could double.

By the way, when we say ''uncompensated care,'' that does not mean somebody is not paying for it. That is why our premiums, if you have insurance, go up so much. It means someone can't afford to see a doctor, can't take their children to the doctor, so they don't get the tests on the front end that they need or they don't see a doctor. They wait until they are really sick, and then they go to the emergency room. They are served, as they should be, and it is the most expensive venue in which to do ongoing care for people. But they are served, and then guess what happens. Everyone who has insurance sees their rates go up to pay for it.

That is what it means when we say that covering the uninsured will lower costs as we go out. I mean it will take time to do this, but over time what we are doing is working to change the way we pay for health care now because we pay for it in the most expensive way, by ignoring the problem, not focusing on health and wellness and primary care but waiting until people are in the worst possible situation: they go to the emergency room, they get care when they are sicker than they otherwise would be if they could see a doctor. And then we pay for it. That is what we want to change and will change under health care reform.

So this is about many facets. We know we have a system in America that works for many; they are blessed. We are blessed to have health insurance. For the many who have insurance, it allows them to cover their family needs. The system works well. But for many others it does not. And the reality is, we all pay for a system that does not work effectively for everyone. We all end up paying because the reality is, you can say: Well, I am not going to buy a car, I do not need car insurance; I am not going to buy a house, I do not need house insurance, but sooner or later, you are going to get sick, and just because you don't have health insurance does not mean there is not going to be a cost for yourself and your family.

We are a great country. We can do better than what we are doing today. We have to do better. We are working hard to have a bipartisan effort that will move reform forward in this country, to make a real difference to

change the system so it works for everyone and begins to lower the cost over time of what is happening, the explosion in health care costs in this country.

The option of saying no is not good enough. ''No'' equals the status quo. We just cannot have that. The public gets it. It is time for us to get it as well and move forward. I yield the floor.

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

AMENDMENT NO. 1628

Mr. MCCAIN. Mr. President, I call up the Lieberman-Kyl amendment and ask for its immediate consideration. It is at the desk.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant bill clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for Mr. KYL, for himself, Mr. LIEBERMAN, Mr. BAYH, and Mr. MCCAIN, proposes an amendment numbered 1628.

The amendment is as follows:

(Purpose: To express the sense of the Senate on imposing sanctions with respect to the Islamic Republic of Iran)

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

SEC. 1232. SENSE OF THE SENATE ON IMPOSING SANCTIONS WITH RESPECT TO THE ISLAMIC REPUBLIC OF IRAN.

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

(1) The illicit nuclear activities of the Government of the Islamic Republic of Iran, combined with its development of unconventional weapons and ballistic missiles and support for international terrorism, represent a grave threat to the security of the United States and United States allies in Europe, the Middle East, and around the world.

(2) The United States and other responsible countries have a vital interest in working together to prevent the Government of the Islamic Republic of Iran from acquiring a nuclear weapons capability.

(3) As President Barack Obama said, ''Iran obtaining a nuclear weapon would not only be a threat to Israel and a threat to the United States, but would be profoundly destabilizing in the international community as a whole and could set off a nuclear arms race in the Middle East that would be extraordinarily dangerous for all concerned, including for Iran.''.

(4) The International Atomic Energy Agency has repeatedly called attention to the illicit nuclear activities of the Islamic Republic of Iran, and, as a result, the United Nations Security Council has adopted a range of sanctions designed to encourage the Government of the Islamic Republic of Iran to cease those activities and comply with its obligations under the Treaty on Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (commonly known as the ''Nuclear Non-Proliferation Treaty'').

(5) The Department of the Treasury has imposed sanctions on several Iranian banks, including Bank Melli, Bank Saderat, Bank Sepah, and Bank Mellat, for their involvement in proliferation activities or support for terrorist groups.

(6) The Central Bank of Iran, the keystone of Iran's financial system and its principal remaining lifeline to the international banking system, has engaged in deceptive financial practices and facilitated such practices among banks involved in proliferation activities or support for terrorist groups, including Bank Sepah and Bank Melli, in order to evade sanctions imposed by the United States and the United Nations.

(7) On April 8, 2009, the United States formally extended an offer to engage in direct diplomacy with the Government of the Islamic Republic of Iran through negotiations with the five permanent members of the United States Security Council and Germany (commonly referred to as the ''P5-plus-1 process''), in the hope of resolving all outstanding disputes between the Islamic Republic of Iran and the United States.

(8) The Government of the Islamic Republic of Iran has yet to make a formal reply to the April 8, 2009, offer of direct diplomacy by the United States or to engage in direct diplomacy with the United States through the P5-plus-1 process.

(9) On July 8, 2009, President Nicolas Sarkozy of France warned that the Group of Eight major powers will give the Islamic Republic of Iran until September 2009 to accept negotiations with respect to its nuclear activities or face tougher sanctions.

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

(1) the Government of the Islamic Republic of Iran should—

(A) seize the historic offer put forward by President Barack Obama to engage in direct diplomacy with the United States;

(B) suspend all enrichment-related and reprocessing activities, including research and development, and work on all heavy-water related projects, including the construction of a research reactor moderated by heavy water, as demanded by multiple resolutions of the United Nations Security Council; and

(C) come into full compliance with the Nuclear Non-Proliferation Treaty, including the additional protocol to the Treaty; and

(2) the President should impose sanctions on the Central Bank of Iran and any other Iranian bank engaged in proliferation activities or support for terrorist groups, as well as any other sanctions the President determines appropriate, if—

(A) the Government of the Islamic Republic of Iran—

(i) has not accepted the offer by the United States to engage in direct diplomacy through the P5-plus-1 process before the Summit of the Group of 20 (G–20) in Pittsburgh, Pennsylvania, in September 2009; or

(ii) has not suspended all enrichment-related and reprocessing activities and work on all heavy-water related projects within 60 days of the conclusion of that Summit; and

(B) the United Nations Security Council has failed to adopt significant and meaningful additional sanctions on the Government of the Islamic Republic of Iran.

Mr. MCCAIN. The amendment is in the name of Senators KYL and LIEBERMAN. I am calling it up on their behalf.

The ACTING PRESIDENT pro tempore. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 1628) was agreed to.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. ALEXANDER. I ask unanimous consent to speak as in morning business.

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

HEALTH CARE REFORM

Mr. ALEXANDER. Mr. President, I listened carefully to the Senator from Michigan. Republicans and I believe most Democrats want health care reform this year. The President said he wants health care reform this year. Republicans want health care reform this year. We want to make sure it is done right. Let me put it this way: If we were in an operating room and a seriously ill patient came in and we knew we had only one chance to save that patient's life and to make that patient healthy, our goal would not be to see if we could do it in the next week, it would be to see if we could get it right.

So far, the proposals we have seen coming out of the committees have not gotten it right. One might say: Well, that is a Republican view of Democratic proposals. Perhaps it is. But the proposals we have seen coming out of the Senate HELP Committee and out of the House of Representatives flunk the most important test, which is cost. The most important test is whether Americans can afford their health care and, after we get through fixing it, whether they can afford their government. According to virtually everyone we have heard from, the legislation we have seen simply does not meet that test.

In my opinion, what we should do instead is start with the framework of the bill sponsored by Democratic Senator WYDEN and Republican Senator BENNETT which has 14 cosponsors—8 Democrats, 6 Republicans. This is a different sort of framework that offers virtually every American coverage, does so without any Washington takeover or government-run programs without raising the debt one penny, according to the Congressional Budget Office. Remember, I said that is a framework. I do not agree with every single part of that bill, although I am a cosponsor, but it may be a much better place to start than what we have seen so far.

That is not just my opinion. Lately, we have heard a lot about the Mayo Clinic in Rochester, MN. President Obama has talked a lot about the Mayo Clinic. The point is, at the Mayo Clinic and a few other clinics around the country, there have been significantly better outcomes. In other words, if you go there and come out, you are more likely to be well, and at a lower cost. And the question is, Why?

The President has repeatedly pointed to the Mayo Clinic, Democratic Senators point to the Mayo Clinic, and Republican Senators point to the Mayo Clinic. Here is what the Mayo Clinic had to say on Friday about the legislation that is being considered in the House of Representatives:

> Although there are some positives in the current House Tri-committee bill, including insurance for all and payment reform demonstration projects—the proposed legislation misses the opportunity to help create higher quality, more affordable health care for patients. In fact, it will do the opposite.

That is the Mayo Clinic talking.

In general, the proposals under discussion are not patient focused or results oriented. Lawmakers have failed to use a fundamental lever—a change in Medicare payment policy—to help drive necessary improvements in American health care. Unless legislators create payment systems that pay for good patient results at reasonable costs, the promise of transformation in American health care will wither. The real losers will be the citizens of the United States of America.

That is the Mayo Clinic talking about the bill we are beginning to see in the House of Representatives.

I think the prudent thing to do is to try to make that bill better or start over and certainly not try to pass a 1,000-page or 2,000-page bill in 1 week or 10 days without knowing what is in it, as we did with the stimulus bill earlier this year.

That is not just the opinion of the Mayo Clinic. Here is a letter to House Members on July 16, a few days ago, from a number of clinics, including the Mayo Clinic. These are the Intermountain Healthcare, Gundersen Lutheran Health System, the Iowa Clinic, the Marshfield Clinic, the Rural Wisconsin Health Cooperative, ThedaCare, and Wisconsin Hospital Association.

I ask unanimous consent to have this letter printed in the RECORD following my remarks.

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

(See exhibit 1.)

Mr. ALEXANDER. It goes on to say:

On behalf of some of the nation's leaders in health care delivery—

These are the people whose hospitals we go to, whose clinics we go to when we are sick or when we hope to stay well—

we write to you to comment on the House bill.

They say:

We applaud the Congress for working on this. However, we have got significant concerns.

They go on to say there are three of them.

The first is about the Medicare-like public plan, as they call it, a public plan with rates based on Medicare. They say it will have a severe negative effect on their facilities, that they lose a lot of money every year, hundreds of millions of dollars. Because what happens is that Medicare, a government-run plan, pays its doctors and its clinics and its hospitals about 80 percent of what private insurance companies are paying. So roughly 177 million of us have private insurance of one kind or another. If a doctor sees you, he gets paid 100 percent. But if you go to one of these clinics and hospitals, they are paid according to the government rate, which is roughly 80 percent of the private rate. These clinics say that is not sustainable for them, and that if that continues, some of those providers, such as the Mayo Clinic, will eventually be driven out of the market. What market? The market for Medicare patients. Those are the 45 million senior Americans who absolutely depend on Medicare for their service because for most of them, that is their only option. If that is the case, what that means is they will not be able to go to the Mayo Clinic or to the MeritCare Health System or to the Iowa Clinic or to the doctor they choose because that doctor will not be a part of the Medicare system because of low reimbursement.

So that is the first objection these clinics make to the bill they see coming because the bill they see coming proposes to create another government-run plan with government-set rates.

The second objection they have is geographic payment disparities. They say that we are a big country and there ought to be differences in the pay among different geographies.

Third, and maybe this is the most important of all, that the President has said and many of us in the Senate have said we need to change the way we pay for medical care, and we ought to pay more for value, for quality, for results, and less for volume—in plain English, not how many patients a doctor can see but how many of his or her patients stay well or get well.

We have talked about that for weeks here in our hearings. But what these respected voices in medicine are saying is that the legislation we see today—and understand, this is not even in a bill that has presented to us in the Senate yet in a way upon which we can act—does not meet the test for that. The legislation we have seen so far is running into a lot of trouble.

David Broder, the respected columnist from the Washington Post, said that the plans which have been passed in a partisan way are ''badly flawed'' and ''overly expensive.'' I mean, the Democratic plans; we have Republican plans that we would like to be considered. I mentioned that the Wyden-Bennett plan, which is the only really bipartisan plan here, has not been given one bit of consideration so far in the Senate. And then Senator BURR and Senator COBURN have a plan, Senator GREGG has a plan, and Senator HATCH has a plan. We all have different ideas. As I said, we would like for them to be considered, today I'm talking about the Democratic plans that are now being considered.

The Congressional Budget Office, of course, is the nonpartisan office in this Congress that we count on as an umpire to tell us what we are really doing. It is not supposed to have any political rhetoric. Last Thursday, the head of the Congressional Budget Office, Douglas Elmendorf was asked at a Senate Budget Committee hearing what he thought about the bills which had begun to emerge.

He said:

The legislation significantly expands the Federal responsibility for health care costs.

In other words, here we go, at a time when we are in a recession and where the President's proposals for other programs will add more to the debt in the next 10 years, three times as much as we spent in World War II, and we are talking about legislation that would add another $2 trillion. We haven't dealt with cost which is where we ought to start. Look at the 250 million who have health care and ask the question: Can you afford it? Then after we get through fixing it, can you afford your government? And what the head of the CBO is saying, as far as the government goes, the answer is no.

Then the Lewin Group, a well-respected private agency, was asked what would happen if we had a government-run program which many of us believe will lead to another Washington takeover. We are getting accustomed to this, Washington takeovers of banks, of insurance companies, of student loans, of car companies, now maybe of health care. The Lewin Group said 88 million people will lose their private employer-sponsored insurance. How could that happen? It could happen because a small employer or a big employer would see one of these plans that is beginning to come out take place. To be specific, the Senate HELP Committee plan says you either have to provide everybody who works for you insurance or pay $750. There are a lot of employers who cannot afford to provide everybody the kind of insurance that is envisioned. So they will say: OK, we will pay the $750 fine to the government. What happens? All those employees lose their health insurance. Where do they go? Into the Government plan. That is their option. Some of them may have a choice of other plans, but if they do have a choice and one of the choices is a government-run plan, it may have the same future the Mayo Clinic and others were saying Medicare was causing to them.

The government will set a low price for the doctors and a low price for the clinics. So all these employees who now have insurance that they like will lose that insurance because of the passage of this bill. The government will set the provider rates and physician rates low, and so they will be part of a government plan for which many doctors and many hospitals and many clinics will not offer services. It is similar to giving somebody a bus ticket to a bus station with no busses.

Then there are the Medicare cuts. According to the Washington Post last week, Medicare cuts will pay for one-half the cost of health care for the uninsured in one of the bills being proposed.

If we are to find savings in Medicare and take from the 45 million elderly people who depend on Medicare, every bit of those savings ought to be put back into Medicare and not spent on some new program. I don't think legislation that is paid for half by Medicare cuts is going to go very far in this Chamber.

Then there are the employer taxes. According to the National Federation of Independent Businesses, the House version has an 8-percent Federal payroll tax. I mentioned the Senate

version, a $750 annual fine per employee, if the employer doesn't offer insurance. The NFIB, small businesses, estimates that will lose about 1.6 million jobs.

How could that be? Well, if a small employer or even a large one has government-mandated costs added and they have less money, they will hire less employees. That is one of the options they have.

Then there is the income surtax. There is a whole string of trouble for these bills. USA Today on Monday said: It is the highest tax rate in a quarter of a century that is proposed: A 45-percent top tax rate with all taxes included.

Then rationing, there are provisions in this bill which would have the government make decisions about which treatment you will have and how long you will have to wait to see a doctor.

Finally—I say ''finally'' because this is the subject I want to spend a moment on—there is the Medicaid State taxes. Sometimes this gets confusing. Mr. President, 177 million Americans have private insurance, but a lot of people have government insurance now. Veterans do. Military people have TRICARE insurance. About 45 million older people have Medicare. But then there is a program called Medicaid, which is the largest government-run program. About 60 million people are in it now. The Federal Government pays about 57 percent of it, and the States pay 43 percent. Every Governor I know—and I was once one—has struggled with the Medicaid Program. I once came up here in the early 1980s and asked President Reagan to take it all, let the Federal Government run it and give us Governors all of kindergarten through the 12th grade. I thought that would be a good swap.

I saw a couple of Democratic Governors earlier today, and we talked about the story every Governor faces. If you have an extra dollar and you want to put it in higher education so you can improve the quality of the University of Colorado or Tennessee or keep tuition from going up, what happens to it? That dollar is stolen because it has to go in the increasing Medicaid cost. It is an inefficiently managed program. The Federal Government keeps changing the rules. The Governors have to get permission from Washington whenever they make minor changes. It is demolishing State governments right and left.

If our real goal is to help people, then why under these new plans do we say to low-income people—defined as, say, a family of four who makes less than $32,000—your only option is going to be to go in the Medicaid Program under this plan. It is estimated by the Congressional Budget Office and others that 15 or 20 million Americans will be added to the 60 million in the Medicaid Program. What will they find when they get there? They will find that 40 percent of the doctors don't see Medicaid patients. When we add another 15 or 20 million people to it, it may be a larger number. Why don't they do see Medicaid patients? For the same reason the Mayo Clinic warned about this government plan in its letter. It is because Medicaid only pays its doctors and its hospitals about 72 percent of what Medicare pays.

If you are confused by that, it works out pretty simply. Medicare pays 80 percent of what the private insurers pay, and Medicaid pays about 72 percent of what Medicare pays. If you are a doctor or a clinic or a hospital, you get paid about 60 percent, if you are helping a Medicaid patient, of what you would if you were helping one of us who has his or her own private health care. You can see that will be a pernicious trend. If we continue to dump low-income people into a government-run Medicaid Program, that is what will happen.

There is another thing that happens with Medicaid. Many members of the committees working on this bill said: We can't let that happen. We can't be inhumane and just say we are out here to help people who are uninsured, and we are going to dump 20 million of them into a government-run program that doesn't have enough doctors and hospitals and clinics. We will have to raise what we pay to doctors and clinics. That sounds good, but that is very expensive, particularly for a program such as Medicaid that, according to the Government Accountability Office, $1 out of every $10 is fraudulent, is wasted. That is $32 billion a year. That is the program we are going to expand? That is the program we are going to say to low-income people: Congratulations, go into this program where you are not likely to find a doctor every time you want one, and there are a lot of hospitals and clinics that will not take you because we will not pay them for that.

Because Senators and Congressmen hear that, they say: We will raise the rates. Here is the proposal: The proposal is, we are going to increase the number of people who are eligible for Medicaid by 133 to 150 percent of the Federal poverty level. That is a substantial increase. Then, if we are going to do that and put many more people into the program, we are going to have to order an increase in what we pay the doctors and the clinics to serve them, maybe up to 83 or 85 percent of the Medicare level.

Let me talk about what that would do in one State. We called the State Medicaid director in Tennessee. Our program is called TennCare. We said: What would it cost Tennessee if we increase coverage of Medicaid up to 150 percent of the Federal poverty level? The answer came back, nearly $600 million a year. That is the State's share of the cost which is a little more than a third. The Federal Government's share is twice that. So the Federal Government is saying: That is all right. We know Tennessee doesn't have the money to do that, so we will pay it all for the first 5 years. Then, after 5 years, so the talk goes—and we were told, when we were working on this bill, this is an assumption—we will shift these costs back to Colorado, back to Tennessee. Back comes what in today's dollars is about $600 million to the State of Tennessee.

Remember what I said. This is a program doctors don't want to go to because they don't get paid very well. So we will have to increase the amount of money we pay doctors. So if States are required to pay doctors and providers under the Medicaid system 110 percent of what Medicare is paid, that still isn't what doctors and hospitals get, if they see somebody with private health insurance. That is about the same amount of money, about $600 million added just for the State cost, which brings the total new state cost for paying physicians and hospitals more and for all the new people in the Medicaid Program to $1.2 billion. That is a huge amount of money.

We throw around dollars up here and figures that make any amount of money seem unimaginable. What is $1 trillion, what is $10 trillion, what is $40 billion. We former Governors can imagine it. I figured it out. If in 5 years you shifted back to the State of Tennessee just its share of those costs from the expansion of Medicaid and paying the doctors and hospitals more, the bill for the State of Tennessee to pay the increased Medicaid costs would be an amount of money that equals a new 10-percent State income tax.

The truth is, for our State—and I believe for almost every State—it is an amount of money that nobody has enough taxes to pay. You can run politicians in and out and defeat them for raising taxes all day long, and they still couldn't come up with ways to pay for it. In other words, these bills are based on a premise and assumption that will either bankrupt the States or, if the Federal Government says we will pay for it all, it will add $5, $6, $700 billion more over 10 years to the legislation we are considering.

We need to think that through. Is that the best way to help people who are low income? I don't think so. I think there are much better ways. The Wyden-Bennett framework is a better way. It rearranges the tax deductions we have for people who have health insurance from their employers and it says: Let's take the available money and give the money to low-income people who then buy private health insurance. It may be a very basic plan. But at least they would have health insurance, and they wouldn't be stuffed in a government program 40 percent of the doctors wouldn't see and that many of the best clinics and hospitals wouldn't allow them to come in.

We have been told already by the Congressional Budget Office that proposal would not add a penny to the debt. Not only does it not create a new government program, it actually makes the Medicaid Program, except

for Americans with Disabilities, history. In other words, if you are poor, you are not stuffed into a program that nobody else would want to join anyway. You have a chance to buy your own insurance, and you are not consigned to the worst run government program we have today.

So there are some real possibilities with health care, and there are some plans on the table that will lead us in the right direction. We have advice from distinguished Americans with a stake in this—which is every single one of us—but the most distinguished are those who deal with it every day. The Mayo Clinic is saying the proposed legislation misses the opportunity to help create higher quality, more affordable health care for patients. In fact, it will do the opposite.

Shouldn't we slow down and get it right? Shouldn't we get it right? This is the only chance we have to do this. If we do it wrong, we will not be able to undo it. This is 16, 18 percent of the American economy we are talking about. People have tried to do it for 60 years, and they failed.

The only way we will do it is if we do it together. The Democrats have big majorities over on that side. They do in the House. But that is not the way things usually happen around here. The President has said—and I take him at his word—and many of the leaders have said—and I take them at their word—that we would like to get 70, 80 votes for the health care result. We would too.

But in order to do that, we are going to have to do it the way we usually do when we have bipartisan events around here. We get some Democrats and some Republicans and they sit down with the President and they share ideas and they agree on some things. They don't just say: OK, here it is, and we are going to vote down almost every significant idea you have on the way through.

I respect the fact that Senator BAUCUS is trying to do that in the Finance Committee, and perhaps he will succeed, working with Senator GRASSLEY and others. But this is going to take some time. It cannot be done overnight. There are many sections to this bill. Each of them might be 500 pages long. They have enormous consequences to individuals. That is why we have all these clinics writing and saying: If you do it the way it looks like you are going to do it, you may drive us out of the business of helping Medicare patients.

Do we really want to do that? Do we really want to say to 45 million Americans who depend on Medicare: We are going to pass a bill that will accelerate the process whereby respected clinics and the doctor you might choose will not see you anymore because they cannot afford to because the government will not pay them under the system we have?

So I would suggest we start over, literally, conceptually; start over and listen to these clinics and doctors and focus on the delivery system and focus, first, on those 250 million Americans who already have health insurance and ask the question: Can they afford it? And, what could we do to make it possible for those Americans to afford it? And can we do it in a way that permits us to be able to honestly say when we are through that those same 250 million Americans can afford their government when we are through without adding to the debt?

Then let's look at the 46 million people who are uninsured. Of course, we need for them to be insured. But the fact is, 11 million of the uninsured are already eligible for programs we already have; 10 million or so are noncitizens—half of them legally here, half of them not; a large number of them are making $75,000 a year and could afford it but just do not buy it; and another significant number are college students.

So we are going to have to go step by step by step and see in what low-cost way we can include a large number of these 46 million Americans, who are not part of the system, in the system. But that is the wrong place to start. That is the place to end.

So, Mr. President, all I am saying is, on the Republican side of the aisle we can tell you what we are for. Some of us are for the Wyden-Bennett bill with our Democratic colleagues. That is the only bipartisan bill before us today. It has not even been seriously considered by this body, but it is there, and it has significant support in the House. We have two doctors over here: Dr. BARRASSO, who has been an orthopedic surgeon for 25 years, and Dr. COBURN from Oklahoma, an OB/GYN doctor. They would like to be involved in the process. So far their ideas are not really being adopted in the result we might have. We have Senator GREGG from New Hampshire, one of the most respected Senators, who has been a part of many bipartisan efforts, and he has his own bill. He would like to be more a part of it, but his ideas do not fit the way things are going. But the way things are going are too expensive for the Congressional Budget Office and take us in the wrong direction, according to the Mayo Clinic.

So maybe we ought to step back and say: Well, let's listen to these other ideas. Let's go very carefully. Let's work with the President. Let's see if we can get a result. Let's keep a four-letter word out there that is a good word; and that is ''cost,'' and make sure we focus first on the 250 million Americans who have health insurance and make sure they can afford it; and, second, make sure when we finish fixing health care that those same Americans can afford their government.

I thank the Presiding Officer, and I yield the floor.

EXHIBIT 1

JULY 16, 2009.

Hon. RON KIND,
Longworth House Office Building,
Washington, DC.

DEAR CONGRESSMAN KIND: On behalf of some of the nation's leaders in health care delivery, we write to you today to comment on the House health care reform bill introduced earlier this week. We would like to thank you for the opportunity to comment on this legislation. We applaud the Congress for its commitment to passing comprehensive health care delivery system reform this year. However, we have significant concerns about the current language of the bill and we ask that these concerns, set forth below, be addressed before the committee action is concluded.

MEDICARE-LIKE PUBLIC PLAN

First, we are concerned that a public plan option with rates based on Medicare rates will have a severe negative impact on our facilities. Today, many providers suffer great financial losses associated with treating Medicare patients. For example, several of the systems that have signed onto this letter lost hundreds of millions of dollars under Medicare last year. These rates are making it increasingly difficult for us to continue to treat Medicare patients. The implementation of a public plan with similar rates will create a financial result that will be unsustainable for even the nation's most efficient, high quality providers, eventually driving them out of the market. In addition, should a public plan with inadequate rates be enacted, we will be forced to shift additional costs to private payers, which will ultimately lead to increased costs for employers who maintain insurance for their employees. We believe all Americans must have guaranteed portable health insurance, but it is critical that we not lose sight of the need to ensure adequate and equitable reimbursement.

GEOGRAPHIC PAYMENT DISPARITIES

Second, our health care systems are among the most cost-efficient in the country in caring for Medicare patients. However, many of us operate in states with some of the lowest Medicare reimbursement rates in the nation. Current physician payments due to geographic disparities are actually greater under Medicare than under commercial insurance. This may be difficult to believe, given the government's rate-setting power, but flows from the fundamentally flawed payment methodology. To date, health care reform proposals simply continue the current payment methodology, despite the fact that formula changes have been identified to address this problem. We support payment changes that work to reduce geographic disparities, rather than perpetuating the flaws in the current payment system. While we believe that the Institute of Medicine study is a good first step, we encourage Congress to take this further and enact payment reforms that will address the existing disparities.

VALUE INDEX PROPOSAL

Third, consistent with statements from President Obama, we believe that focusing on, defining, measuring, and paying for value is essential for controlling cost within the U.S. health care system. The system must be reformed to compensate for value instead of volume. We believe inserting a value index into various aspects of the Medicare payment system (e.g., physician fee schedule, hospital rates) is the means to accomplish this end goal of compensating for quality rather than quantity.

We appreciate the opportunity to comment on this legislation. We urge you to address the above-stated concerns, which will demonstrate that Congress is serious about preserving the best parts of the existing health

care delivery system. If we can be of assistance to you moving forward, please do not hesitate to contact us.

Sincerely,

Everett Clinic, Gundersen Lutheran Health System, HealthPartners, Intermountain Healthcare, Iowa Clinic, Marshfield Clinic, Mayo Clinic.

MeritCare Health System, Park Nicollet Health System, Rural Wisconsin Health Cooperative, ThedaCare, Wisconsin Hospital Association, Wisconsin Medical Society.

The PRESIDING OFFICER (Mr. UDALL of Colorado). The Senator from Illinois.

Mr. BURRIS. Mr. President, throughout this Nation's history, our freedom—and at times our very survival—has rested squarely on the shoulders of the men and women of our Armed Forces.

As a member of the Armed Services Committee, I am proud to know many of these brave warfighters we have. We rely upon their training and discipline. We depend upon their service and their sacrifice. In return, we owe them nothing but the very best.

That means keeping our commitment to every soldier, sailor, airman, and marine at every stage in their career—from the day they report for training to the day they retire and beyond.

We can start to honor this commitment in the most basic way by ensuring that their facilities are safe and adequate. That is why I plan to offer an amendment that would help eliminate vegetative encroachment on training ranges. Excessive vegetation can actually render training grounds unusable. If a training range is heavily overgrown, it can lead to dangerous situations, including fires and obstructive lines of sight.

In a recent study by the U.S. Army, 70 percent of the facilities surveyed are experiencing limitations due to uncontrolled vegetation. This is unacceptable. We must take action now.

My amendment calls upon the Secretary of Defense to perform a comprehensive study of training ranges across every branch of the military. We must develop a plan to reclaim any overgrown land for its rightful use by our fighting men and women of America. This will help us ensure that we can train them adequately and safely so they can fully prepare for any mission they are assigned to perform.

But we cannot stop there. Our commitment begins on the day someone volunteers for service in the Armed Forces. But it does not end, even after their service has drawn to a close. That is why I believe it is important to extend dislocation benefits to every servicemember, including those whose service is coming to an end.

Over the course of a career in the American military, a service man or woman and their family may be ordered to relocate a number of times—moving here, moving there, this assignment, that assignment. Each move can be quite costly. From basic travel expenses to the purchase of household goods to utilities to rent, it takes a lot to relocate an entire family.

Since 1955, Congress has helped members of the service defray these costs by paying a ''dislocation allowance'' to each person we reassign to a new duty station. This eases the financial burden on military families and means that personnel decisions can be made without fear of breaking the bank—at least for most servicemembers, that is.

Unfortunately, those who retire are not covered under the current system, despite the fact that their final orders may require a permanent change of station. So after years of supporting service men and women when we ask them to relocate, we abandon them at the time of their final move. We leave them to fend for themselves, even though the expenses they incur will be as high as ever, and even though their income has been reduced to half of what they had been paid during Active Duty.

So we simply cannot stand for this. We cannot allow those who have served us honorably to be left out in the cold at the end of their careers. We must offer these benefits to all Members of our Armed Forces, even those who have been asked to move for the last time.

That is why I am calling for a study to examine the feasibility of extending the dislocation allowance to retiring servicemembers. We should find a way to make this work. The cost of moving demands it. Our servicemembers support it. And, most importantly, it is the right thing to do for our troops.

Colleagues, Members of this great body, let's come together to stand for those who sacrifice on our behalf and protect this great country of ours that allows us to do what we do in America, with freedom and opportunity. Let's provide our men and women in uniform with the support they need at every stage of their careers—from the first day of basic training to the day they are discharged.

Cutting down on vegetation encroachment will keep our trainees safe and help prepare them for years of honorable service. When that service ends, dislocation benefits will help them retire with some measure of financial security.

So I urge my colleagues to join with me in supporting these initiatives I put forth. We owe our troops nothing less.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. 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.

The PRESIDING OFFICER. The Senator from South Carolina.

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

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

HEALTH CARE REFORM

Mr. DEMINT. Mr. President, I wish to speak for a few minutes about health care and the need for health care reform in the country today. I think most Americans would agree we need to do everything we can to make affordable health insurance available to every American and, hopefully, that is what this health reform debate will be about.

Unfortunately, we are seeing a pattern develop here that has been going on all year—since the President took office—that has many Americans alarmed at the rapid pace we are spending and borrowing, imposing new taxes, and taking over various aspects of the American economy. I know a lot of Americans are alarmed and some are outraged. More than any other comment, I am hearing Americans say: Why don't you slow down and read the bills before you continue the expansion of government.

Now we are talking about health care, and we see that same pattern of crisis and rush and it ''has to be done today, hair's on fire'' type of mentality here in Washington so that we almost have to call this a ''son of stimulus'' health care bill. Because certainly the last time the President tried to ram a massive bill through Congress before we had a chance to read it, we ended up with this colossal stimulus failure that has actually resulted in the loss of jobs in America and a burden of debt on our children that is almost unimaginable. It makes no sense for us to follow that same pattern with health care—nearly 20 percent of our economy—to have a government takeover with a bill we haven't even completely seen yet, that is supposed to be passed in the next 2 weeks, even though the bill wouldn't take effect until 2013. What is the rush? The whole purpose of the Senate is to be the place where the legislation comes to cool down, where we deliberate, we look at the details. The President himself has admitted he is not aware of the details of the bill he is out selling every day.

We do have serious problems in health care that we need to fix. The unfortunate thing is I have no confidence that the President actually wants to make health insurance affordable and available to all Americans because when he was in the Senate, Republicans proposed a number of alternatives that would have done that. Yet in every case—every opportunity he had to make health insurance more available and affordable to Americans—he voted no. Let's review some of them, because I think we have to recognize that the point of this health care debate is not to make sure every American is insured, but to make sure the government is running our health care system. The most personal and

private part of our lives they are talking about turning over to bureaucrats at the Federal level. This makes no sense.

What we could do is be fair to those who don't get their health insurance at work. If people get their health insurance at work, as we do here in Congress, your employer can deduct the cost of it and the employee is exempt from paying taxes on those benefits. That is equivalent to about a $5,000 a year benefit to families who get their health care or health insurance at work. Why can't we offer that same fairness to Americans who don't get their health insurance at work? It is something I actually proposed here in the Senate while President Obama was a Senator, that we would give fair tax treatment; at least let them deduct it from their taxes. He voted no, as did I believe every Democrat, and they killed the bill in the House. This was basic fairness to make health insurance a little more affordable to people who didn't get it at work. The President voted no.

We hear a lot of talk about how we need a government plan to make the private plans more competitive. Why not make all the insurance companies compete with insurance companies all over the country instead of what we do now? A lot of Americans don't know that the reason we don't have a competitive private health insurance market is that the Federal Government makes it impossible. You have to buy your health insurance in the State where you live, so a few insurance companies basically have monopolies in every State of the country. What if someone such as myself who lived in South Carolina could look all across the country, find a policy I wanted at a better price, and buy it? Why can't we do that? Well, I proposed we do that. We introduced it on the Senate floor. It would have created a competitive health insurance market and allowed people to buy all over the country. Barack Obama voted no, as did all of the Democrats, to kill the bill. Now they are talking about: Well, we need a government option to create some competition, to have a real competitive market. He voted against it.

What about allowing Americans who put money in a health savings account, or their employer puts it in there for them—their own money—why not let them use that money to pay for a health insurance premium if they don't get it at work? It sounded like a good idea to me, to make it a little bit easier, a little more affordable to have your own health insurance, so I proposed that bill here in the Senate. Barack Obama voted no, as did all of the Democrats, and they killed the bill.

What about the idea of allowing a lot of small employers—I was a small businessman for years. It was hard to buy health insurance as a small employer, but I did. It cost me a lot of money, a lot more than the big employers. But what about allowing a lot of small employers to come together and form associations and buy health insurance so they could offer it to their employees less expensively? Well, it is a good idea that was offered right here on the floor of the Senate by Republicans. Barack Obama voted no, as did most of the Democrats, and they killed the bill.

There is a long list here I could go through, but every single bill, every single health reform idea that has been proposed here, the President, when he was in the Senate, voted against. Everything that would have made health insurance available and affordable to the average American who doesn't get their insurance at work was voted no by this President.

Now he is saying, We need the government to take it over because it is not working. The reason it is not working is we won't let it work. The part of health insurance, the health care system that works the best today is when you have your own health insurance and you pick your own doctor and you and your doctor decide what kind of health care you are going to get. It is not a perfect system, and insurance companies have a lot of work to do to make things work better because I have to argue with them a lot myself. But the part of the health care system that doesn't work is the part that the government runs, Medicaid and Medicare, the SCHIP and TRICARE. Some of the people who get those benefits such as our seniors say Medicare works fine, but, unfortunately, doctors don't want to see them coming because Medicare and Medicaid don't cover the cost of even seeing a patient. So many physicians are closing their practices to our seniors because they have government health insurance. Government health care does not pay enough for the physician and the hospital to see the patient, so they shift the cost over to the private market.

The worst part of all of these government plans is they are trillions of dollars in debt—debt that our children are going to have to pay back. These programs are broke. Yet they want to expand these programs. They want to take the part of health care that is not working and essentially force it on every American. They want every American to have a Medicaid plan where doctors don't want to see us coming because we are not paying enough of their costs.

As I look at this whole health care reform debate—and I am glad to see the President out taking shots at me for saying we have to stop him on this, because we have been on a rampage since he took office, passing one government program after another, expanding spending and debt at levels we have never imagined in this country. It is time to slow down and take stock of where we are. Other countries that have to lend us money to keep us going are beginning to wonder, Can we pay our debts? We have doubled our money supply by the Federal Reserve, and that means big inflation, higher interest rates. Yet we are moving ahead with this health care plan that is going to expand our debt as a nation, raise taxes on small businesses that create the jobs. It looks as if we are going to penalize Americans who don't decide to buy health insurance, and we are moving again toward a government program that we know won't work. There is not one Federal program that has worked as advertised, that has worked to the budget we said it would be to. This week we have had announcements of what we have already passed as far as stimulus over the last year is going to mean trillions of dollars—trillions of dollars—we are going to have to borrow and that our children are going to have to pay back.

I appeal to my colleagues: We don't need to rush through a bill in the next 2 weeks before we go on our August break that affects one-fifth—20 percent—of our total economy, that gets the government to effectively take over the most personal and private service that we ask for as Americans. We don't need to pass a bill such as that, that we won't even have time to read. What the President and I think a lot of the proponents of this bill are afraid of is if we are able to go home on the August break and we take this bill and we put it on the Internet where people can read it, and radio talk shows and bloggers all around the country are able to tell the American people what this bill is and what it will do, and get past this utopian rhetoric that we are hearing from the President and look at the nuts and bolts, because everything he is saying this bill is going to do the Congressional Budget Office and other experts are saying, No, it isn't going to work that way. It isn't going to save us money, it is going to raise our taxes, it is going to cost jobs in America, and it isn't going to fix health care.

We need to go back to the basics, including some of what I have mentioned already, that would reform health care and make private health insurance work better, make it more affordable, and get it into the hands of more Americans. Why should we give up on freedom and move to a government plan when we haven't even given freedom a chance to work in health care?

I know the government can't run health care and I don't want them running my plan. One of the best ideas I have heard in this debate is whatever we pass, Congressmen and Senators ought to have to take that health plan. I am going to have an amendment to that effect if they try to get this on the floor before August.

But I appeal to my colleagues: Let's listen to the American people. Let's stop this rampage toward bigger and bigger government. Let's take our time and look at this bill and, for once, do something right. Our health depends on it.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Florida is recognized.

AMENDMENT NO. 1515

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the pending amendment be laid aside in order that I might call up amendment No. 1515.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Florida [Mr. NELSON] proposes an amendment numbered 1515.

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. _____. 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, this is the widows and orphans amendment. This is the dastardly subject we have been dealing with for years, where there is an offset from an insurance payout, that servicemembers pay insurance premiums and/or retirees pay premiums, which is offset by Veterans Department disability compensation, which otherwise the veteran's surviving spouse and children would be able to, under existing law, be eligible for both, but there is an offset.

This particular amendment is going to eliminate that offset. Every year, we come to the floor on the Defense authorization bill and we offer the amendment and we have an overwhelming vote in the Senate. Every year, it goes to conference and, for years and years, in the conference committee with the House, they would say you cannot pass an amendment that would even reduce the offset for widows and orphans. Only in the last couple years have we had some modest reduction of the offset. Then, on an earlier piece of legislation this year, we had a little bit more reduction of the offset. What this amendment will do is completely eliminate the offset.

I wish to point out at the outset, I have a letter from the Military Coalition, and I ask unanimous consent it be printed in the RECORD.

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

THE MILITARY COALITION,
Alexandria, VA, July 15, 2009.

Hon. BILL NELSON,
U.S. Senate,
Washington, DC.

DEAR SENATOR NELSON: The Military Coalition (TMC), a consortium of nationally prominent military and veterans organizations, representing more 5.5 million members plus their families and survivors would like to thank you for your sponsoring of Amendment No. 1515 of FY2010 NDAA (S. 1390). This Amendment, like your bill, S. 535, would repeal 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 2009.

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. That forces the spouse to give up any SBP claim after the children attain their majority—leaving the spouse with only a $1,154 monthly annuity from the VA. Those who give their lives for their country deserve fairer compensation for their surviving spouses. Your amendment would also end this inequity.

The Military Coalition again thanks you for sponsoring this Amendment to restore equity to this very important survivor program and encourages your colleagues vote for its passage.

Sincerely,

The Military Coalition:

Air Force Association, Air Force Sergeants Association, Air Force Women Officers Associated, American Logistics Association, AMVETS, Army Aviation Assn. of America, Assn. of Military Surgeons of the United States, Assn. of the US Army, Association of the United States Navy, 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 Guard Assn. of the US, National Military Family Assn., National Order of Battlefield Commissions, Naval Enlisted Reserve Assn., 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 Military Chaplains Assn. of the USA, 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. This letter supports this legislation. It is from the Military Coalition. The Military Coalition is a group of 34 organizations, and their signatures are on the letter—alphabetically, from the Air Force Association all the way to the last one on the list of 34, the Veterans of Foreign Wars of the United States. All those organizations that you would expect are in between; there are 34 of them endorsing this amendment.

I wish to tell you about this particular amendment. I filed this bill—and this is nonpartisan—years ago with Senator SESSIONS and eight other original cosponsors. It will repeal the law that takes almost $1,200 per month from families who have lost a loved one because of military service. This survivors benefit plan, otherwise known

by its initials as SBP, is an annuity paid by the Defense Department. Survivors receive the benefit when either a military retiree pays a premium as income insurance for their survivors or when a servicemember dies on Active Duty.

The other law is dependency and indemnity compensation, referred to by its initials DIC. It is a survivor benefit paid by the Veterans' Administration. Survivors receive this benefit when the military service caused the servicemember's death.

What this amendment will do is fix this longstanding problem in the military survivor benefits system. The problem is, it requires a dollar-for-dollar reduction of the survivor benefits from the SBP, paid by the Department of Defense, offsetting against the dependents and indemnity compensation, DIC, paid by the Veterans' Administration.

You know the great quote, following one of America's bloodiest wars, by President Lincoln in his second inaugural address—and the war was still raging at that point. He said that one of the greatest obligations in war is to ''finish the work we are in; to bind up the Nation's wounds; to care for him who shall have borne the battle''—in other words, the veterans—''and for his widow and his orphan.''

Following Lincoln's advice to honor truly our servicemembers, they need to know their widows and orphans, their survivors, will be taken care of. We certainly agree that the U.S. Government must take care of our veterans, their widows, and their orphans. In keeping with that principle, we need to repeal this offset that denies the widows and orphans the annuity their deceased loved ones have earned on Active Duty or have purchased for them. A retired military member can purchase this SBP, and it is an insurance policy so their survivors will have income.

Over in the Veterans' Administration, we have a law that says, if you are disabled a certain percentage, we are going to take care of you. One should not offset the other—particularly, when somebody has paid premiums on an insurance policy.

Well, that dollar-for-dollar offset is what has me so agitated for a decade now. I have already explained that, for the survivors benefit plan, there are two ways to qualify: The military retiree goes out and voluntarily pays into an insurance program with their retirement income. Later, the statute was added that the survivors benefit plan is available to an Active-Duty servicemember if they are killed as a result of military service. For retirees, the SBP is an insurance program that protects the income of survivors; and for Active-Duty military members, SBP is compensation for the servicemembers' beneficiaries.

On the other hand, the dependents indemnity compensation is a benefit payment to the survivors of a servicemember who dies from a service-connected condition. For almost a decade, I have fought to repeal the law that requires the dollar-for-dollar offset of these two very different benefits. Back in 2005, the Senate took the step in the right direction and passed, by a vote of 92 to 6, my amendment to repeal that offset. When it got down to the conference committee, you know what happened. In the 2008 Defense authorization bill, we cracked the door to eliminating the offset. In the conference committee negotiations with the House, we made some progress when we got a special payment of $50 per month, which would now increase to $310 per month by 2017 because of money savings found in the tobacco legislation passed earlier this year.

Our efforts have been important steps in the right direction, but they are not enough. We must meet our obligation to the widows and orphans with the same sense of honor as was the service their loved ones had performed. We need to completely offset this SBP and DIC. We must continue to work to do right by all those who have given this Nation their all and especially for the loved ones they may leave to our care.

In that letter that I have had entered into the RECORD, it says:

> The elimination of this survivor benefit inequity is the top legislative goal for [the Military Coalition] in 2009.

I will not take the time to read the names of the 34 organizations that signed the letter, but they are all fairly well known to every one of us.

On February 24 of this year, during a joint session of the Congress, the President said:

> To keep our sacred trust with those who serve, we will raise their pay, and give our veterans the expanded health care and benefits they have earned.

I say amen to that. I ask that President Obama help us end this injustice to widows and orphans of our Nation's heroes.

Mr. President, may I inquire if there is someone else who wants to speak now, because if there would not be, I would like to speak as in morning business.

Mr. MCCAIN. I object. Let's dispose of the amendment.

The PRESIDING OFFICER. The Senator from Arizona objects.

Mr. MCCAIN. I object to the Senator from Florida going into morning business until we dispose of the amendment. Then he can do it right away.

Mr. NELSON of Florida. I merely inquired if another Senator wants to speak. Certainly, I would withhold asking for a unanimous consent.

Mr. SCHUMER. Mr. President, I intend to speak on the Thune amendment and was scheduled to speak in the next few minutes. If it is OK with the floor leaders, if my colleague will speak for a brief amount of time, I am happy to go after him. It is up to the floor managers.

Mr. MCCAIN. Mr. President, I say to the Senator from Florida, we will find out if there are others who want to speak on his amendment. If not, we are in favor of disposing of his amendment. Part of the agreement we made, in order for us to proceed, was that if anyone came to the floor to speak on the pending amendment, that Senator would have priority. If it is agreeable to the Senator from Florida, the Senator from New York would go ahead and then we could go back to him speaking in morning business.

Mr. NELSON of Florida. Of course. It is my understanding the Senator from South Carolina had just spoken as in morning business. That is why I was inquiring. I am very grateful to the ranking member of the committee for us to go ahead and dispose of this amendment.

Mr. MCCAIN. Why don't we wait until after the Senator from New York finishes, to make sure there is no one else who wants to speak on the amendment of the Senator from Florida.

Mr. SCHUMER. Mr. President, if my colleague needs 5 minutes, I am happy to yield to him, if I would come after that. I ask unanimous consent that be the case.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Florida is recognized.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent to speak as in morning business.

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

Mr. NELSON of Florida. I thank the Chair.

(The remarks of Mr. NELSON of Florida pertaining to the introduction of S. 1484, S. 1485, S. 1486, and S. 1487 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. REED. Mr. President, if the Senator from Florida is prepared, I have conferred with the ranking member, the Senator from Arizona, and we are prepared to voice vote the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

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

The amendment (No. 1515) was agreed to.

Mr. NELSON of Florida. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from New York.

AMENDMENT NO. 1618

Mr. SCHUMER. Mr. President, I know we are not now on the Thune amendment. I know we have gone aside to other amendments and that we will be debating Thune tomorrow morning, but there are so many of my colleagues who want to speak, and I have a lot to say. So I will speak for 5 minutes tomorrow morning, but I will give the bulk of my speech this afternoon.

Mr. President, I rise in staunch opposition to the Thune amendment. I believe it is a dangerous amendment that would go far beyond authorizing gun possession for self-defense and not only create a serious threat to public safety but also severely undercut American federalism.

Amendment No. 1618, authored by Senator THUNE, would force States and localities from across the Nation to permit individuals from other States to carry hidden and loaded handguns in public, even where the elected representatives of those States have chosen to bar these persons from possessing firearms. The legislation would require every State with concealed carry legislation to honor concealed carry licenses issued by any other State so long as they abide by the State's location restrictions for concealed carry.

This amendment is a bridge too far and could endanger the safety of millions of Americans. Each State has carefully crafted its concealed carry laws in the way that makes the most sense to protect its citizens. It is obvious what is good for the safety of people in New York City or Philadelphia or Chicago or Miami or Los Angeles is not the same thing that is needed in rural Idaho or rural Tennessee. Yet this amendment, in one fell swoop, says the protections some States feel they need to protect law enforcement, to protect its citizenry, would be wiped away.

The amendment will incite the dangerous race to the bottom in our Nation's gun laws. Let's examine the lineup of people who could carry concealed weapons in 48 States under this amendment. And I don't disparage each State for doing what it wants within its own borders, but why impose that on States outside their borders?

Arizona law allows a concealed carry permit to be issued to an applicant who is a known alcoholic. So alcoholics would be in the lineup. They could carry a concealed weapon in States outside of Arizona simply because Arizona allowed them to do so.

Texas, which is one of the top 10 sources of guns recovered in crimes in New York City, a city in which I reside, is obliged to issue a permit to a person who has been convicted repeatedly of illegally carrying a handgun. Therefore, we can place arms traffickers in this lineup.

Mississippi law leaves access to concealed carry permits for members of hate groups.

Alaska and Vermont allow adult residents of their States to carry a concealed weapon without a license or background check as long as they are allowed to possess a gun, even if they have committed violent misdemeanors, have committed misdemeanor sex offenses against minors or are dangerously mentally ill and have been voluntarily committed to a mental institution.

Again, each State has its own views. The State of Vermont is a beautiful State. It is different from New York State in many ways, and the laws that fit for Vermont don't necessarily fit for New York.

A 17-year-old Crip or Blood from New York—a member of a gang; dangerous, maybe violent—could head to Vermont, obtain a Vermont driver's license, buy a gun, and return to New York or he could buy a whole bunch of guns and return to New York. When law enforcement stops him, a loaded gun tucked in his pants or a whole bunch of guns in his backpack, all he would have to do is claim he is a Vermonter visiting New York, show his Vermont ID, and the New York Police Department would be unable to stop him. This runs shivers down the spines of New York police officers, of New York sheriffs, of New York law enforcement. And it doesn't just apply to New York. This could apply to any large State.

Imagine law enforcement stopping one of these characters with a backpack full of guns—a known member of a major gang—and having to let them go. Imagine how empowered gun smugglers and traffickers would feel. Their business would boom. These are people who make money by selling guns illegally to people who are convicted felons. They could go to the State with the weakest laws, get a concealed carry permit—if that State allowed it, and in all likelihood it might—and then start bringing concealed guns into neighboring States and States across the country. Their business would boom, but our safety would be impaired. Imagine routine traffic stops turned into potential shootouts.

Police officers in New York have the safety and the peace of mind in knowing that the only people who might legally have a gun are those who have been approved by the police department. That is how we do it in a city such as New York. We have had our problems with crime. Thank God it is much lower now, due to the great work of the New York City police. But now they would be totally unprepared, walking on tiptoe. And if the criminal simply said: I am from this State—wow. I shudder at the thought.

Beyond the very real threat this poses to law enforcement and the safety of our police officers and the safety of our citizens, it would create a logistical nightmare. A police officer making a stop of a car would have to have in front of him or her the laws of all 45 States that now allow or whose residents would now be allowed or even whose people had gotten carry permits who would now be allowed to carry concealed weapons in New York.

What about States rights? I have not been on the side—it is obvious—of the gun lobby for as many years as I have been here in the House and Senate. I have always believed, though, there is a right to bear arms and that it is unfair to say the second amendment should be seen through a pinhole and the first, third, fourth, fifth, sixth, seventh, and eighth amendments should be seen broadly. I don't think that is fair.

But every amendment has limitations. Through the years when I have been involved in this issue, the NRA and other gun groups have argued, frankly, that the States ought to make their own decisions. All of a sudden we see a 180-degree hairpin turn. Now they are saying that the States cannot make their own decisions. Why is it that every other issue should be resolved by the States except this one? The amendment flies in the very face of States rights arguments and takes away citizens' rights to govern themselves.

I say to my colleagues who have laws and citizenry who probably want the laws not drawn as tightly as my State, if you open up this door, one day you will regret it. Because if you say that the Federal Government should decide what law governs, you are taking away States' right to govern themselves.

In the 1990s, after the passage of the Brady Act, the National Rifle Association funded multiple legal challenges to it, citing the 10th amendment, that the right to bear arms therefore resided in the States. Indeed, Mary Sue Falkner, who was then a spokesman for the NRA, said at the time:

> This is not a case about firearms per se, but about whether the Federal Government can force States and local governments against their will to carry out Federal mandates.

Similarly, in reference to Brady, the NRA's chief lobbyist said that the Federal Government was getting too much involved in State affairs.

The gun lobby's rallying cry has always been, ''Let each State decide.'' But with this amendment, again, a 180-degree flip.

Clearly, large urban areas merit a different standard than rural areas. To gut the ability of local police and sheriffs to determine who should be able to carry a concealed weapon makes no sense. It is wrong to take away any State's rights to make decisions about what can make a resident safer. A one-size-fits-all approach to community safety leads us down a very precarious road.

Make no mistake, this is a serious amendment. It is, even though not the intention of the author, a dangerous amendment. There will be needless suffering, injuries, and deaths if this amendment is agreed to.

I talked to my colleague Senator THUNE. We are friends. We saw each other in the gym this morning. He said to me: What about truckdrivers who have the gun in the cab of their truck and ride across State lines? I am sympathetic to that. I supported laws that allow police officers in New York to carry their gun when they cross over into New Jersey to shop or whatever. But you do not need this law to deal with that problem, because it creates so many other issues. There are ways we can deal with the problem that the Senator from South Dakota brought up

to me in the gym this morning, without decimating State laws that protect individual safety.

Make no mistake about it, this amendment would affect every State in the country, but I do not see the Governors on board. It would affect every city in the country. I don't see the mayors on board. It would affect every county in the country, but I don't see the sheriffs on board. It would affect every town in the country, but I don't see police chiefs on board.

Before we rush to judgment, shouldn't we ask our Governors, our mayors, our sheriffs, our police chiefs if this will make our communities safer or less safe? If this will put the men and women, the brave men and women who defend us and protect us on police forces, in jeopardy? Why don't we seek their guidance?

I urge my colleagues to give thoughtful and careful consideration to the consequences of the Thune amendment. I believe if they do, they will vote against it tomorrow at noon.

I yield the floor.

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

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

Mr. DURBIN. I ask unanimous consent to speak as in morning business.

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

HEALTH CARE REFORM

Mr. DURBIN. Mr. President, as we meet here today we are discussing the Defense authorization bill. We debate it each year. It is basically an authorization for the expenditure of funds in defense of America. It is a significant bill with a lot of different parts. I commend the Senators who have brought this to the floor, Senator CARL LEVIN, the chairman of the Armed Services Committee, and his Republican counterpart, Senator JOHN MCCAIN.

I know this bill is important and I know we will be returning to substantive amendments on this bill very shortly. But while we have this break in the action, I want to address another issue which is being debated in almost every corridor on Capitol Hill, and that is the issue of health care reform. It is an interesting issue and an amazing challenge to this Congress, to try to grapple with the health care system in the most prosperous Nation on Earth.

Despite our prosperity, we know there is something fundamentally flawed with our health care system. We spend more than twice as much per person in America on health care as any other country, and the results do not show that money is being well spent. Many other countries, spending a fraction of what the United States spends, end up with very different and much better results in terms of survival from certain diseases and illness, and mortality rates. There is something to be learned here about how we can be more effective in providing health care for our citizens and not break the bank.

Most Americans know what I am talking about when I talk about cost, because they are facing cost issues every day. They know health insurance premiums in America in the last several years have gone up three times faster than the incomes and wages of Americans. We have learned it is not unusual for one-fourth of Americans to spend 1 out of every $10 in income for health insurance. Some, a smaller group but a significant group, spend up to $1 out of every $4 in income on health insurance. The number keeps going through the roof with no end in sight. It worries us, not just as individuals and members of families, but businesses that are trying to do the right thing for their employees and be competitive.

It worries units of government because, whether it is your State government providing assistance for Medicaid or whether it is the Federal Government concerned about Medicare and Medicaid, the costs of health care are growing so quickly that they could easily put us into a perpetual debt situation, something we do not want to see, something we cannot leave to our children.

Now we are debating in the House and in the Senate, in a variety of different committees, how to change this health care system. Needless to say, it is a contentious debate. There are a lot of different points of view. There are some people and companies in America that want no change in our health care system. Most people do. Some don't. Many of those who are resisting change, who are unwilling to support the President's efforts to move us in this direction, are the very same companies and people who are profiting from the current system.

Make no mistake, when you spend billions of dollars on a system, much more than any other country, you are going to end up in a situation where many people are profiting handsomely from the current system. When you talk about reform—reducing the cost, reducing the payments, being more cost effective—these people see money going out the window, and they are going to fight it.

That is what the battle is all about. We have been through it before, and now we have returned to it. But in addition to cost, there is also the issue of the availability of health insurance. This morning's Chicago Tribune, on the front page, told the story of a man who sadly is one of the victims of this situation. He lives in a suburb of Chicago, and he works as a doorman at one of the buildings. He had a bad back. He finally was told—he tried a lot of conservative treatment; it just did not work—you are going to have to have back surgery.

So he did what he was supposed to do. He went to his insurance company and said: The doctor is recommending a surgery, and I want to know if it will be covered by my health insurance. Well, the health insurance company sent back to him written confirmation that the costs of the surgery would be covered by his health insurance. So he went through with the surgery and ended up incurring $148,000 in medical bills.

I think you know how this story ends. They turned in the bills to the insurance company, and they denied them. They said: We did not really approve this surgery. You should have taken a more conservative approach to it.

Well, he thought he had done everything he was supposed to. What followed was a battle with this insurance company, day after day, month after month, while people were saying: Send us the $148,000. This man of limited means was fighting to finally get this health insurance company to pay what they promised to pay. It took him months.

When it was all over, Mr. Napientek, Michael Napientek, ended up with coverage. Had he failed to get the coverage for that surgery, it would have wiped out his entire life's savings. That is the reality of health care. That is the situation too many people find themselves in, so vulnerable in a situation where one medical bill denied by an insurance company bureaucrat can literally wipe out their life's savings.

We can do better. We have to do better. That is what this debate is all about. First, we have to reduce the cost of health care for families and businesses and governments across America. There are ways to do that. We can lower costs to make sure every American has access to insurance. We can make it clear that no one can be turned down for insurance coverage because of a preexisting condition. We can make certain there is no discrimination in the premiums that are charged individual Americans because one is a male and another female; one is a certain age and another not. We can make certain there is more fairness in the way people are treated by these health insurance companies.

This idea of denying coverage for preexisting conditions, imagine how frustrating that must be to realize that if you turned in a claim this year on your health insurance because you had a bad back, and you went to the doctor next year, when it came time for surgery they would not cover it.

This happened to a friend of mine, a fellow I grew up with in East St. Louis, IL, in the trucking business. He not only owned the business, he drove the trucks. When he reached 60 years of age, his back was killing him. Well, at that point his company had lost its health insurance. Why? Because the wife of one of the employees had a sick baby. Her sick baby incurred a lot of medical bills, and the cost of health insurance went through the roof. They

had to cancel the company's health insurance, give the employees some money, and say: Fend for yourself.

He was in the same boat. He went out to get private health insurance, complained about a bad back. The following year when the doctor said he needed back surgery, he turned in a claim to his health insurance company, and they said: No, it is a preexisting condition. We will not cover your back surgery.

Do you know what he had to do? He ended up filing a worker's compensation claim claiming that his back injuries had to do with bouncing around in a truck for 30 or 40 years, not an unreasonable conclusion. Do you know who he sued? He sued himself. He sued as an employee of the company. He sued himself as owner of the company.

Is that crazy to reach that point? And he won, incidentally. They said it is subject to worker's compensation. We will pay for the surgery.

He had done everything right, providing health insurance for his employees until he could not afford it, trying to get private insurance for himself at the age of 60, then turning in a claim and being turned down. He could have been wiped out by that surgery, just as the man on the front page of the Chicago Tribune.

We are all in this vulnerable situation because the health insurance companies have so much power over our lives. I listen to those on the other side of the aisle who come—not all of them but many—every single day and say we do not need to change this system. Who are they talking to? Who are they listening to? They are not listening to people like these who find out every day that they do not have coverage, that the cost of insurance is too high, that their doctor is in a debate with a clerk at an insurance company over whether they are going to get the necessary and proper treatment for a medical condition. That is the reality.

There are many ways to address this, and we should. We have to address it by making sure everyone has access to health insurance regardless of preexisting conditions, health status for a medical condition. We have to get rid of the so-called lifetime caps.

Imagine that a diagnosis tomorrow that you or someone you love in your family has a chronic condition that is going to call for medical treatment for a long period of time, and then you realize there will come a moment when that health insurance company would say: We are out of here. You just broke the bank. You hit the cap on your policy.

We have to put an end to that. We also have to limit the out-of-pocket expenses individuals have to pay. There comes a point where people cannot afford this expense. We have to require equal treatment for men and women—Black, White, and brown, young and old, whether they live in a rural area or in a city.

We have to make sure if a health insurance policy in America is offered, it is a good policy that covers the basic needs. There are policies that do not. They sell health insurance you can afford, and guess what. It is worthless. That is not good for America and it is not good for our families.

There are ways to lower costs. We ought to be pushing for prevention. We ought to be trying to find ways to keep people well, incentives for the right conduct and healthy outcomes. Right now there is not much of a reward or an incentive for wellness. We also have to give support to small businesses. When we look at the insured in America, most of them are small business employees and their children. The poorest people in America are covered by Medicaid, the government health insurance, as they should be.

Folks are fortunate, like myself, under the Federal Employees Health Benefits Program, and most others who have health insurance policies, to have coverage. But the folks in the middle who get up and go to work every day for the small businesses of America—and their kids—are the ones who do not have coverage. We can do better.

One of the proposals before us in Congress is to make sure small businesses can start getting into pools where they can use that pooling power to reach out and have health insurance coverage that is affordable. That is within our reach.

Senator REED is on the Senate floor today. He and I were fortunate enough to be at lunch today when our colleague from Connecticut, CHRIS DODD, got up and spoke about what had happened in the HELP Committee, the Health, Education, Labor and Pensions Committee, in preparing a bill on health care reform. There were 800 amendments filed. They met for 61 days. Some 400 amendments were considered and voted on. Over 100 of those were from the Republican side of the aisle. They were trying their best to create a bipartisan compromise to get through the bill.

But Senator DODD came up and talked about this, not in terms of a specific bill and its provisions; he talked about the historic opportunity we have. He said for many of us, for most of us now serving in the Senate, this may be the only time in our political careers when we can change the health care system for the better; when we can make sure that people in America have a better chance to be able to afford the cost of health care.

He certainly inspired us when he pulled out this magazine and showed us a picture of our colleague, Senator TEDDY KENNEDY, on the cover of Newsweek, and the quote from TED KENNEDY that says: ''We're almost there.''

There is a long essay in here about TED KENNEDY's terrific public career and how much of it has been spent on this issue of health care; what it meant to him personally when his son was diagnosed with bone cancer and had to have his leg amputated; what he went through in a plane crash; when he has seen others and what they have gone through.

TEDDY KENNEDY reminds us that these opportunities do not come around very often. There is lots we can debate and argue about, but at the end of the day the American people want to see the debate end. They want to see us acting together responsibly for health care that is centered on patients; to make sure they have a health insurance policy they like, that they can keep; to make certain they have a good strong confidential relationship with their doctors for themselves and their families; to make sure, as well, they are not excluded from coverage for preexisting conditions; to make sure that health insurance is going to be affordable; and to make sure it covers all Americans.

We can do it. We are a great and prosperous nation. We have a President who is committed to it. And working with him on a bipartisan basis we can get this done. We can work with the health care professionals—the doctors, the nurses, those leading hospitals—who can show us the way to reduce the cost of care without reducing its quality.

This is our chance. For those who are saying no, that they want the status quo, they do not want to change it, only a small percentage of Americans agree with them. Most Americans agree what I have talked about today needs to be done. We have to overcome those voices of negativity and doubt who continue to come to the Senate floor, those who create fear of change.

Let me tell you, this is a great, strong country that tackles big problems. We have never been assigned a bigger assignment than this one, health care for America. It touches all 300 million of us. We have to make sure it is done fairly, done effectively, and done quickly. If we let this drag out for months beyond this year, it is going to be harder and harder for us to reach our goal.

I encourage my colleagues on both sides of the aisle to work toward that goal, make certain that President Obama's leadership is rewarded with health care reform that does make a difference.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

AMENDMENT NO. 1501

Mr. BOND. Mr. President, I rise today to discuss an amendment that I am cosponsoring with my friend and fellow cochair of the Senate National Guard Caucus, Senator LEAHY. We will be introducing a bipartisan amendment to strengthen one of our Nation's most important military and civilian resources, the National Guard.

The National Guard, as I think everybody in this body knows, has a long and proud history of contributing to America's military operations abroad while providing vital support and security to civil authorities at home.

Since September 11, 2001, our citizen soldiers and airmen have taken on

greater responsibilities and risk, from fighting in Iraq and Afghanistan to providing critical disaster assistance in the United States.

Now we see the tremendous value of the National Guard forces every time we look as they confront terrorists, provide critical support in unique areas such as Afghanistan where the agribusiness development teams are working to help provide agricultural know-how and better income to the farmers of Afghanistan, to areas where they provide water, food, and health supplies to victims of natural disasters.

Furthermore, the Guard is a tremendous value for the capability it provides our Nation. It provides 40 percent of the total military force for around 4.5 percent of the budget. In other words, the Guard provides tremendous bang for the buck.

There is no doubt today we are asking more from the men and women of the National Guard than ever before, often at great cost to their families and their own lives.

I think this means we have a heavy responsibility to support our citizen soldiers and airmen in their unique dual mission of developing military support abroad and providing homeland defense stateside.

While serving abroad, National Guard troops serve under Air Force and Army Commands in what is known as title 10 status, which refers to the section in the U.S. Code dealing with the military. But when the Guard operates at home, they serve under the command and control of the Nation's Governors in title 32 status.

I had the honor of serving as commander in chief of the Missouri National Guard for 8 years. I can tell you that Missouri has a wide range of natural and sometimes human disasters ranging from tornadoes and floods to blizzards and ice storms. I called out the Guard for every single one of those and several more I probably cannot even remember: threatened prison insurrections, other civil disobedience, to tracking down escapees from prison. Right after Katrina—I think it was about a year after Katrina—I visited Jefferson Barracks, MO, where one of our National Guard engineer units is stationed.

They told me proudly that when Katrina hit, they immediately sent one of their National Guard battalions to Katrina. They had all the equipment, the high-wheeled vehicles, the communications equipment. They did such a wonderful job, the adjutant general of Louisiana called and said: You have two more battalions; send us another one. They said: That is where the problem comes in. We only have equipment for one out of three battalions. The Guard was one-third resourced. We could have sent them down there in tennis shoes and a taxicab, but they needed the equipment that an engineer battalion has to deal with the problems of the aftermath of the floods and the hurricane. I think there is a lot more we can do to make this unique arrangement work more smoothly. The Guard will continue to play a critical role in response to another natural disaster or, heaven forbid, terrorist attack. To the men and women of the National Guard, we say: Thank you for that support.

But more needs to be done. The amendment we are introducing today to strengthen the Guard consists of two planks which are designed, first, to increase the Guard's voice inside the Pentagon and, second, to clarify how the Federal military support to civil authorities will occur here at home.

We would give the Chief of the National Guard more muscle in the Pentagon, providing a seat for him on the Joint Chiefs of Staff. With 40 percent of the force, one would think that big a portion of our total military capability would deserve to sit with the outstanding leaders of the Army, the Air Force, the Marines, and others who are there. One would think this large a segment of our force would be represented. When we have big decisions on the future of our resource allocation for the military—title X and, in this case, also title XXXII—they ought to be at the table.

Last year—I thank my colleagues—we successfully authorized the promotion of the Chief of the National Guard to the rank of four-star general in last year's empowerment legislation. Additionally, this year's empowerment amendment will make certain that the Chief of the National Guard Bureau has a Vice Chief in the grade of lieutenant general. When you are dealing with that many problems, there is a major operation that needs to be handled by a deputy to the four-star Chief of the National Guard. It is critical to the day-to-day operations of the National Guard Bureau and to ensure the Guard is adequately represented inside the Pentagon.

This amendment will also fill the gaps between civilian and military emergency response capabilities. We would give the National Guard Bureau, in consultation with the States' adjutant generals, budgetary power to identify, validate, and procure equipment essential to their unique domestic missions so they will be better prepared to respond to emergencies here at home. The next time they call for a second engineer battalion, I hope we have the equipment to send one to whatever State or maybe our own State where they are needed.

The amendment also supports the designation of National Guard general officers as commanders of Army North and Air Force North commands. This will ensure unity of effort and of command between the National Guard in the 54 States and territories and the very important U.S. North command which protects the United States in the continental United States.

Finally, our amendment gives State Governors tactical control of Federal troops responding to emergencies inside their State or territory. Time and time again, we have seen Reserve units stationed within close proximity to a natural or manmade disaster forced to stand by and watch when they could have been assisting injured victims in preventing loss of property. This amendment ensures that all available military forces be utilized as early as possible in an emergency situation. This way, our State leaders can act more quickly and decisively to mitigate disasters at home. Our citizen soldiers stand ready to defend the Nation, secure our homeland from natural disasters and terrorist attacks, and are now fighting overseas in the war on terror. Neither the homeland response nor the Federal military support missions of the Guard are likely to diminish in importance at any time in the foreseeable future. In fact, the need for the National Guard is greater now than ever before. Now more than ever, as budgets are constrained and entitlements continue to grow at alarming rates, we should not be looking to reduce the Guard but, rather, fully to man and equip it.

We have a responsibility to give the Guard the equipment, resources, and bureaucratic muscle they need to meet their critical dual mission. In order to do so, it is imperative we strengthen the decisionmaking capability of Guard leaders within the Department of Defense and make sure they are at the table.

As one former leader of the Guard said: If you want us in on the big plays, at least let us in the huddle when you are planning to call those plays. That is what this amendment does.

I thank my colleagues for their past support of the Guard. I join with Senator LEAHY in asking for continued support of the National Guard by voting for this amendment.

I yield the floor.

AMENDMENT NO. 1597

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I ask unanimous consent to set aside the pending Thune amendment and call up my amendment No. 1597.

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

The clerk will report.

The assistant bill clerk read as follows:

The Senator from Kansas [Mr. BROWNBACK], for himself, Mr. BAYH, Mr. KYL, and Mr. INHOFE, proposes an amendment numbered 1597.

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

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

(Purpose: To express the sense of the Senate that the Secretary of State should redesignate North Korea as a state sponsor of terrorism)

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

SEC. 1232. SENSE OF THE SENATE ON REDESIGNATION OF NORTH KOREA AS A STATE SPONSOR OF TERRORISM.

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

(1) On October 11, 2008, the Department of State removed North Korea from its list of state sponsors of terrorism, on which it had been placed in 1988.

(2) North Korea was removed from that list despite its refusal to account fully for its abduction of foreign citizens, proliferation of nuclear and other dangerous technologies and weapon systems to terrorist groups and other state sponsors of terrorism, or its commission of other past acts of terrorism.

(3) On March 17, 2009, American journalists Euna Lee and Laura Ling were seized near the Chinese-North Korean border by agents of the North Korean government and were subsequently sentenced to 12 years of hard labor in a prison camp in North Korea.

(4) On April 5, 2009, the Government of North Korea tested a long-range ballistic missile in violation of United Nations Security Council Resolutions 1695 and 1718.

(5) On April 15, 2009, the Government of North Korea announced it was expelling international inspectors from, and recommissioning, its Yongbyon nuclear facility and ending its participation in disarmament talks.

(6) Those actions were in violation of the June 26, 2008, announcement by the President of the United States that the removal of North Korea from the list of state sponsors of terrorism was dependent on the Government of North Korea agreeing to a system to verify its declarations with respect to its nuclear programs.

(7) On May 25, 2009, the Government of North Korea conducted a second illegal nuclear test, in addition to conducting tests of its ballistic missile systems launched in the direction of the western United States.

(8) North Korea has failed to acknowledge or account for its role in building and supplying the secret nuclear facility at Al Kibar, Syria, has failed to account for all remaining citizens of Japan abducted by North Korea, and, according to recent reports, continues to engage in close cooperation with the terrorist Iranian Revolutionary Guard Corps on ballistic missile technology.

(9) There have been recent credible reports that North Korea has provided support to the terrorist group Hezbollah, including by providing ballistic missile components and personnel to train members of Hezbollah with respect to the development of extensive underground military facilities in southern Lebanon, including tunnels and bunkers.

(10) The 2005 and 2006 Country Reports on Terrorism of the Department of State state, with respect to Cuba, Iran, North Korea, and Syria, ''Most worrisome is that some of these countries also have the capability to manufacture WMD and other destabilizing technologies that can get into the hands of terrorists. The United States will continue to insist that these countries end the support they give to terrorist groups.''.

(11) President Barack Obama stated that actions of the Government of North Korea ''are a matter of grave concern to all nations. North Korea's attempts to develop nuclear weapons, as well as its ballistic missile program, constitute a threat to international peace and security. By acting in blatant defiance of the United Nations Security Council, North Korea is directly and recklessly challenging the international community. North Korea's behavior increases tensions and undermines stability in Northeast Asia. Such provocations will only serve to deepen North Korea's isolation. It will not find international acceptance unless it abandons its pursuit of weapons of mass destruction and their means of delivery.''.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Secretary of State should designate North Korea as a country that has repeatedly provided support for acts of international terrorism for purposes of—

(1) section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)) (as continued in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.));

(2) section 40 of the Arms Export Control Act (22 U.S.C. 2780); and

(3) section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371).

Mr. BROWNBACK. Mr. President, this is a bipartisan amendment put forward by Senator BAYH and myself. I ask unanimous consent that Senators KYL and INHOFE be added as cosponsors.

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

Mr. BROWNBACK. This is a bipartisan resolution and sense of the Senate that the administration should relist North Korea as a state sponsor of terrorism. As my colleagues know, the Bush administration, through a great deal of hoopla, listed North Korea as a state sponsor of terrorism. They took them off the list in spite of such terrible and erratic behavior as nuclear weapons, missile technology, and now taking U.S. citizens hostage and holding them. Nonetheless, the Bush administration, as part of the six-party talks, did an agreement, a deal to delist them as a state sponsor of terrorism. All that got us was more nuclear weapons, more missiles being sent off, more provocative action by the North Koreans, and a dismal situation.

What we are asking with the amendment is that it is a sense of the Senate that North Korea should be relisted as a state sponsor of terrorism.

In that regard, I wish to enter a few items in the RECORD to be printed at the end of my presentation that are currently in the news. This is yesterday's front page of the Washington Post where it talks about ''[North] Korea's Hard-Labor Camps: On the Diplomatic Back Burner.''

I ask unanimous consent that this full article be printed in the RECORD.

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

(See exhibit 1.)

Mr. BROWNBACK. That is an old story. Unfortunately, we know very well about the gulags that exist in North Korea and the 200,000 people we believe are in those. Here is today's Washington Post. This was new information I found shocking: North Korea building mysterious military ties with the military junta in Burma now taking place and the possibility of them giving military equipment and supplies, I suppose possibly even nuclear arms and missile technology, to the military government in Burma.

I ask unanimous consent that this be printed in the RECORD at the end of my statement.

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

(See exhibit 2.)

Mr. BROWNBACK. If that is not enough to relist them as a state sponsor of terrorism, I don't know what is. But there is a full record we can go forward with on relisting North Korea as a state sponsor of terrorism. At the outset, I think we ought to look at this and say this is an extremely tough situation for the United States. It is one on which we need to take aggressive action to confront them on what they are doing to militarize some of the worst places and worst actors around the world and what North Korea is doing to threaten interests of the United States.

All this is taking place while Kim Jong Il is ill. To what degree, we don't know for sure. A succession is being discussed. Of what nature, we are not sure. But clearly North Korea is doing the most provocative things they have probably done in the history of that provocative nation. It is taking place right now. We should notice it and recognize these are terrorist actions. We should clearly call for them to be relisted.

I have, many times, spoken before regarding the long and outrageous list of crimes of the Kim regime. I will not go through those again at great length. But I will say the crimes committed by the North Korean regime include not only those external and diplomatic of nature—violating agreements, treaties, conventions, and proliferating dangerous technologies to the world's worst actors—but the regime has also committed massive and unspeakable crimes against the North Korean people themselves who for decades have been beaten, tortured, raped, trafficked, starved, used as medical experiments, subjected to collective familial punishment, and executed in the most brutal and painful ways. If you want further details on that, read yesterday's Washington Post article.

Hundreds of thousands languish in the gulag and concentration camps spread out over the entire country. All the while, the world watches and wrings its collective hands. As we pledged never again, we watch as yet again another criminal regime commits a genocide. Never again becomes yet again.

I have introduced legislation to address these issues. I hope the Foreign Relations Committee can find time to take it up.

The amendment before us today deals with another aspect of the North Korean criminal state, its longstanding and robust sponsorship of international terrorism. The amendment would place the Senate on record as standing for the proposition that North Korea's hostile and provocative actions will not be ignored. Indeed, they will have meaningful consequences under the law. This amendment, of which Senator BAYH is the lead cosponsor, expresses the sense of the Senate that the Secretary of State should redesignate North Korea as a state sponsor of terrorism based on its nuclear and missile

proliferation, abductions, and material support for terrorist groups.

On October 11, 2008, the State Department removed North Korea from the list of state sponsors of terrorism on which it had been placed since 1988. At the time, this is what President Bush said to the North Korean regime upon announcing that North Korea would be removed. He said:

> We will trust you only to the extent that you fulfill your promises. If North Korea makes the wrong choices, the United States will act accordingly.

They have made the wrong choices. We should act accordingly.

At the same time, then Candidate Obama said:

> Sanctions are a critical part of our leverage to pressure North Korea to act. They should only be lifted based on North Korean performance. If the North Koreans do not meet their obligations, we should move quickly to reimpose sanctions that have been waived and consider new restrictions going forward.

They have not lived up to their obligations. They have continued provocative actions. They should be relisted.

Let's examine how well the North Korean regime has lived up to its commitment since being removed from the list. Since removal last October, the North Korean regime has done the following: launched a multistage ballistic missile over Japan in violation of U.N. Security Council sanctions; kidnapped and imprisoned two American journalists and sentenced them to 12 years of hard labor in a North Korean prison camp; pulled out of the six-party talks vowing never to return; kicked out international nuclear inspectors and American monitors; restarted its nuclear facilities; renounced the 50-year armistice with South Korea; detonated a second illegal nuclear weapon; launched additional short-range missiles; is preparing to launch long-range missiles capable of reaching the United States; and today news accounts are reporting about North Korean proliferation to the Burmese junta, including perhaps nuclear proliferation.

Add to this a long history of other ongoing illicit operations that finance the North Korean regime's budget, including the following: extensive drug smuggling; massive and complex operations to counterfeit U.S. currency, many of which are believed to be in wide circulation; money laundering; terrorist threats by the regime against the United States, Japanese, and South Korean civilians. That is what this regime and group has done and is doing. That is some of what they have done since they were delisted from the terrorist list.

What have we done in response? The U.N. Security Council has passed another sanctions resolution similar to the same resolution North Korea has brazenly violated to get us to this point. In 2006, the State Department, in its terrorism report, said this about keeping North Korea on the list: North Korea ''continued to maintain their ties to terrorist groups.''

They said:

> Most worrisome is that some of these countries [including North Korea] also have the capability to manufacture [weapons of mass destruction] and other destabilizing technologies that can get into the hands of terrorists.

If that was the justification for the terror list in 2006, certainly North Korea's actions today fit that standard—perhaps even more so than back then, and I believe it is more so.

We cannot have it both ways. If we removed North Korea from the terrorism list last year as a reward for its dubious cooperation on nuclear weapons, we would only be reversing that step by adding it back after the regime betrayed its commitments and followed up with hostile and provocative actions.

I would also like to address this issue: It often has been raised with me—and the Secretary of State herself has raised this indirectly with me—that the multiple statutes that control the list of state sponsors of terrorism do not provide the legal ability for the Secretary of State to redesignate. I think this argument is flawed, and I would like to summarize that by reading the relevant portions of each of these acts, because here is the key point on it, that they are saying: Well, we have to find factual basis that is different from the first round for us to do that. We are going through a legal review of doing this. But here the state sponsor of terrorism list is controlled under two different acts: the Arms Export Control Act and the Foreign Assistance Act.

As to countries covered by the prohibition, it says this. This is quoting from the Arms Export Control Act:

> The prohibitions contained in this section apply with respect to a country if the Secretary of State determines that the government of that country has repeatedly provided support for acts of international terrorism.

That is what it says in the Arms Export Control Act. The list I have just read goes through what has taken place, and they are clearly and repeatedly providing support for acts of international terrorism. It does not say anything about they cannot be relisted or we have to go through some elaborate finding process, that it cannot be based on actions they have done. These are the actions they have done in the last 6 months that are of public record. And it says the Secretary of State makes this determination and has fairly wide discretion to be able to do it.

Under section 628 of the Foreign Assistance Act, it says: The United States shall not provide any assistance to any country if the Secretary of State determines that the government of that country has repeatedly provided support for acts of international terrorism.

Again, the statute is very broad in its statement. It does not say anything about they cannot relist them. It says they can do this on the discretion of the Secretary of State.

I do not know why we need to wait any longer, with the actions this government has taken and even with these most recent ones reported today of working with Burma or of the publicly done ones we know about of nuclear weapons detonation or the ones of missile technology being launched. Why do we need to wait longer?

I recognize this is a sense of the Senate, so it is just a sense of this body. But this body has had a strong impact in prior actions when we took a sense-of-the-Senate resolution to list the Revolutionary Guard in Iran, that we believed they should be listed as a state sponsor of terrorism. The administration acted not long after that to list them as a state sponsor of terrorism.

I believe if this body took strong action here now and said we believe North Korea should be relisted as a state sponsor of terrorism, it would send a very strong and proper signal to the administration—not that we are doing your job, but we believe this is the case and this is something that is meritorious toward North Korea and its actions.

That is why I urge my colleagues to support the bipartisan Bayh-Brownback amendment and vote for this amendment to the Defense authorization bill.

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

EXHIBIT 1

[From the Washington Post, July 20, 2009]

N. KOREA'S HARD-LABOR CAMPS: ON THE DIPLOMATIC BACK BURNER

(By Blaine Harden)

SEOUL.—Images and accounts of the North Korean gulag become sharper, more harrowing and more accessible with each passing year.

A distillation of testimony from survivors and former guards, newly published by the Korean Bar Association, details the daily lives of 200,000 political prisoners estimated to be in the camps: Eating a diet of mostly corn and salt, they lose their teeth, their gums turn black, their bones weaken and, as they age, they hunch over at the waist. Most work 12- to 15-hour days until they die of malnutrition-related illnesses, usually around the age of 50. Allowed just one set of clothes, they live and die in rags, without soap, socks, underclothes or sanitary napkins.

The camps have never been visited by outsiders, so these accounts cannot be independently verified. But high-resolution satellite photographs, now accessible to anyone with an Internet connection, reveal vast labor camps in the mountains of North Korea. The photographs corroborate survivors' stories, showing entrances to mines where former prisoners said they worked as slaves, in-camp detention centers where former guards said uncooperative prisoners were tortured to death and parade grounds where former prisoners said they were forced to watch executions. Guard towers and electrified fences surround the camps, photographs show.

''We have this system of slavery right under our nose,'' said An Myeong Chul, a camp guard who defected to South Korea. ''Human rights groups can't stop it. South Korea can't stop it. The United States will have to take up this issue at the negotiating table.''

But the camps have not been discussed in meetings between U.S. diplomats and North Korean officials. By exploding nuclear bombs, launching missiles and cultivating a reputation for hair-trigger belligerence, the government of Kim Jong Il has created a permanent security flash point on the Korean Peninsula—and effectively shoved the issue of human rights off the negotiating table.

''Talking to them about the camps is something that has not been possible,'' said David Straub, a senior official in the State Department's office of Korean affairs during the Bush and Clinton years. There have been no such meetings since President Obama took office.

''They go nuts when you talk about it,'' said Straub, who is now associate director of Korean studies at Stanford University.

Nor have the camps become much of an issue for the American public, even though annotated images of them can be quickly called up on Google Earth and even though they have existed for half a century, 12 times as long as the Nazi concentration camps and twice as long as the Soviet Gulag. Although precise numbers are impossible to obtain, Western governments and human groups estimate that hundreds of thousands of people have died in the North Korean camps.

North Korea officially says the camps do not exist. It restricts movements of the few foreigners it allows into the country and severely punishes those who sneak in. U.S. reporters Laura Ling and Euna Lee were sentenced last month to 12 years of hard labor, after being convicted in a closed trial on charges of entering the country illegally.

North Korea's gulag also lacks the bright light of celebrity attention. No high-profile, internationally recognized figure has emerged to coax Americans into understanding or investing emotionally in the issue, said Suzanne Scholte, a Washington-based activist who brings camp survivors to the United States for speeches and marches.

''Tibetans have the Dalai Lama and Richard Gere, Burmese have Aung San Suu Kyi, Darfurians have Mia Farrow and George Clooney,'' she said. ''North Koreans have no one like that.''

EXECUTIONS AS LESSONS

Before guards shoot prisoners who have tried to escape, they turn each execution into a teachable moment, according to interviews with five North Koreans who said they have witnessed such killings.

Prisoners older than 16 are required to attend, and they are forced to stand as close as 15 feet to the condemned, according to the interviews. A prison official usually gives a lecture, explaining how the Dear Leader, as Kim Jong Il is known, had offered a ''chance at redemption'' through hard labor.

The condemned are hooded, and their mouths are stuffed with pebbles. Three guards fire three times each, as onlookers see blood spray and bodies crumple, those interviewed said.

''We almost experience the executions ourselves,'' said Jung Gwang Il, 47, adding that he witnessed two executions as an inmate at Camp 15. After three years there, Jung said, he was allowed to leave in 2003. He fled to China and now lives in Seoul.

Like several former prisoners, Jung said the most arduous part of his imprisonment was his pre-camp interrogation at the hands of the Bowibu, the National Security Agency. After eight years in a government office that handled trade with China, a fellow worker accused him of being a South Korean agent.

''They wanted me to admit to being a spy,'' Jung said. ''They knocked out my front teeth with a baseball bat. They fractured my skull a couple of times. I was not a spy, but I admitted to being a spy after nine months of torture.''

When he was arrested, Jung said, he weighed 167 pounds. When his interrogation was finished, he said, he weighed 80 pounds. ''When I finally got to the camp, I actually gained weight,'' said Jung, who worked summers in cornfields and spent winters in the mountains felling trees.

''Most people die of malnutrition, accidents at work, and during interrogation,'' said Jung, who has become a human rights advocate in Seoul. ''It is people with perseverance who survive. The ones who think about food all the time go crazy. I worked hard, so guards selected me to be a leader in my barracks. Then I didn't have to expend so much energy, and I could get by on corn.''

DEFECTORS' ACCOUNTS

Human rights groups, lawyers committees and South Korean-funded think tanks have detailed what goes on in the camps based on in-depth interviews with survivors and former guards who trickle out of North Korea into China and find their way to South Korea.

The motives and credibility of North Korean defectors in the South are not without question. They are desperate to make a living. Many refuse to talk unless they are paid. South Korean psychologists who debrief defectors describe them as angry, distrustful and confused. But in hundreds of separate interviews conducted over two decades, defectors have told similar stories that paint a consistent portrait of life, work, torment and death in the camps.

The number of camps has been consolidated from 14 to about five large sites, according to former officials who worked in the camps. Camp 22, near the Chinese border, is 31 miles long and 25 miles wide, an area larger than the city of Los Angeles. As many as 50,000 prisoners are held there, a former guard said.

There is a broad consensus among researchers about how the camps are run: Most North Koreans are sent there without any judicial process. Many inmates die in the camps unaware of the charges against them. Guilt by association is legal under North Korean law, and up to three generations of a wrongdoer's family are sometimes imprisoned, following a rule from North Korea's founding dictator, Kim Il Sung: ''Enemies of class, whoever they are, their seed must be eliminated through three generations.''

Crimes that warrant punishment in political prison camps include real or suspected opposition to the government. ''The camp system in its entirety can be perceived as a massive and elaborate system of persecution on political grounds,'' writes human rights investigator David Hawk, who has studied the camps extensively. Common criminals serve time elsewhere.

Prisoners are denied any contact with the outside world, according to the Korean Bar Association's 2008 white paper on human rights in North Korea. The report also found that suicide is punished with longer prison terms for surviving relatives; guards can beat, rape and kill prisoners with impunity; when female prisoners become pregnant without permission, their babies are killed.

Most of the political camps are ''complete control districts,'' which means that inmates work there until death.

There is, however, a ''revolutionizing district'' at Camp 15, where prisoners can receive remedial indoctrination in socialism. After several years, if they memorize the writings of Kim Jong Il, they are released but remain monitored by security officials.

SOUTH'S CHANGING RESPONSE

Since it offers a safe haven to defectors, South Korea is home to scores of camp survivors. All of them have been debriefed by the South Korean intelligence service, which presumably knows more about the camps than any agency outside of Pyongyang.

But for nearly a decade, despite revelations in scholarly reports, TV documentaries and memoirs, South Korea avoided public criticism of the North's gulag. It abstained from voting on U.N. resolutions that criticized North Korea's record on human rights and did not mention the camps during leadership summits in 2000 or 2007. Meanwhile, under a ''sunshine policy'' of peaceful engagement, South Korea made major economic investments in the North and gave huge, unconditional annual gifts of food and fertilizer.

The public, too, has been largely silent. ''South Koreans, who publicly cherish the virtue of brotherly love, have been inexplicably stuck in a deep quagmire of indifference,'' according to the Korean Bar Association, which says it publishes reports on human rights in North Korea to ''break the stalemate.''

Government policy changed last year under President Lee Myung-bak, who has halted unconditional aid, backed U.N. resolutions that criticize the North and tried to put human rights on the table in dealing with Pyongyang. In response, North Korea has called Lee a ''traitor,'' squeezed inter-Korean trade and threatened war.

AN ENFORCER'S VIEW

An Myeong Chul was allowed to work as a guard and driver in political prison camps because, he said, he came from a trustworthy family. His father was a North Korean intelligence agent, as were the parents of many of his fellow guards.

In his training to work in the camps, An said, he was ordered, under penalty of becoming a prisoner himself, never to show pity. It was permissible, he said, for bored guards to beat or kill prisoners.

''We were taught to look at inmates as pigs,'' said An, 41, adding that he worked in the camps for seven years before escaping to China in 1994. He now works in a bank in Seoul.

The rules he enforced were simple. ''If you do not meet your work quota, you do not eat much,'' he said. ''You are not allowed to sleep until you finish your work. If you still do not finish your work, you are sent to a little prison inside the camp. After three months, you leave that prison dead.''

An said the camps play a crucial role in the maintenance of totalitarian rule. ''All high-ranking officials underneath Kim Jong Il know that one misstep means you go to the camps, along with your family,'' he said.

Partly to assuage his guilt, An has become an activist and has been talking about the camps for more than a decade. He was among the first to help investigators identify camp buildings using satellite images. Still, he said, nothing will change in camp operations without sustained diplomatic pressure, especially from the United States.

INCONSISTENT U.S. APPROACH

The U.S. government has been a fickle advocate.

In the Clinton years, high-level diplomatic contacts between Washington and Pyongyang focused almost exclusively on preventing the North from developing nuclear weapons and expanding its ballistic missile capability.

President George W. Bush's administration took a radically different approach. It famously labeled North Korea as part of an ''axis of evil,'' along with Iran and Iraq. Bush met with camp survivors. For five years, U.S. diplomats refused to have direct negotiations with North Korea.

After North Korea detonated a nuclear device in 2006, the Bush administration decided

to talk. The negotiations, however, focused exclusively on dismantling Pyongyang's expanded nuclear program.

In recent months, North Korea has reneged on its promise to abandon nuclear weapons, kicked out U.N. weapons inspectors, exploded a second nuclear device and created a major security crisis in Northeast Asia.

Containing that crisis has monopolized the Obama administration's dealings with North Korea. The camps, for the time being, are a non-issue. ''Unfortunately, until we get a handle on the security threat, we can't afford to deal with human rights,'' said Peter Beck, a former executive director of the U.S. Committee for Human Rights in North Korea.

A FAMILY'S TRIBULATIONS

Kim Young Soon, once a dancer in Pyongyang, said she spent eight years in Camp 15 during the 1970s. Under the guilt-by-association rule, she said, her four children and her parents were also sentenced to hard labor there.

At the camp, she said, her parents starved to death and her eldest son drowned. Around the time of her arrest, her husband was shot for trying to flee the country, as was her youngest son after his release from the camp.

It was not until 1989, more than a decade after her release, that she found out why she had been imprisoned. A security official told her then that she was punished because she had been a friend of Kim Jong Il's first wife and that she would ''never be forgiven again'' if the state suspected that she had gossiped about the Dear Leader.

She escaped to China in 2000 and now lives in Seoul. At 73, she said she is furious that the outside world doesn't take more interest in the camps. ''I had a friend who loved Kim Jong Il, and for that the government killed my family,'' she said. ''How can it be justified?''

EXHIBIT 2

[From the Washington Post, July 21, 2009]

CLINTON: U.S. WARY OF GROWING BURMESE, NORTH KOREAN MILITARY COOPERATION

(By Glenn Kessler)

BANGKOK, July 21—The Obama administration is increasingly concerned that nuclear-armed North Korea is building mysterious military ties with Burma, another opaque country with a history of oppression, Secretary of State Hillary Rodham Clinton said Tuesday.

''We know that there are also growing concerns about military cooperation between North Korea and Burma, which we take seriously'' Clinton told reporters after talks in the Thai capital. ''It would be destabilizing for the region. It would pose a direct threat to Burma's neighbors.''

U.S. officials traveling with Clinton, who is in Thailand to attend a regional security forum, said the concerns about Burma and North Korea extend to possible nuclear cooperation. North Korea has a long history of illicit missile sales and proliferation, including secretly helping to build a Syrian nuclear reactor that was destroyed in 2007 by Israeli jets.

''This is one of the areas we'd like to know about,'' said one official. ''We have concerns, but our information is incomplete.''

Burma, also known as Myanmar, is regarded as one of the world's most oppressive nations, run by generals who have enriched themselves while much of the country remains desperately poor. North Korea is an equally grim country, with vast prison camps and an ailing dictator, Kim Jong Il.

The evidence of growing Burmese-North Korean cooperation since formal ties were restored in 2007 is extensive, but the full extent of the military relationship is unclear.

The nuclear connection is even murkier, but intelligence agencies have tracked suspicious procurement of high-precision equipment from Europe, as well as the arrival in Burma of North Korean officials associated with the company connected to the Syria reactor, according to David Albright, director of the Institute for Science and International Security in Washington.

''Something may be going on, but no one has any proof. It is a mix of suspicions and concerns,'' Albright said, adding that close examination of satellite imagery of suspected nuclear sites has turned up no evidence. But he said that the purchases of high-precision equipment were especially troubling because the equipment did not make sense for use in missiles and it was shipped to educational entities that had connections to Burmese nuclear experts.

Japanese officials last month also arrested three people for attempting to illegally export dual-use equipment to Burma, via Malaysia, under the direction of a company involved in the illicit procurement for North Korean military programs.

Moreover, Albright said, European and U.S. intelligence agencies have identified people associated with Namchongang Trading Corp., a North Korean company also known as NCG, as working in Burma. NCG reportedly provided the critical link between Pyongyang and Damascus, acquiring key materials from vendors in China and probably from Europe and secretly transferring them to a desert construction site near the Syrian town of Kibar.

The State Department last month cited NCG for being ''involved in the purchase of aluminum tubes and other equipment specifically suitable for a uranium enrichment program since the late 1990s.''

U.S. officials have observed other troubling connections. The U.S. Navy last month closely tracked Kang Nam 1, a rusty North Korean freighter, after the government in Pyongyang tested a nuclear weapon. Although U.S. officials were never completely certain the ship was headed to Burma, the ship returned to North Korea after the United States, China and other countries put pressure on Burma to respect a United Nations resolution barring most North Korean weapons exports.

Photographs that have emerged in recent weeks also show an extensive series of 600 to 800 tunnel complexes and other underground facilities built in Burma with North Korean technical assistance near its new capital, Naypyidaw. North Korean officials can be spotted in the photos, which were taken between 2003 and 2006 and posted on the Web site of YaleGlobal Online by journalist Bertil Lintner, an expert on Burma.

Burma has uranium deposits, but as a signatory to the nuclear Non-Proliferation Treaty, it is required to allow inspections of any nuclear facilities. Russia in 2007 agreed to help build a 10-megawatt light-water reactor in Burma, but little appears to have come of the project.

At the news conference, Clinton also strongly criticized the Burmese government for its well-documented use of gang rape as a military tactic, organized by Burmese officers, against ethnic minorities. A new offensive against the Karen ethnic group has sent more than 4,000 refugees fleeing across the border into Thailand in recent weeks.

''We are deeply concerned by reports of continuing human rights abuses within Burma, particularly by actions that are attributed to the Burmese military concerning the mistreatment and abuse of young girls,'' Clinton said.

The Obama administration is conducting a review of its Burma policy, which Clinton said has been placed on hold while Washington awaits the outcome of the trial of Nobel Peace Prize laureate Aung San Suu Kyi.

''We have made clear we expect fair treatment of Aung San Suu Kyi, and we have condemned the way that she has been treated by the regime in Burma, which we consider to be baseless and totally unacceptable,'' Clinton said.

The National League for Democracy, Suu Kyi's party, won a landslide electoral victory in 1990, but the military leadership refused to accept it. Since then, she has been under house arrest for most of the time, as have hundreds of her supporters.

In May, just days before Suu Kyi's six-year term under house arrest was due to expire, the government put her on trial for an incident involving a U.S. citizen who swam across Rangoon's Lake Inya to reach Suu Kyi's lakefront bungalow and allegedly stayed there one or two nights.

Suu Kyi was taken to Rangoon's notorious Insein Prison on charges of violating the terms of her detention by hosting a foreigner, which could bring a three- to five-year prison term, according to Burmese opposition officials. Suu Kyi, 63, is said to be in poor health and has recently been treated for dehydration and low blood pressure.

''Our position is that we are willing to have a more productive partnership with Burma if they take steps that are self-evident,'' Clinton said. She called on Burmese authorities to ''end the violence against their own people,'' including ethnic minorities, ''end the mistreatment of Aung San Suu Kyi'' and release political prisoners.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, the chairman of the Foreign Relations Committee, Senator KERRY, is prepared to comment and speak. I ask unanimous consent that at the conclusion of his remarks, the Senator from Delaware be recognized as in morning business.

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

The Senator from Massachusetts.

Mr. KERRY. Mr. President, obviously North Korea's actions in recent weeks—months, really; testing a nuclear device on May 25 and launching ballistic missiles on July 4—received the appropriate objection in many different ways of China, Japan, South Korea, the United States, and many other countries. Clearly, those actions threaten to undermine the peace and security of northeast Asia, and the U.S. response to those actions ought to be and, I believe, is already resolute. China responded very clearly. The sanctions have been toughened—individual sanctions for the first time. A number of steps were taken by both the United Nations and China. China, incidentally, has been unprecedented in the personalization of some of the sanctions that it has put into place.

I know the Senator from Kansas cares, obviously, enormously about the underlying issue here. But I have to say this amendment, while well intended, simply does not do what it is supposed to do. It has no impact other than the sense of the Senate: sending a message which at this particular moment, frankly, works counterproductively to other efforts that are underway.

Right now, the Secretary of State is meeting at ASEAN. Right now, the various countries involved in this delicate process are working to determine how to proceed forward with respect to getting back to talks and defusing these tensions. For the Senate just to pop on an amendment like this at this moment in time not only sends a signal that complicates that process, but I think it also, frankly, will make it more difficult to secure the return of two American journalists, Laura Ling and Euna Lee.

It simply is an inappropriate interference without a foundation, I might add—without a foundation—in the law. Let me be very specific. When President Bush lifted the designation of terrorism—in fact, nothing that the Senator from Kansas has laid out here actually is supported either by the intelligence or by the facts. I could go through his amendment with specificity. Let me give an example. This is from the findings in his amendment:

> On March 17, 2009, American journalists . . . were seized near the Chinese-North Korean border by agents. . . .

He is citing that as a rationale for putting them back on the list. Well, the fact is, the families themselves, as well as the two journalists—but the families—have acknowledged that they, in fact, were arrested for illegally crossing the border. So that is inappropriate. But not only is it inappropriate to cite a fact that is not a fact, but it is not a cause for putting somebody on the terrorism list.

Nowhere do any of the actions cited here fit into the statutes that apply to whether somebody is designated as appropriately being on the terrorism list. Let me be more specific about that. When President Bush took them off the list, here is what they said. This is the President's certification:

> The current intelligence assessment satisfies the second statutory requirement for rescission. Following a review of all available information, we see no credible evidence at this time of ongoing support by the DPRK for international terrorism, and we assess that the current intelligence assessment, including the most recent assessment published May 21, 2008, provides a sufficient basis for certification by the President to Congress that North Korea has not provided any support for international terrorism during the preceding 6-month period.

There is no intelligence showing to the contrary, as we come to the floor here today, and it is inappropriate for the Senate simply to step in and assert to the contrary.

Moreover, the President said:

> Our review of intelligence community assessments indicates there is no credible or sustained reporting at this time that supports allegations (including as cited in recent reports by the Congressional Research Service) that the DPRK has provided direct or witting support for Hezbollah, Tamil Tigers, or the Iranian Revolutionary Guard. Should we obtain credible evidence of current DPRK support for international terrorism at any time in the future, the Secretary could again designate DPRK a state sponsor of terrorism.

Well, we have not. It simply does not fit under the requirements.

We need to use the right tools. This amendment is flawed and I am convinced could actually undermine what I know is going on right now in terms of efforts by a number of different parties to try to move this process forward. This is not the way a responsible Senate ought to go about trying to deal with an issue with this kind of diplomatic consequence.

The relisting, incidentally, has no practical effect in terms of anything it would do with respect to our current policy other than raise the issue with respect to the Senate at this moment but, as I say, inappropriately with respect to the statutes it concerns.

President Bush actually preserved all the existing financial sanctions on North Korea at the time he lifted the terror designation, and he kept them all in place by using other provisions of law.

The fact is, this administration has, in fact, responded in order to put real costs on North Korea for its actions. We led the international effort at the United Nations Security Council, and we did enact sweeping new sanctions on North Korea, and by all accounts they are biting.

The U.N. Security Council resolution 1874, passed unanimously, imposed the first ever comprehensive international arms embargo on North Korea. Those sanctions are now beginning to take effect. A North Korean ship suspected of carrying arms to Burma turned around after it was denied bunkering services in Singapore, and the Government of Burma itself warned that the ship would be inspected on arrival to ensure that it complied with the U.N. arms embargo. So that is real. That is happening. Significantly, China has agreed to impose sanctions both on North Korean companies and individuals involved in nuclear and ballistic missile proliferation.

So the sanctions that were recently imposed by the Obama administration, in concert with the international community, are having a real impact. So I think we ought to give them time to work. I do not think we ought to come in here and change the dynamics that, as I say, I know are currently being worked on by the Secretary of State. As we are here in the Senate today, those meetings are taking place. It is better for the United States and the international community to focus our efforts on concrete steps rather than resort to a toothless and symbolic gesture. This will have no impact ultimately because we are still going to go down our course, but it can ripple the process which the administration has chosen to pursue.

I might also point out, the President and Secretary of State have been closely communicating with allies and with partners in the region. They are currently involved in discussions with China, Russia, South Korea, and Japan on this issue. Even as we debate the issue here, the effort at the ASEAN Forum is specifically geared to try to coordinate our approach with our treaty allies and with others. We ought to give the administration the opportunity to succeed.

Third, obviously all of us reject the recent actions taken by North Korea. There is no doubt about that. But it was not so long ago that we were actually making some progress on the denuclearization effort. And observers of the region—those who are expert and who follow it closely—are all in agreement as to the rationale which has driven North Korea to take some of the actions it has taken.

I was in China about a month and a half ago. I spent some time with Chinese leaders on this issue because one of the tests took place while I was there and I saw the Chinese reaction up close and personal. I saw the degree to which they were truly upset by it, disturbed by it, and took actions to deal with it. The fact is that they explained it, as have others, as a reaction by North Korea to perhaps three things: No. 1, the succession issues in North Korea itself; No. 2, the policies of the South Korean Government over the course of the last year or so; and No. 3, the fact that while they had nuclear weapons and had been engaged in a denuclearization discussion with the United States, most of the focus appeared to have shifted to Iran, and there was some sense that the focus should have remained where those nuclear weapons currently exist.

So I believe we need to preserve diplomatic flexibility in the weeks and months ahead. There is an appropriate time for the administration to come to us. There is an appropriate way for us to deal with this issue, to sit down with the administration, to make it clear to them that we think we ought to do this, to talk with them about it, to engage in what the rationale might be under the law. But as I say, none of the reasons that are legitimate under the law for, in fact, a designated country as going on the terrorist list is appropriate or fit here. I think that is the most critical reason of all.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, thank you very much. I thank the floor manager on the majority side for this unanimous consent which allows me to proceed now under morning business.

I wish to say a word or two about the Defense authorization bill which is before us, and then I want to pivot. I will talk about the health of our Nation's defense, but also about the health care of our people.

Let me start off by extending my thanks to the leaders of the Armed Services Committee, Senator LEVIN and Senator MCCAIN, and their staffs for the good work they have done. I wish to thank Senator REED of Rhode Island for his contributions as well. Standing here on the floor, I am looking at Senator REED, a graduate of the

Military Academy at West Point, and right across the aisle, at Senator MCCAIN, a graduate of the Naval Academy. It is great to have that kind of experience here in the Senate. They are sitting on opposite sides of the aisle, coming from schools that are sometimes thought to be rivals, but they are able to work together when we need them to.

I wish to express my thanks to the President and to the Secretary of Defense Bob Gates. We have learned that in the last 7 years, cost overruns from major weapons systems in this country grew from about $45 million in 2001 to last year almost $300 billion, a growth over 7 years in cost overruns for major weapons systems in 2001 of $45 million and last year almost $300 billion. What we need is for the administration as well as the Secretary of Defense and the Joint Chiefs to say to the folks on the Armed Services Committee, but also to say to us in the Senate and in the House: These are the weapons systems we need, these are the threats we believe we face as a nation, and to give us some sense of priorities of the weapons systems we should support and fund, the troop levels we need and, frankly, the weapons systems we don't need and the troop levels we don't need.

I was privileged to follow on the heels of the Presiding Officer, Senator KAUFMAN, about a month and a half ago to Afghanistan and Pakistan. He and Senator REED, I think, led that CODEL and shared with us our needs in that part of the world. We need a military strategy and we also need a civilian strategy in Afghanistan, and I think this administration has given us a good two-pronged approach. We have good new leadership there on the military side. Basically, though, they said our job here is counterinsurgency. We need more troops, more trainers to train the Afghans and to train the military side, and then the civilian side. We also need mobility in terms of a lot of additional helicopters, about 150 new helicopters or additional ones coming in to provide the mobility to move our men and women all over the southern part of Afghanistan, and to meet the Taliban threat.

The kind of weapon we don't use there or don't need there, I will be very blunt, is the F–22 which we discussed and debated here for the last several days, a fighter aircraft that has been around for a dozen or so years. We are still building more of them, but they have never flown a flight mission in Iraq and never flown a flight mission in Afghanistan either. The F–22 is limited in what it can do. It basically is a fighter, air-to-air combat. The Afghans, the Taliban, don't have fighter aircraft. In Iraq, the folks we are fighting there don't have aircraft. Meanwhile, we have F–15s, F–16s, F–18s. We are going to build 2,500 F–35s, for less than half the price of the F–22, which not only do dog fights but can also do ground-to-air support and a variety of different functions that the F–22 cannot for a lot less money. The administration, I think wisely, said as hard as it is sometimes to stop the production line on aircraft, in this case the F–22, in terms of what is cost effective, we need to refocus on the F–35 and on counterinsurgency, preparing for those kinds of challenges we face. We voted to do that, a 58-to-40 vote. I was very pleased with the vote and I commend everyone who voted as they did, and, frankly, the people who took the opposite view. There were some tough issues to deal with, I know particularly from folks in whose States the aircraft are being produced and systems for those aircraft are being produced. I know it is difficult to accept. But I am encouraged by that vote.

My hope is we will pay heed to some of the priorities sent to us by the Secretary of Defense, which are designed to make sure we spend money on weapons systems that we are likely to need in the 21st century—certainly in the next decade or two or three—and I think with today's vote, we are on a better path to do that.

HEALTH CARE REFORM

Sort of pivoting, if I can, after having said a word about the health of our Nation's defense, let me talk about the health of the people in our country. Some of my colleagues are probably getting tired of hearing me say this, but when talking about health care, I mention four things: No. 1, we spend more money for health care than any other nation on Earth. No. 2, we don't get better results. No. 3, we have 14,000 people in this country today losing their health care. No. 4, some 47 million Americans today don't have health insurance, don't have health care. We have to do better than this. We have to do better than this. I believe we can.

There has been a big focus, as there should be, on extending health care coverage to 47 million folks who don't have it, and we need to address that, obviously. Having said that, the other concern we need to address is reining in the growth of health care costs. We are getting clobbered as a nation in terms of being able to compete with the rest of the world where we pay so much more money for health care than any other nation, and employers pay, and we are getting clobbered as a Federal Government with the cost of Medicare and Medicaid, and State governments trying to bear their share of the cost of Medicaid. They see enormous pressures on their State budgets.

Over lunch today, I said to my colleagues in our caucus meeting that wouldn't it be great if somehow we could have our cake and eat it too. I said that with a piece of chocolate cake staring me right in the face. But as it turned out, there are delivery systems, if you will, of health care in this country where they are not necessarily having their cake and eating it too, but where they are able to provide better health care, better outcomes, at a lower price. Think about that: better health care, better outcomes, better quality of health care at a lower price.

The names are beginning to become familiar to us. Some are already familiar: Mayo in Minnesota, and now they have an operation down in Florida too to see if that model will work in Florida, and it has; Kaiser Permanente in northern California, an outfit called Intermountain Health—all of these are nonprofits—Cleveland Clinic in Cleveland, OH, an outfit called Geisinger in Hershey, PA; there is what is called a health care cooperative in the State of Washington, I believe it is around Puget Sound, called Puget Sound Cooperative where they have been able to emulate this interesting result of better quality outcomes, better health care, lower prices.

What we need to do is to attempt not only to extend health care coverage to folks who don't have it—47 million—but to rein in the growth of health care costs. The idea that health care costs grow at 2 or 3 or 4 percent over the consumer price index, to continue to do that is going to cripple us economically and competitively as a nation. It is going to cripple our ability to rein in our large and growing deficits.

In the last 8 years in this Nation we ran up as much new debt as we did in the first 208 years of our Nation's history. Think about that: In the last 8 years, we ran up as much new debt in this country as we did in our first 208 years as a nation. This year we are on track to have the biggest single-year deficit we have ever had. We are also in the worst economic downturn since the Great Depression, and we are trying to stimulate the economy and get it moving. I am encouraged that it is starting to move, but that is a huge deficit, coming on the heels of, frankly, 8 years where we spent like drunken sailors, and I know how drunken sailors spend. It is not a pretty sight, and this is, frankly, not a pretty sight either.

We need to go to school on the Mayos, the Geisingers, the Cleveland Clinics, the Kaiser Permanentes, the Puget Sounds, the Intermountain Healths, and see what we can learn from them. What is their secret? How are they able to do this, better outcomes, less price?

As it turns out, there are a number of things they do in common. I wish to mention a few of them today. Among the things they do, they have literally brought on to their staff the doctors at Cleveland Clinic, for example, who provide health care. They are on staff at the Cleveland Clinic. The same is true at Mayo and these other nonprofits.

I saw an interesting special on CNN a couple of weekends ago. They were interviewing a number of people who worked at the Cleveland Clinic. They interviewed a fellow who is a doctor, a cardiologist, as I recall. He used to be in private practice. He said, in the old days when I was on my own in private practice or group practice, I got paid, compensated, for the number of hearts I operated on. If somebody came to me

and they had a heart problem and it could be addressed by diet or exercise or medicine, he said, usually I didn't prescribe those things. I didn't get paid for doing that. If they needed to have a heart operation and we could address their problem with an operation, he said, I got paid for that. As a result, I was more inclined to operate on people's hearts than to use some approaches that were arguably more cost effective. He went on to say, now I work for the Cleveland Clinic. I am a staff doc here. I don't have to operate on people's hearts to be compensated. I can provide good advice, help people with their diet problems, their exercise problems, their weight problems. I can help people better understand what their opportunities are with medicine. I still get paid. Bingo.

So a light went off for me. Some of us are hearing quite a bit the need to get away from these fee-for-service deals where we basically incentivize doctors, hospitals, and nurses to ask for and order more visits, more procedures, more MRIs, more lab tests, for imaging, more x-rays, because they get paid for it, because they know that by doing more of everything, they reduce the likelihood that they are going to be sued. That sort of gets us in this conundrum where we overuse health care. If we are going to have real success in drawing down the costs of health care, part of it will be addressing the issue of fee for service, get away from that practice, and get away from the overutilization of the health care we have.

Let me mention some of the things they are doing at these five or six entities I mentioned, these nonprofits. Among the things they do is coordinate care. I use my mom as an example. My mom is now deceased. She lived in Florida for roughly the last 30 or so years of her life. She had dementia; she had congestive heart failure; she had arthritis. She had five doctors. The last years of her life that she was down there, my sister and I would go down to visit my mom about every other month or so. We would take turns, and we would go with our mom to visit her doctors. These five doctors my mom had never talked to each other. In fact, I don't think they knew that the other doctors existed. They were all in the aggregate prescribing something like 15 different kinds of prescription medicines. We kept them at her home in what looked like my dad's old fishing tackle box. It was compartmentalized with medicines to take before breakfast, during breakfast, after breakfast; before lunch, during lunch, and throughout the day. Some of those medicines my mom was prescribed, she didn't need to take. Somebody needed to know what she was taking and say, You shouldn't be taking these two medicines in combination; they are hurting you. We didn't have good coordination of care of my mom.

One of the things these nonprofits do is coordinate the care that is provided to my mom or anybody's mom or dad. Another thing that would have been very helpful for my mom or other people in that situation is to have electronic health records. If my mom had an electronic health record such as we have in the VA and like we are developing in Delaware and some other States, when my mom went from doctor's office to doctor's office they would know in each office who else she was seeing and the medicines she was being prescribed, the lab tests and everything. They would have it right there for her when she came for her regular visit.

We have a great ability to harness information technology or electronic health care records, which are a big part of that. Our nonprofits I have talked about—the half dozen or so—have that in common. On wellness and prevention, we know it is not just from nonprofits but out in California is Safeway, and these people have supermarkets all over America and several hundred thousand employees. Their health care costs from 2004 to 2008 have been level and flat. They have incentivized employees to do the right thing for themselves, in terms of holding down their weight, helping them get off tobacco, to fight obesity and lethargy, to get off the sofa, and to eat what is right; and there are antismoking campaigns and all kinds of stuff. So we have a good model there to perform.

It is not just the nonprofits but a lot of employers are starting to get into this as well.

There are another one or two points I will mention on the nonprofits. On chronic disease management, such as heart disease and diabetes, I am told that about 80 percent of the cost of these chronic diseases can be controlled by four factors: diet, exercise, overweight/obesity, and smoking. Those four factors control about 80 percent of the cost of our expenditures on chronic care. If we work with those four items, we will help reduce the costs and provide better outcomes for people. We will also hold down our costs. There are a couple lessons from the nonprofits and others. Part of it is pharmacy—making sure people who need pharmaceutical medicines, small and large molecules, are taking those, and somebody is checking to make sure they are taking what they need.

Focusing on primary care, many of those people coming out of medical schools want to be specialists. They are not interested in being primary care doctors. We need more primary care doctors. We need to change the incentives to get more primary care doctors, which is what we need. Another idea is for us to pool insurance costs. As my colleagues know, we have the Federal Employee Health Benefit Plan. We have an insurance pool where we pool all the Federal employees and their dependents and the retirees and their dependents into one large pool to purchase health insurance. They get it at a not cheap price but a pretty good price. One of the reasons why is, when you have a lot of people in the purchasing pool, you get a good variety and much better costs. If you think about the administrative costs for health insurance, as a percentage of premiums, I am told, in the Federal Employee Health Benefit Program, it is about 10 percent. When it comes to people buying individual policies and small businesses, their administrative costs as a percentage of premiums are about 30 percent. So the idea of creating large purchasing pools makes a whole lot of sense.

I will close here. The idea that we would pass health care legislation and stop extending coverage for people who don't have it—if that is all we do, we have failed the American people. We have to do at least two things. One is extend coverage but also make sure the coverage we extend provides better coverage, better quality outcomes and better health care and that we do so at a price that is diminished and does not continue to expand by several times the rate of inflation. We can do that going forward. That is what we need to do.

My friends have been generous in allowing me to proceed. I see several Senators are anxious to get back into the debate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. McCAIN. Mr. President, I rise in support of the amendment offered by the Senator from Kansas concerning North Korea.

I must say I was entertained by the outlook—as far as North Korea's behavior is concerned—by the distinguished chairman of the Foreign Relations Committee. I can't remember when I have disagreed more.

The State Department's 2008 Country Reports on Terrorism stated that ''as part of the six-party talks process, the U.S. reaffirmed its intent to fulfill its commitment regarding the removal of the designation of the DPRK as a state sponsor of terrorism in parallel with the DPRK's actions on denuclearization and in accordance with criteria set forth by law.''

They certainly haven't taken any action on denuclearization, and it certainly hasn't been in accordance with the criteria set forth by law.

There was a problem with this trade, however. We delisted North Korea, and we got something worse than nothing. Facts are stubborn things. In response to our action, Pyongyang has embarked on a pattern of astonishing belligerence and has reversed even the previous steps it had taken toward the denuclearization prior to its removal from the terrorism list.

A few facts. In December 2008—just 2 months after the United States removed Pyongyang from the list—North Korea balked at inspections of its nuclear facilities and ceased disablement activities at the Yongbyon reactor. In March, the regime seized two American

journalists near the China-North Korean border and subsequently sentenced them to 12 years of hard labor in the North Korean gulag. These are two American citizens who may have strayed over a border. Does that mean they are sentenced to 12 years of hard labor in the most harsh prison camps in the world? What are we going to do about it? It is remarkable. Two weeks later, it tested a long-range ballistic missile, in violation of U.N. Security Council resolutions, and then announced it was expelling international inspectors from Yongbyon, reestablishing the facility, and ending North Korean participation in disarmament talks. In May, Pyongyang conducted its second nuclear test; in June, a North Korean ship suspected of carrying illicit cargo departed North Korea in likely defiance of U.N. Security Council obligations; and earlier this month, Pyongyang again launched short- and medium-range missiles into the Sea of Japan, including on the Fourth of July.

All these are indications that the North Koreans somehow should not be listed as terrorists? I think we ought to, frankly—I respect and appreciate my friend from Kansas. Maybe we ought to have a binding resolution, rather than a sense of the Senate. It is remarkable that these events have taken place against a backdrop of belligerence and intransigence by North Korea. Pyongyang has never accounted for or even acknowledged its role in assisting the construction of a nuclear reactor in Syria, which the Israelis had to bomb. Similarly, it has refused to provide a complete and correct declaration of its nuclear program. Of course, something we all know, which is one of the great tragedies in the history of the world, is this is a gulag of some 200,000 people, where people are regularly beaten, starved, and executed. According to the Washington Post, most of them work 12- to 15-hour days until they die of malnutrition-related illnesses, usually at around the age of 50. They are allowed just one set of clothes. They live and die in rags, without soap, socks, underclothes or sanitary napkins. It is a horrible story.

It is not an accident that the average South Korean is several inches taller than the average North Korean. This regime may be the most repressive and oppressive and Orwellian in all the world today. So the Chinese have been serious—according to Mr. KERRY, the Senator from Massachusetts, the Chinese have been resolute on the issue of the ship inspections. The U.N. Security Council resolution calls for monitoring and following of the ship, and if the decision is made that they need to board a North Korean ship, if the North Koreans refuse, then the following ship cannot board but can follow them into a port, where the port authorities are expected to board and inspect the vessel. And then that violation is reported to the U.N. Security Council. That ought to rouse some pretty quick action. I don't share the confidence of the Senator from Massachusetts that if a North Korean ship goes into a port at Myanmar, you will see likely action, except maybe the offloading of whatever materials are being bought by Myanmar.

Look, the North Koreans have clearly been engaged in selling anything they can to anybody who will buy it because they need the money—whether it be drugs, counterfeit currency, nuclear technology or missiles. Every time we have held onto the football, like Lucy, they have pulled it away.

I think this is a very modest proposal of the Senator from Kansas. I point out that years and years of six-party talks, different party talks, negotiations, conversations, individuals who have been assigned as chief negotiators who then end up somehow negotiating, with the end being further negotiations, has failed.

If the North Koreans continue to test weapons, test missiles, sooner or later, they will match a missile with a weapon that will threaten the United States of America. Right now, those missiles they are testing go over Japanese territory. I think it is pretty obvious we are dealing with a regime of incredible and unbelievable cruelty and oppression of their own people. The newly published Korean bar association details the daily lives of the 200,000 political prisoners estimated to be in the camps. Eating a diet of mostly corn and salt, they lose their teeth, their gums turn black, their bones weaken and, as they age, they hunch over at the waist.

This is a regime that, in any interpretation of the word, is an outrageous insult to the world and everything America stands for and believes in. I believe they will pose a direct threat, over time, to the security of not only Asia but the world. They were able to export technology all the way to Syria, obviously. Why should they not be able to export that to other parts of the world?

I urge my colleagues to vote in support of the amendment by the Senator from Kansas, and I hope we can vote on that sooner rather than later.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, I ask unanimous consent to add Senator BENNETT from Utah as a cosponsor of the amendment.

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

Mr. BROWNBACK. I thank my colleague from Arizona. I think he understands more than anybody in this body the situation and what happens in a gulag-type situation. That has drawn me to the topic of North Korea for a couple years—the human rights abuses. Hundreds and thousands of North Koreans are fleeing to be able to simply get food, and a couple hundred thousand of them are in the gulag system. It is unbelievable that this can happen in 2009. We have Google Earth that can even show this. But we just say: OK, that is the sort of thing that happens there. It is mind-boggling to me that we wouldn't act resolutely.

I appreciate the chairman of the Foreign Relations Committee, the Senator from Massachusetts, who is a distinguished Senator and is very bright and experienced in foreign policy. I could not disagree with him more about North Korea. We have had an ongoing dialog and discussion about this. He makes the point that we should not pop this on the bill.

I have been trying for months for us to relist them as terrorists. They should not have been delisted in the first place. It was a terrible process move on the Bush administration to try to move the talks forward, saying we are going to delist you and you are going to do something for us. Pyongyang and Kim Jong Il said thank you very much, and now we are going to stick it in your face, which is what they have continued to do. I have listed the things, as the Senator from Arizona has mentioned as well.

The thought that we are acting resolutely, to me, is an insult to the people in North Korea who have lived under this oppressive regime. We are not acting resolutely toward North Korea. We are not putting any sanctions on them. We have asked for international sanctions, but why aren't we willing to put sanctions on ourselves? If we think this is such a proper course to follow, and we are willing to push it on an international body, why wouldn't we be willing to do it ourselves? Why wouldn't we be willing to list them as a terror nation, as a state sponsor of terror? I don't understand that; why, if it is good in the international arena, we wouldn't do it ourselves.

Plus, we need to have teeth into this. This is a modest—a modest—proposal. It is a resolution, a sense of the Senate that North Korea should be relisted as a state sponsor of terrorism. We are not relisting them. That is an administration call. We are saying we, as a body, given the provocative actions that have taken place since they have been delisted clearly merits the relisting of North Korea as a state sponsor of terrorism. That is our opinion, and that is what we are saying to the administration.

Without a foundation in the law, it is clearly—as I read previously—allowed for the Secretary of State to determine that the government of that country has repeatedly provided support for acts of international terrorism. That is the actual wording of the law in the Arms Export Control Act. Clearly, they have acted to sponsor international terrorism with their relation with Burma, with the missiles, with the nuclear weapons, and with the proliferation they have done and continue to do.

He says, and is suggesting, that delisting has no practical effect. I believe it does have a practical effect, and it certainly does on the administration's stance toward North Korea

and their international posture toward North Korea. Plus, it has a practical effect on what we can provide for as far as aid from the United States to North Korea. We shouldn't be providing aid to the North Koreans. We should provide food aid, if we can monitor it. We shouldn't be giving oil to the North Koreans. That should be limited so the administration cannot do that. They would not be able to if they are listed as a state sponsor of terrorism.

Mr. President, it will hurt the people of North Korea and those who are in the North Korean gulags if we don't relist them. It recovers any vestige of hope they might have that at some point in time somebody of enough stature, such as the United States Government, is going to take enough notice that they are going to put pressure on the North Korean regime. I have talked with some people who were refuseniks in the Soviet Union, in a Soviet gulag during an era where we had far less communication capacity than we do today, and yet they were able to get messages at that point in time into the Soviet gulag that the Americans were putting pressure on the Soviet Union and the lack of human rights in the Soviet Union, and it gave them hope. It gave them hope in the Soviet gulag.

If we can pass this, it can give people in the gulags in North Korea hope that somebody is at least paying enough attention to put pressure on this, and maybe they may be able to live longer, or actually live at all. It can give them hope, instead of ''abandon hope all ye who enter here,'' as it says at the entrance to Inferno and as it is in the gulag system in North Korea.

So it is a modest resolution, and I would hope my colleagues would vote overwhelmingly for this resolution to relist North Korea as a state sponsor of terrorism.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

AMENDMENT NO. 1528

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the pending amendment be set aside and that amendment No. 1528 be called up.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Connecticut [Mr. LIEBERMAN], for himself, Mr. GRAHAM, Mr. BEGICH, Mr. CORNYN, Mrs. HUTCHISON, and Mr. THUNE, proposes an amendment numbered 1528.

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

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

The amendment is as follows:

(Purpose: To provide authority to increase Army active-duty end strengths for fiscal year 2010 as well as fiscal year 2011 and 2012)

Strike section 402 and insert the following:

SEC. 402. ADDITIONAL AUTHORITY FOR INCREASES OF ARMY ACTIVE-DUTY END STRENGTHS FOR FISCAL YEARS 2010, 2011, AND 2012.

(a) AUTHORITY TO INCREASE ARMY ACTIVE-DUTY END STRENGTH.—

(1) AUTHORITY.—For each of fiscal years 2010, 2011, and 2012, the Secretary of Defense may, as the Secretary determines necessary for the purposes specified in paragraph (2), establish the active-duty end strength for the Army at a number greater than the number otherwise authorized by law up to the number equal to the fiscal-year 2010 baseline plus 30,000.

(2) PURPOSE OF INCREASES.—The purposes for which an increase may be made in the active duty end strength for the Army under paragraph (1) are the following:

(A) To increase dwell time for members of the Army on active duty.

(B) To support operational missions.

(C) To achieve reorganizational objectives, including increased unit manning, force stabilization and shaping, and supporting wounded warriors.

(b) RELATIONSHIP TO PRESIDENTIAL WAIVER AUTHORITY.—Nothing in this section shall be construed to limit the authority of the President under section 123a of title 10, United States Code, to waive any statutory end strength in a time of war or national emergency.

(c) RELATIONSHIP TO OTHER VARIANCE AUTHORITY.—The authority in subsection (a) is in addition to the authority to vary authorized end strengths that is provided in subsections (e) and (f) of section 115 of title 10, United States Code.

(d) BUDGET TREATMENT.—

(1) IN GENERAL.—If the Secretary of Defense increases active-duty end strength for the Army for fiscal year 2010 under subsection (a), the Secretary may fund such an increase through Department of Defense reserve funds or through an emergency supplemental appropriation.

(2) FISCAL YEARS 2011 AND 2012.—(2) If the Secretary of Defense plans to increase the active-duty end strength for the Army for fiscal year 2011 or 2012, the budget for the Department of Defense for such fiscal year as submitted to Congress shall include the amounts necessary for funding the active-duty end strength for the Army in excess of the fiscal-year 2010 baseline.

(e) DEFINITIONS.—In this section:

(1) FISCAL-YEAR 2010 BASELINE.—The term ''fiscal-year 2010 baseline'', with respect to the Army, means the active-duty end strength authorized for the Army in section 401(1).

(2) ACTIVE-DUTY END STRENGTH.—The term ''active-duty end strength'', with respect to the Army for a fiscal year, means the strength for active duty personnel of Army as of the last day of the fiscal year.

Mr. LIEBERMAN. Mr. President, I am pleased and proud to introduce this amendment with a bipartisan group of cosponsors. To state it briefly, it extends the authorized end strength of the U.S. Army by 30,000 over the next 3 years, effective with the commencement of fiscal year 2010. It doesn't mandate this increase, but it expands the authority of the Secretary of Defense, obviously, with the support and authorization of the President of the United States, the Commander in Chief, to extend the end strength of the U.S. Army. End strength means how many soldiers can the U.S. Army have. Of course, it does this to reduce the tremendous stress on the U.S. Army, which is carrying the burden of combat in two wars, in Iraq and Afghanistan today, and over the next year or 18 months will be in this unique position.

Progress has been made, thank God, in Iraq, and the Iraq Security Forces are progressively taking over responsibility for keeping the security in their country. The drawdown of American soldiers is happening in a methodical and responsible way, and I again express my appreciation to President Obama that it is happening in that way. At the same time, we are increasing our troop presence in Afghanistan. Bottom line: The demand for members of the U.S. Army on the battlefield over the next year, 18 months, at the outside 2 years, is going up. If the supply remains constant, that means the stress on every soldier in the U.S. Army and his or her family will not be reduced. As a matter of fact, it will go up. The term for this—which I will get to in a minute—in the Army is ''dwell time.''

This is an amendment that began with members of the Senate Armed Services Committee, and a comparable amendment in the House Armed Services Committee, recognizing, as we all do, the tremendous stress that our Army is under, the extraordinary job they are doing in Iraq and Afghanistan.

This is really the next great generation of the American military. But we see in it some tough statistics: the increase in mental health problems, the increase in divorces of members of the service, and, worse, of course, the increase in suicides.

There are many things we have supported in this Senate and the Congress—and the administration has—to respond to each one of those problems. But in a way, the most direct thing we can do is to increase the size of the U.S. Army so there is less pressure on every soldier in the Army, in this sense. Every time we add another soldier to the U.S. Army—and we are talking about authorization to add 30,000 more—it means that much more time every other member of the U.S. Army can spend back at base retraining, preparing and, most important of all, spending time with their families.

As I know the Presiding Officer knows—and I know the President of the United States knows it too—the good news is that the Secretary of Defense, Bob Gates, who has done and is doing an extraordinary job for our country with, of course, the support and authorization of President Obama, yesterday announced that he would be temporarily increasing the Active-Duty end strength of the U.S. Army by 22,000 soldiers over the course of the next 3 years.

I cannot sufficiently express my words of appreciation for Secretary Gates's decision. He acted by employing the emergency authority he has in an authorization of the use of force and a built-in statutory waiver he has up to 3 percent of existing end strength to expand the size of the Army. This amendment, which had been planned,

and was in the committee before this great action by Secretary Gates yesterday, is now before us, and I am honored to offer this amendment with a bipartisan group of cosponsors who are listed on this amendment as a way to do two things: The first is that it literally increases from 547,000 to 577,000-plus the authorized end strength of the U.S. Army, and to leave that authority there in case there is a need that Secretary Gates and the President see in the coming 3 years to raise the number.

Mr. MCCAIN. Mr. President, will the Senator yield for a question?

Mr. LIEBERMAN. I will be happy to yield.

Mr. MCCAIN. It is my understanding that the amendment authorizes the additional forces Secretary Gates said yesterday in his speech that we need—or the day before yesterday. Why do we need to put this into the bill?

Mr. LIEBERMAN. Two reasons. The first is that it is a bit beyond what Secretary Gates did. He authorized using the extraordinary powers he possesses as Secretary in this time of conflict up to 22,000 for the next 3 years. The amendment authorizes—doesn't mandate, doesn't appropriate—30,000 for the next 3 years. So it gives some latitude, depending on how conditions go in Iraq and Afghanistan, to go a bit further—8,000 more, if necessary, over the next 3 years.

Second, I say to my friend from Arizona, when this amendment started, we didn't know Secretary Gates was going to do this. I am grateful he did, but this amendment now—frankly, as Secretary Gates himself said to me yesterday, and I appreciate it and I don't think he would mind if I repeated it on the Senate floor—gives the Senate and Congress the opportunity to essentially vindicate and support the step that the Secretary has made and, as he put it, send a message from the Senate to the members of the U.S. Army that help is on the way.

Mr. MCCAIN. And there is no doubt that the Army very badly needs the help now and in the foreseeable future.

Mr. LIEBERMAN. My friend from Arizona is absolutely right. There is no doubt, based on the demand, certainly temporarily, over the next 18 months, perhaps 2 years, as we are drawing down in Iraq, but not as rapidly as we are adding forces in Afghanistan, that there is at least a temporary need for more than the authorized 547,000 members of the U.S. Army.

Mr. MCCAIN. And if I could question the Senator further, perhaps this would illuminate any requirement for stop loss or for involuntary extensions in a combat area.

Mr. LIEBERMAN. Absolutely. As a matter of fact, one of the reasons Secretary Gates gave yesterday I will read:

> The decision to eliminate the routine use of ''stop loss'' authority in the Army requires a larger personnel flow for each deploying unit to compensate for those whose contract expires during the period of deployment.

So, yes, this makes it possible to end the use of stop loss, which is essentially, in layman's terms, a way to require people to stay actively deployed longer than they originally were going to be deployed.

Mr. MCCAIN. I thank the Senator.

Mr. LIEBERMAN. I thank my friend from Arizona. We have illuminated most of the reasons in our exchange why this amendment is important. I will simply add a few more things Secretary Gates said yesterday, which is:

> The army has reached a point of diminishing returns in their multiyear program to reduce the size of its training and support ''tail.''

That is the training and support which supports the Active-Duty Army.

> The cumulative effect of these factors is that the Army faces a period where its ability to continue to deploy combat units at acceptable fill rates is at serious risk.

Here is the point I just made in response to Senator MCCAIN's question.

> Based on current deployment estimates, this is a temporary challenge—

A temporary point of stress. We hope and pray that is true. It certainly looks like it is—

> which will peak in the coming year and abate over the course of the next 3 years.

Mr. President, in addition to the Secretary of Defense, we heard from the Army's Chief of Staff, GEN George Casey, and Secretary of the Army Pete Geren, who have been advocates within the Pentagon for this increase in end strength, and I thank them for that. Admiral Mullen, Chairman of the Joint Chiefs, told our Armed Services Committee earlier this year that the light at the end of the tunnel, as he put it, is still more than 2 years away, and that is only if everything goes according to plan, which in combat, obviously, often does not.

Again, I say this is an authorization; it is not a mandate. I will add that Secretary Gates announced yesterday that he will find a way to fund the additional troops in this year and fiscal year 2010—the one that begins October 1—by reprogramming other funds appropriated to the Pentagon for fiscal year 2011, which is the budget that will be presented to us next year, if it is probable that the Department of Defense will require funding as part of its normal operations, and more likely as part of the OCO fund—the overseas contingency operation fund—which supports our presence in Iraq and Afghanistan.

I cannot say enough, I know all of us in the Senate believe we cannot say enough, in gratitude to the members of the U.S. Army who are leading the battle for us against the Islamic extremists and terrorists who attacked us on 9/11/01. We owe them a debt we can never fully repay.

One thing we can do, that Secretary Gates did yesterday and the Senate can do in this amendment, is to send a message to our troops in the field that help is on the way in the most consequential way, which is additional members of the Army.

I ask that when the vote be taken, it be taken by the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LIEBERMAN. Again I say to my colleagues I am doing that, although I expect there will be very strong support for this, because I believe it is the most visible way for this Senate to send the message to the U.S. Army of appreciation and gratitude, to them and their families, that help is on the way.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, let me commend Senator LIEBERMAN and others who support this amendment. We in the Armed Services Committee are very supportive of previous increases; indeed, we led the way on some of them. Because of the stress on the Army and the number of commitments which had been made in Iraq and Afghanistan, we must give the kind of support to our troops they deserve and the American people want us to give.

One of the ways we can reduce some of the stress is by increasing the end strength so the dwell time is more sufficient and there are other positive spinoffs as well from this kind of increase in the authorized end strength.

The Secretary made a very powerful speech the other day when he called for an increase of 22,000, I believe, in the end strength. That end strength is temporary, it is almost as large as this—not quite; this is 30,000, but this is surely in the ballpark. It is appropriate. It is authority, it is not mandatory, and I think it is a very positive signal to send to our men and women in uniform and to their families. I very much support the amendment.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, briefly I thank Senator LEVIN, the chairman of the Armed Services Committee, not just for his strong statement of support now but for the support he has given during our committee's deliberations to the goal of achieving an increase in Army end strength.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1475

Mr. CARDIN. Mr. President, I am going to talk about an amendment we

have not yet cleared unanimous consent for it to be brought up. I am hopeful that will come. But in order to advance the issue, I intend to talk about my amendment, No. 1475, without offering it at this time. I think it is an appropriate amendment to talk about at this point following Senator LIEBERMAN's amendment because his amendment deals with increasing our forces.

One of the reasons it is important to do that is the stress that the restricted numbers provide on our military personnel. Senator LIEBERMAN mentioned, and I will repeat, the number of suicides and attempted suicides by our young men and women serving in the military has increased and one of the reasons, frankly, is that the repeated deployments and the length of the deployments have added to the stress of our servicemen.

Health experts agree that there is most likely a combination of factors leading to this increase in suicides. Many of these factors are simply the results of the prolonged conflict that our Nation finds itself in, including multiple deployments, extended separations from family and loved ones, and the overwhelming stress of combat experiences; each placing a unique and tremendous strain on the men and women of our all-volunteer force.

But while Congress has recognized these strains, and acted to help provide relief by increasing the size of our forces and thereby reducing the number and frequency of deployments, we cannot as easily remedy the stress or mental trauma created by combat experience.

For those who have had to witness the ugliness and devastation of war first-hand, they have encountered something very unnatural for the human mind to comprehend or accept. For these service members, recovering from these experiences involves a long and arduous journey in learning to identify, control and cope with a wide array of emotions. And this learning process is often only accomplished with the guidance and management of highly trained mental or behavioral health specialists.

In this light, we in Congress have acted to increase funding for more mental health providers and improved access for our troops and their families, and we have sharpened the focus of the military on addressing these care needs. That is very positive and has had a very positive effect.

What we must now focus on, and direct the military's attention to, is the potentially harmful practice of administering antidepressants to a population that frequently moves throughout a theatre of war and is therefore susceptible to gaps in mental health management. We are not certain they are getting the follow-up care they need.

A 2007 report by the Army's fifth Mental Health Advisory Team indicated that, according to an anonymous survey of U.S. troops, about 12 percent of combat troops in Iraq, and 17 percent of combat troops in Afghanistan, are taking prescription antidepressants or sleeping pills to help them cope with this stress. This equates to roughly 20,000 troops on such medications in theatre right now.

What I find particularly troubling, when reviewing these figures, is that the Pentagon has yet to establish an official clearinghouse that accurately tracks this kind of data. In fact, the Army's best reported estimate can only tell us that the authorized or prescribed drug use by troops in Iraq and Afghanistan is believed to be evenly split between antidepressants—mainly selective serotonin reuptake inhibitors, or SSRIs—and prescription sleeping pills. My amendment would provide us with the information so we know what is happening with the use of these drugs.

Providing that this best estimate contains some degree of accuracy, it is important for us to also recognize that many of these same antidepressants, after strong urging by the FDA, recently expanded their warning labels to state that young adults—ages 18–24 years old—may be at an elevated risk of suicidal thoughts and behavior while using the medication. This same age group—18–24 years old—represents 41 percent of our military forces serving on the front lines in Iraq and Afghanistan.

While keeping this warning label in mind, it is imperative that my colleagues understand that nearly 40 percent of Army suicide victims in 2006 and 2007 are believed to have taken some type of antidepressant drugs—and overwhelmingly these SSRIs. And as I mentioned at the beginning of this statement, the number of Army suicides reported each month are outpacing each preceding month.

This class of antidepressants—these SSRIs—are unlike most earlier classes of psychiatric medications in that they were, from their inception, specifically designed for use as an antidepressant—that is, they were engineered to target a particular process in the brain that plays a significant role in depression and other anxiety disorders. More significantly, however, these SSRIs are unlike most other antidepressant medications because they are still allowed by Department of Defense policy to be prescribed to service members while they are deployed and directly engaged in overseas operations.

Now, to be fair, there is widespread consensus in the community of professional mental health providers, and empirical evidence to support, that SSRIs do offer significant benefit for the treatment of posttraumatic stress and some forms of depression. And although there are some side effects, they are reportedly much milder and shorter in duration than other antidepressants. Additionally, SSRIs are also believed to potentially prevent, or at least some believe, lesson the more harmful long-term effects of posttraumatic stress disorder.

My concern, however, and hopefully that of my Senate colleagues, is not the long-term efficacy of these SSRIs, but more pointedly the volume and manner in which these drugs are being administered to our service men and women overseas.

You see, unlike medications that work on an as-needed basis, SSRIs only begin to work after having been taken every day—at a specific dosage—for a significant period of time. This frequently translates to a 3 to 6 week latency period before the therapeutic effect materializes and patients begin to feel improvement. In light of the population I have been discussing, there are two very readily apparent problems with this shortcoming—first, is that service members serving in forward operating areas, such as Afghanistan and Iraq, are quite frequently subject to moving between bases or into other areas—some so remote that there may be no trained mental health provider available to administer the treatment and to make sure it is effective.

Second, and more importantly, is that this initial period is when patients, particularly younger patients, often suffer an escalation in the severity of depression and/or anxiety.

In essence, DOD may be prescribing SSRIs to its service members, without the assurance that they will remain in a capacity to be observed by a highly trained mental health provider. Worse yet, these same patients may very likely find themselves ordered off to conduct combat operations during this same latency period.

Let's return our focus back to the alarming increase in the number of military and veteran suicides reported in 2008 and 2009.

At what point do we step forward to direct that action be taken by DOD to capture, track and report this data? And at what point do we ensure that DOD is properly prescribing, dispensing and administering these drugs to our troops without having in place the necessary controls and or patient management practices?

As a first step in this direction, the amendment I intend to introduce will accomplish a better understanding as to the potential magnitude of this issue. This amendment directs the Department of Defense to capture, at a macro level—at a macro level, not individual information, without divulging or violating any protected patient health information—the volume and types of antidepressants, psychotropics or antianxiety drugs being prescribed to our men and women serving in Iraq and Afghanistan. It will also require DOD, beginning in June of 2010 and then annually thereafter through 2015, to report to Congress an accurate percentage of those troops currently and previously deployed to Iraq and Afghanistan since 2005 who have been prescribed these types of drugs.

I wish to reiterate that this measure specifically directs the disclosure of

this information by DOD to be done in such a way as to not violate the individual patient privacy rights of our service men or women as defined by HIPAA.

This legislation further directs DOD to contact the National Institute of Mental Health and provide any and all data as determined necessary by the Institute to conduct a scientific peer reviewable study to determine whether these types of prescriptions, and/or the method in which they are being prescribed and administered by DOD, are in any way contributing to the rising number of suicides by servicemembers or Iraq or Afghanistan veterans.

I want to specifically address one issue I have heard from some who express concern about this amendment by saying it would stigmatize, in the eyes of our troops, those seeking mental health care. Nothing could be further from what this amendment does. This amendment would collect information in an anonymous manner, and it will be invisible to the servicemembers serving on the front line.

The men and women serving in our military, and equally so their families, deserve our utmost assurance that we are doing everything in our power to see that our Nation's warfighters are provided the best medical care available. An integral part of our commitment must also be to ensure that these service men and women volunteering to serve our Nation are not being exposed to what may potentially endanger them when they seek medical care and mental health service.

This amendment is very simple. It asks us to gather information so we can make a judgment in a macro sense, without violating the individual privacy of our service men and women. It allows us to gather the information, to have the best information. This Congress has a proud record of providing the necessary resources for the health care of our warriors and their families.

This amendment will complement that by making sure that we have the analytical tools to make sure we are providing the right type of mental health services to our service men and women who are in theater. It gets us the information in order to judge what is being done today.

I would hope my colleagues would agree that we would want to have this information, and I hope at a later time I will have the opportunity to actually offer the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. First of all, let me commend the Senator from Maryland on his amendment. I support it. I hope it can be cleared or placed in order so that we can adopt it on a rollcall if it cannot be cleared.

AMENDMENT NO. 1528

I ask unanimous consent that we now proceed to a vote on the Lieberman amendment, a rollcall vote on the Lieberman amendment.

Mr. MCCAIN. I ask for the yeas and nays.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Maryland (Ms. MIKULSKI), the Senator from Pennsylvania (Mr. SPECTER), and the Senator from Virginia (Mr. WEBB) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Idaho (Mr. CRAPO).

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

The result was announced—yeas 93, nays 1, as follows:

[Rollcall Vote No. 236 Leg.]

YEAS—93

Akaka	Ensign	McCaskill
Alexander	Enzi	McConnell
Barrasso	Feinstein	Menendez
Baucus	Franken	Merkley
Bayh	Gillibrand	Murkowski
Begich	Graham	Murray
Bennet	Grassley	Nelson (NE)
Bennett	Gregg	Nelson (FL)
Bingaman	Hagan	Pryor
Bond	Harkin	Reed
Boxer	Hatch	Reid
Brown	Hutchison	Risch
Brownback	Inhofe	Roberts
Bunning	Inouye	Rockefeller
Burr	Isakson	Sanders
Burris	Johanns	Schumer
Cantwell	Johnson	Sessions
Cardin	Kaufman	Shaheen
Carper	Kerry	Shelby
Casey	Klobuchar	Snowe
Chambliss	Kohl	Stabenow
Coburn	Kyl	Tester
Cochran	Landrieu	Thune
Collins	Lautenberg	Udall (CO)
Conrad	Leahy	Udall (NM)
Corker	Levin	Vitter
Cornyn	Lieberman	Voinovich
DeMint	Lincoln	Warner
Dodd	Lugar	Whitehouse
Dorgan	Martinez	Wicker
Durbin	McCain	Wyden

NAYS—1

Feingold

NOT VOTING—6

Byrd	Kennedy	Specter
Crapo	Mikulski	Webb

The amendment (No. 1528) was agreed to.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I ask unanimous consent that Senator LEAHY be added as a cosponsor on the amendment which we just adopted, the Lieberman amendment.

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

AMENDMENT NO. 1688

Ms. SNOWE. Mr. President, as ranking member of the Senate Committee on Small Business and Entrepreneurship, I rise in support of this vital amendment in order to correct disparities among the Small Business Administration's, SBA, small business contracting programs. Building on my efforts to bring true parity to the programs, this amendment will create a more equitable and flexible method for Federal agencies to fairly allocate Federal procurement dollars to small business contractors across the Nation. Earlier this year, I offered an amendment, cosponsored by my colleague from Maine, Senator COLLINS, to create parity as part of S. 454, the Weapon Systems Acquisition Reform Act of 2009. Unfortunately, that amendment was not accepted.

For years it has been unclear to the acquisition community what, if any, is the true order of preference when determining which small business contracting program is at the top of the agency's priority list. The SBA's regulations state that there is parity among the programs, and this had been the general practice in effect until two Government Accountability Office decisions were released on September 19, 2008, and May 4, 2009.

The decisions stated that the Historically Underutilized Business Zone—HUBZone—program had preference over all other small business contracting programs. While the interpretation benefits HUBZone businesses, it comes at the expense of other vital small business contracting programs. This targeted amendment provides equity for the SBA's small business contracting programs.

The amendment provides Federal agencies with the necessary flexibility to satisfy their government-wide statutory small business contracting goals. This amendment makes clear to purchasing agencies that contracting officers may award contracts to HUBZone, service-disabled veterans, 8(a), or women-owned firms with equal deference to each program. It would provide these agencies with the ability to achieve their goaling requirements equally through an award to a HUBZone firm, a service-disabled veteran-owned small business, and a small business participating in the 8(a) business development program. And of course this list will also include women-owned small businesses once the women's procurement program is fully implemented by the SBA.

In addition, this amendment brings the SBA's contracting programs closer to true parity by giving HUBZones a subcontracting goal. HUBZones are the only small business contracting program without a subcontracting goal. In addition, the amendment authorizes mentor protégé programs modeled after those used in the 8(a) program for HUBZones, service-disabled veteran and women-owned firms.

The essence of true parity is where each program has an equal chance of competing and being selected for an award. During these difficult economic

times, it is imperative that small business contractors possess an equal opportunity to compete for federal contracts on the same playing field with each other.

I urge my colleagues on both sides of the aisle to support this amendment.

AMENDMENT NO. 1500

Mr. GRASSLEY. Mr. President, I rise today to support the section 1072 of S. 1390, National Defense Authorization Act of 2010. This section authorizes the Comptroller General of the United States to assess military whistleblower protections.

As everyone knows, I strongly believe whistleblowers play an important role in the accountability of all government. This should also be true for the men and women who wear uniforms and serve in the Armed Forces.

In 1988, Congress passed legislation that gave members of the armed services unique whistleblower protections. Despite this military whistleblower law, I have concerns that military whistleblowers could be underserved by the regulations and processes created by the Department of Defense, DOD, and the DOD, Office of Inspector General, OIG.

During the course of my own investigation of several military whistleblower cases, I learned some matters which may question how effectively military whistleblower reprisal cases are handled by the DOD and DOD OIG. The Government Accountability Office, GAO, has noted in its past work that the effectiveness of the Federal protection for military whistleblowers rests principally on a two-stage process of investigation and administrative review. The first stage involves a DOD, service, or guard inspector general's investigation of the specific facts and interpretation of issues associated with a whistleblower reprisal allegation. In the second stage of the investigation/administrative review process, the DOD OIG reviews and approves the findings of the service or guard inspectors general. This review is designed to provide assurance that the findings and recommendations in a report were made in compliance with applicable investigatory guidelines and meet legal sufficiency. The second stage of this procedure is crucial for the military whistleblower process to work as intended.

In addition to the tasking included in S. 1390, the military whistleblower reprisal appeal process should be examined by the GAO as well. The military whistleblower law, 10 USC § 1034, gives the Boards for the Correction of Military Records—BCMR—of each armed service the appeal authority in these often unique and complex matters. I believe the report requested by the underlying bill is important and I support its inclusion. However, it is important for the GAO to also study the effectiveness of the BCMR appeal process to ensure military whistleblowers are afforded a fair administrative process to combat reprisal.

Last year, I first introduced the idea of a GAO military whistleblower study when I requested this work of the Acting Comptroller General Gene L. Dodaro in a letter dated July 18, 2008. I followed up on my letter to the GAO with a legislative proposal through a filed amendment to the Defense Department appropriations bill for 2009 which instructed the GAO to conduct a comprehensive analysis of this issue. Unfortunately, that amendment did not make it through the legislative process. I thank Chairman LEVIN and Ranking Member MCCAIN for including this sensible military whistleblower study in the current bill.

Accordingly, I offer this latest amendment to include a review and analysis of the military whistleblower reprisal appeals heard by the Boards for the Correction of Military Records.

Mr. DURBIN. Mr. President, the National Defense Authorization Act for Fiscal Year 2010 authorizes almost $680 billion for the Department of Defense and the national security programs of the Department of Energy.

The bill provides pay and health care to servicemembers and their families; funds troops with the equipment and resources they need to fight and provide security; strengthens our ability to train foreign militaries and protect against IEDs and rogue nuclear threats; and terminates questionable weapons programs.

It also includes legislation to complete the James A. Lovell Federal Health Care Center in Illinois.

It gives the VA and the Navy the authority they need to finalize a model partnership between the North Chicago VA Medical Center and the Naval Health Clinic Great Lakes.

This is a model that the Departments hope can be replicated around the country.

Combining separate Federal hospitals will provide better care for our servicemembers and veterans while saving valuable taxpayer dollars.

Given the conflicts we face abroad, this bill provides the right amount to spend in support of our troops. Today, the United States is the world's leader in defense spending. Last year, U.S. military spending accounted for almost half of the world's total military spending. We spend more than the next 46 countries combined. U.S. military spending, combined with that of our close allies, makes up 72 percent of all military spending in the world. Our defense budget is six times larger than China's and 100 times larger than Iran's.

These funds make good on a promise to our men and women in our military. Our troops continue to do everything we ask of them in the wars in Iraq and Afghanistan. These conflicts have taken an extraordinary toll on servicemembers and their families that we cannot forget.

The Armed Forces, particularly the Army and the Marine Corps, will continue to be heavily stressed, even as we start to redeploy our forces from Iraq. Servicemembers still do not have enough dwell time between deployments and the Army has seen a troubling rise in the number of suicides. These are indications of the strain that multiple and continued deployments are taking on the force. The President requested increasing the size of the Army to 547,400 soldiers and increasing the Marine Corps to 202,100 Marines, while preventing cuts in Navy and Air Force personnel. This bill supports the President's request. It also authorizes an additional 30,000 soldiers in 2011 and 2012, should the Secretary of Defense believe such troops are necessary. Additional soldiers and marines will help ease the burdens caused by multiple deployments.

More personnel will give each service more breathing room to care for its wounded warriors. Others can continue the fight while injured and ill servicemembers can recover in wounded transition units.

This legislation creates a task force to assess the policies and programs that support the care and transition of recovering wounded and seriously ill members of the Armed Forces. The task force will consider whether servicemembers have sufficient access to care for posttraumatic stress disorder and traumatic brain injury, the signature injury of the wars. It will look at how well we help injured warriors transition from the Department of Defense to the Department of Veterans Affairs.

The task force will also review the support available to family caregivers as they care for recovering injured and seriously ill members of the Armed Forces. For every servicemember successfully recovering from a serious injury or illness, there is often a family member who has put the brakes on his or her life to care for that person.

Last week, my office received a call from the family of Jordan Hoyt, a soldier from Barry, IL. He was seriously injured in Afghanistan and is receiving care at Walter Reed Army Medical Center here in Washington. His wife Haley has moved to Washington to be near Jordan while he goes through months of surgery and rehabilitation. She has brought with her their infant child, who was born while Jordan was away serving his country. Haley is from Quincy. She has left her family behind to help Jordan recover from his injury. She has also delayed her educational plans to study criminal justice. Haley is 19 years old. After Jordan leaves Walter Reed, the couple will return to Quincy to live with her mother, who has already provided them with incredible support. While taking care of wounded servicemembers is our basic responsibility, we also need to support the families whose lives have been upended by the wars. I commend the committee for including this task force to look at the needs of family caregivers.

This President inherited many challenges at home and abroad, including two wars and a challenging situation in

Pakistan. This bill supports President Obama's new direction in addressing these priorities. In June, our military redeployed from Iraq's cities under the Status of Forces Agreement concluded by the government of Iraq and the previous administration. The Iraqis must continue to take responsibility for their own future.

I commend the President's increased focus on defense and development in Afghanistan; preventing the reemergence of the Taliban and al-Qaida; and strengthening economic, agricultural, educational, and democratic development. These goals are important to development in Afghanistan, but they are essential to our military's strategy. I support the National Defense Authorization Act and commend Chairman LEVIN and Senator MCCAIN for their leadership.

Almost 3,000 soldiers from the Illinois Army National Guard are currently deployed to Afghanistan. Members of the Illinois Guard's 33rd Infantry Brigade Combat Team are helping train the Afghan National Police and providing force protection at military bases. It has been a difficult deployment, with many casualties. Gen William Enyart, the Adjutant General of Illinois, has had to attend the funerals of too many of his soldiers. He sent me an article he had written this spring. Why do the young soldiers serve, he asked? This is what he wrote. They serve because:

> They are our kids, they are our protectors. They are what stand between us and chaos. They don't have to be asked to serve. They don't have to be asked to go into danger. They do it, not out of hate, not out of vengeance, but out of love. Love of family, love of community, love of fellow soldier.

I think he is right. Members of the Armed Forces and their families make these sacrifices to keep our country safe. We owe them much in return. This bill takes one step by providing them the resources they need. I ask my colleagues to support this legislation and to send it to the President for his signature.

MORNING BUSINESS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senator HATCH to be recognized for 15 minutes, then Senator MURRAY for 8 minutes, then Senator BURRIS for 6 minutes, and Senator BROWN for 10 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

DEFENSE AUTHORIZATION

Mr. LEVIN. Mr. President, there will be, then, no more amendments we will be able to take up tonight on the Defense authorization bill. We will pick up that bill tomorrow.

The PRESIDING OFFICER. The Senator from Utah.

GUANTANAMO BAY

Mr. HATCH. Mr. President, I rise to express my concerns about the administration's failure to make the deadline of issuing a report on the Guantanamo detainee policy. Today's deadline, similar to the January 2010 closure deadline, was self-imposed. It concerns me that the administration maintains that closure will occur even though the execution of this process has been less than stellar.

In January, on his very first full day in office, President Obama signed the order to close the Guantanamo Bay detention facility in 12 months. The President created separate task forces to examine closure and detainee issues. These task forces were developed and staffed by the Obama administration to achieve successful closure in 1 year. The product of this review is to include a report on a broader detainee policy.

Today marks the first deadline in this process. It was set to be the date of release and publication of the task force report on a broader detainee policy going forward. The administration's failure to meet the deadline appears to me to be the ''canary in the coal mine'' that a January closure of Guantanamo without a detailed plan is an exercise in futility.

Yet the White House downplays the missed deadline and publicly states that the January closure is still on track. Is it? Despite not having a plan and missing a deadline for a key integral part of the closure process, the administration claims it can still meet the overall deadline of closure by January 1. I find that notion suspect at best and completely absurd at worst.

In May, a Gallup Poll indicated that 65 percent—65 percent—of Americans oppose the closure of the Guantanamo Bay detention facility. Even so, the administration intends to follow its timeline and close Guantanamo by January 2010. The task force examining the cases of the remaining 229 detainees has only reviewed half the necessary caseload thus far.

The Justice Department hopes to complete its review by an October reporting deadline, but that benchmark is quickly slipping away too. This review process has taken twice the amount of time the administration thought it would take. Yet keeping Guantanamo open beyond January is inexplicably still not an option in the administration's view.

Recently, media reports are circulating that the administration's Guantanamo closure plan has been fraught with political miscalculation and internal dissension. Moreover, the complex nature of this issue will undoubtedly force the transfer of detainees inside the United States. Since the announcement of the President's intention to close Guantanamo, I have joined other Senators in pointing out the lack of planning and clear miscalculation of this decision. That pool has grown and a groundswell of bipartisan support is signaling the White House to ''pump the brakes.''

In May, the Senate voted 90 to 6 to strip out funding in the fiscal year 2010 war spending request that would authorize $80 million for the transfer of detainees to the interior of the United States of America. Now that the failure to meet this deadline has been reported by outlets such as the Wall Street Journal, Washington Post, and New York Times, the administration still does not get it. Senior administration officials are letting hubris get in the way. This is neither the proper manner nor the time to close Guantanamo.

There should have been more study of this issue prior to setting us on a course for closure. It is easy to say that Guantanamo can be closed when you are a candidate for President. It is even easier to sign an order on your very first full day in office as President that says in 12 months Guantanamo will close. What is hard is taking a deliberative, methodical approach and then formulating the proper plan to balance the safety of this country with the needs of lawful detention. Had the administration conducted a careful and thorough review of this issue, the conclusion would have been that Guantanamo fulfills both requirements. Instead, the administration has painted itself into a corner.

Clearly, the administration miscalculated and underestimated the depth and breadth of this issue. From the onset, the administration has tried to reverse-engineer the process for closing Guantanamo—starting from the end and working backward. If changes are not made immediately, administration officials will force this issue on American cities and towns in just 185 days. They will limp across the finish line. We have 185 days until Guantanamo is closed. The days until the plan is released ARE a big question mark. They are going to limp across the finish line on January 22, 2010, and herald their accomplishments a victory despite its ill-conceived planning and three stooges-like manner of execution.

Guantanamo is still an asset to this country. It complies with international treaties and exceeds the standards of domestic corrections facilities. I don't see how anyone who is honest about this matter can characterize it in any other way, especially when there is not a sufficient replacement located domestically to meet the Justice Department's needs. It is my fervent hope that the President and Attorney General will reconsider their ill-considered plan to close Guantanamo and recognize the obvious, that a $200 million facility that is already operational and in compliance with international treaties should not be shuttered.

This is an important issue. I don't think the American people are going to stand to have these very dangerous people brought on shore to our country when we have a $200 million facility that meets international treaty obligations sitting there doing the job. I think the administration needs to get

this work done and needs to get it done the right way.

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

The PRESIDING OFFICER. (Mr. UDALL of Colorado). The Senator from Washington is recognized.

HEALTH CARE REFORM

Mrs. MURRAY. Mr. President, 3 weeks ago I sent a letter to families across my home State of Washington asking for their help as we reform our broken health care system. I told them I wanted to pass a plan that protects existing coverage when it is good, improves it when it is not, and guarantees care for the millions who have none. I asked them to share their stories with me and ideas about how to make this vision a reality. I told them that I know health care is a very personal issue, but also that personal stories have the power to change minds and transform debates. The response to my request has been simply overwhelming.

I wish to share some of the stories that have been pouring into my office—over 5,000 so far—because they underscore not only the desperate need to fix our broken health care system but also the dire necessity to get it done this year.

For too many families today, health care reform can't wait. I wish to share a story from a letter I received from Rita from Seattle who sent me a story about her sister Janet. Janet was unemployed and had lost her health insurance when her throat began to hurt one day back in 2004. She paid out of her own pocket to visit a health clinic and was sent home with antibiotics. Well, weeks later, she was still in a lot of pain and finally managed to get an appointment with a specialist, but she was told she had to wait 6 weeks more to come in to get help. Only after begging them for an appointment was she seen by the specialist 3 days later and was told that the pain she had been living with was in the late stages of an aggressive form of throat cancer. Janet died not long after that. It was a death that would have been prevented had she been able to see a specialist earlier.

Janet is not alone. A woman by the name of Kathleen from Puyallup, WA, sent in a story about her friend Kelly. Kelly had just been laid off from work when she came down with what she thought was the flu. She didn't have any health insurance because she had been laid off from her job and she couldn't afford to go to the doctor, so she waited. Two weeks later she felt even worse, so she finally made an appointment to go in for a checkup. Kelly never made it to the doctor. Her 7-year-old son found her dead on the couch on the morning she was supposed to go in. She died from an untreated ovarian cyst. Because Kelly didn't have health insurance, that little boy no longer has a mother.

I think the fact that these stories are possible in the greatest and richest country in the world is simply shameful. No son should lose a mother simply because she can't afford care. No family should have to watch a loved one suffer because insurance companies instead of doctors are making the decisions. That is why we so badly need to reform our health care system this year.

Our country has been working on this issue for over 60 years and we have spent months and months this session alone working to put together a reform package that works for all Americans. We have had over 6 months of hearings. We went through over 50 hours of public markups. We debated over 200 amendments. So when I hear some of my colleagues from across the aisle saying we should slow down, saying we should take more time, or that we are trying to reform health care too fast, and when I see some of them shrugging off every attempt we have made at engaging them and bringing them into the process, I think of Kelly and I think of Janet and I think of all of the families out there right now with sick husbands or sick wives or sick kids. I think of all the small business owners I have talked to who can't cover their employees. I think of the people who have coverage, but are worried about losing it today in this uncertain economy. I think about all the working Americans who are paying a hidden tax today in the form of rising premiums in order to cover those Americans who don't have access to care. As a mother and as a Senator, I say enough is enough.

Yesterday we heard some pretty ugly and blatant rhetoric. One Member of the Senate who wants to protect the status quo, who doesn't want to make any changes, said: ''If we're able to stop Obama on this, it will be his Waterloo. It will break him.''

That is playing games with real lives in order to score cheap political points. Bucking health care reform isn't going to break the President of the United States. It will break American families. It will break American businesses. It is going to break the bank.

Americans deserve better. The families of Janet and Kelly and the thousands of others who have written me deserve better. We can't play politics with what is most important to our Nation's families—the health of their loved ones.

They say justice delayed is justice denied. Well, health care delayed is often health care denied. It was denied to Kelly, it was denied to Janet, and it gets denied to more Americans every single day we wait.

I call on all of our colleagues here in the Senate to work with us to rise above partisanship. We have a good plan right now. We are working to listen and bring everybody in and make it better. It will rein in the costs with the goal of lowering them across the long term. It will make sure all Americans have high quality, affordable coverage.

This issue is not going to go away if we don't do anything. It is not going to get better or easier if we wait. In fact, today, costs are rising at an unsustainable rate for those who do have insurance and more and more Americans are losing their insurance every day.

We have been talking about reforming the health care system for a very long time. I go home to my home State of Washington every weekend, and I am asked often now if it is the right time to tackle health care reform. In these difficult and challenging economic times when people are worried about paying their bills, worried about losing their jobs, worried about what is coming around the corner, they ask me if we are biting off more than we can chew. I tell them: This is exactly the time we need to act. Premiums are rising three times faster than wages today. Every day, 14,000 more Americans lose their health insurance. In these already difficult times, I don't want to add losing health insurance to the list of concerns our families have to deal with every day.

We know the current system is unsustainable. Even those people with good coverage today are faced with massive costs and rising premiums. That is why tackling this problem now has to be part of our long-term economic recovery program.

Without health care reform, family budgets are going to continue to be strapped, more Americans are going to lose their care, and we are going to hear more stories like Janet and Kelly. I hope we can put aside the partisan rhetoric, I hope we can put aside the talk of: Slow this down; it is too fast. This issue is imperative, and I urge my colleagues to act.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

CONCEALED CARRY RECIPROCITY

Mr. BURRIS. Mr. President, I rise today to express my strong opposition to Senator THUNE's amendment regarding concealed carry reciprocity. This legislation ignores the explosion of gun crime plaguing America's cities and putting an unnecessary burden on local law enforcement.

In my home State of Illinois, an entire generation of young people, many of whom live in urban areas, is being decimated with gun violence. On May 10 of 2007, a 16-year-old honor student named Blair Holt was shot to death while riding a Chicago city bus. When the shooter opened fire, Blair was shot while protecting a young girl with whom he was riding. The shooter was also a 16-year-old boy and an admitted member of the Gangster Disciples national street gang. Just the other day, justice was presented to him when he was given 100 years in prison by the judge.

Similar tragic stories have only grown more frequent. In the first 6 months of 2009, Chicago alone logged 202 homicides, 84 percent of whom were

shot to death. In comparison, in the same period of time, we lost 101 troops in Iraq and 99 in Afghanistan.

The people of Chicago deserve better than life in a war zone. Hundreds of Chicago public school students have been shot so far this year. By the end of the school year in June, at least 36 had died.

Over the Fourth of July weekend, while most of us celebrated our Nation's independence, Chicago suffered through an almost unparalleled torrent of gun violence: 63 shootings were tallied, and 11 of them were fatal.

The carnage on Independence Day weekend led the Chicago Tribune to demand on July 10: ''Where is our courage? Where is the indignation over the slaughter of Chicago's children?''

This is far too high a price to pay for inaction. I will say it again: The people of Chicago deserve better than life in a war zone. Students deserve better than being gunned down in the streets after school and parents deserve better than having to raise families in the midst of a bloodbath. We must work vigorously to combat the rampant gun violence in our cities and urban areas.

As a registered gun owner myself, I respect the second amendment and responsible gun ownership. However, I am deeply concerned about the devastating consequences of guns falling into the wrong hands. To this end, I strongly believe we should keep firearms out of the hands of children, terrorists, and criminals, and in solving this problem we need to provide local law enforcement officials with the support they so desperately need.

Concealed carry regulation is an issue best left to cities and States and not the Federal Government. It is our job as Federal legislators to enact measures that strengthen States' law enforcement efforts instead of arbitrarily increasing their burden. A national standard of reciprocity would ignore the challenges local law enforcement struggles with on a daily basis when combating gangs and drug dealers in big cities.

I am not alone in my opposition to the Thune amendment. I join the International Association of Chiefs of Police and State lawmakers around the country in recognizing that this legislation would severely hamper efforts to combat gun crime in our Nation's urban areas.

Mr. President, I ask unanimous consent to have 2 letters from the the mayor of the city of Chicago, Mayor Daley, and the Major Cities Chiefs Association be printed in the RECORD.

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

OFFICE OF THE MAYOR,
Chicago, IL, July 17, 2009.

Hon. ROLAND W. BURRIS,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR BURRIS: I am writing to express the City of Chicago's strong opposition to Senator Thune's amendment regarding concealed carry reciprocity, and to urge you to vote against this amendment as part of the National Defense Authorization Act for Fiscal Year 2010 (S. 1390).

Although the State of Illinois would not be affected directly by its passage, this amendment runs the possible risk of reinforcing current movements in the Illinois legislature to pass concealed-carry laws, which would greatly set back Chicago's efforts to curtail gun violence. Concealed carry regulation is an issue best left to cities and states, and not the Federal government. A national standard of reciprocity would ignore the challenges local law enforcement struggle with on a daily basis when combating gangs and drug dealers in big cities.

Pasasge of this amendment would limit the ability of states and local governments to protect their citizens with common-sense and community-specific laws and regulations regarding the carrying of hidden handguns. It would promote gun trafficking by making it easier to transport firearms between states without the fear of being apprehended by law enforcement. The bill would also endanger the safety of our police officers by making it more difficult to distinguish between legal and illegal gun possession—ambiguity that would have life or death consequences.

The City of Chicago continues to do all it can to protect our communities from the gun violence of gangs and drug dealers. It is a tireless effort that requires the involvement of the community members, the hard work of local law enforcement and sensible policy decisions made at all levels of government. The Thune amendment would serve as an obstacle to these efforts, and that is why I strongly urge you to oppose this potentially debilitating legislation.

Sincerely,

RICHARD M. DALEY,
Mayor.

MAJOR CITIES CHIEFS ASSOCIATION,
JULY 17, 2009.

Hon. HARRY REID,
Majority Leader, Hart Office Bldg., U.S. Senate, Washington, DC.

Hon. NANCY PELOSI,
Speaker, Cannon Office Bldg., House of Representatives, Washington, DC.

DEAR MAJORITY LEADER REID AND SPEAKER PELOSI: On behalf of the Major Cities Chiefs, I am writing to express our strong opposition to S. 845 and H.R. 1620, the Respecting States Rights and Concealed Carry Reciprocity Act of 2009. Because we are responsible for public safety in the largest jurisdictions in the United States, we recognize that this legislation would be an enormous mistake.

This misguided legislation would undermine efforts by law enforcement agencies across the Nation and thwart measures already enacted by the states. Please know that we stand with the more than 400 Mayors who have objected to this ill-conceived proposal.

An oversimplification of carefully reasoned standards and licensing provisions, the proposed measure would arbitrarily overturn laws which have been tailored to the needs of regions and local communities. Passage of this legislation would be an affront to Federalism as it would force a state to accept permits from other jurisdictions—whether or not the permits comport with the laws of that state.

We are confident that members of Congress will respect the authority of states, counties and cities to adopt their own regulations regarding weapons and will not act with disregard for the many reasonable and prudent laws already in place across the Nation.

Chiefs of Police and Sheriffs call upon you to vote against this dangerous and unconstitutional legislation.

All the best,

WILLIAM J. BRATTON,
Chief of Police, Los Angeles, CA,
President, Major Cities Chiefs' Association.

Mr. BURRIS. Mr. President, as I said earlier, cities in every State face unique challenges that require tailored solutions. This is never truer than with the issue of gun control. It is imperative that States set their own standards for concealed carry permits and are not obligated to honor permits awarded elsewhere with different, potentially less rigorous requirements. We must not tie the hands of State governments regarding their ability to protect and serve their citizens.

I think that this legislation moves our national gun policy in the wrong direction. In their assessment of the recent gun violence, the Tribune opined that ''The tragic loss of brave soldiers killed overseas grabs media headlines and fuels the raging fires of political debate. Meanwhile, in another war right here in our own backyard, the killings continue, almost ignored.''

We cannot ignore this horrific situation any longer. We must not be conned into believing that easier access to firearms will reduce firearm deaths. Rather than making it easier for people to bring concealed weapons into other States, I hope my colleagues will get serious about addressing the urgent problem of gun crime in our cities and among our youth.

I urge my fellow Senators to not only vote against this amendment but to join me in working towards a real solution for this senseless cycle of death.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

CONGRATULATING YOUNGSTOWN, OHIO

Mr. BROWN. Mr. President, I rise to congratulate the community and business leaders of Youngstown, OH, for showing the rest of the Nation what so many of us in Ohio already know: Youngstown is one of the Nation's best places to start a business.

I have held some 140 community roundtables across Ohio's 88 counties at least once since I have been in the Senate, where I have met with educators, students, community and business leaders, and entrepreneurs and workers.

I have held a half dozen roundtables in the Mahoning Valley, including two in Youngstown, and have traveled across towns along the Mahoning River and across its valley.

From the autoworker in Lordstown to the electrician in Warren, to the technology entrepreneur in Youngstown, to the small business owner in Salem, I am impressed by their unwavering commitment to rebuilding this region.

Youngstown remains a great city in the face of many challenges, and its

dedicated and talented workforce is driving today's innovation and ingenuity.

Each time I visit Youngstown, I learn something new—from Mayor Williams, the fine, aggressive, very bright, young mayor of Youngstown, to Chamber of Commerce leader Tom Humphries, to dozens of teachers, small business people, workers, and citizens.

It is easy to see why Entrepreneur Magazine lists Youngstown as one of the top 10 U.S. cities to start a business. On the cover it says: ''Youngstown, Ohio, anyone?''

In their August issue, Entrepreneur Magazine describes Youngstown as a ''dreamer,'' where technology innovation is driving job growth and sustaining economic activity.

Bold plans and visionary leadership have set the stage for sustained economic growth. Youngstown's healthy dose of all-American grit and hard work will turn economic potential into economic reality, driving regional economic expansion that can strengthen Ohio's middle class.

It takes what Entrepreneur Magazine called a ''concept revolutionary enough to help ignite a renaissance in this small city.''

It takes a community that understands a transformation must take place from within—from the educators to innovators, from community activists to the industry leaders. Faced with a choice, it takes the foresight to invest in the future and not dwell on the sometimes troubled past.

Today, we are seeing the results of a decade-long process of renewal and rebirth for Youngstown, in Warren, and the entire Mahoning Valley.

More than a year ago, I made my first trip to the Youngstown Business Incubator, which is an example of community and business leaders nurturing startup companies that can strengthen the regional economy.

Nurtured in the Youngstown Business Incubator in 2002, Turning Technologies, for example, has become one of the fastest growing technology companies in the Nation, according to Entrepreneur Magazine.

This is no accident. Mike Broderick, from Turning Technologies, and other emerging businesses, say they have relied on the affordable startup costs, accessible resources, the transportation network that criss-crosses western Pennsylvania and Ohio, and the community involvement that allowed businesses to thrive.

An important part of Youngstown's favorable business climate is access to talented workers and students. Kent State's Trumbull campus is a model for workforce training among Ohio's colleges and universities. Their educators are training a legion of highly skilled workers for Ohio's emerging high-tech industry.

But more must be done to close the gap between high unemployment in that part of Ohio. My whole State is still afflicted by high unemployment and this terrible recession. More must be done to close the gap between the high unemployment and the shortage of skilled workers and emerging industries.

Congressman TIM RYAN, with whom the Presiding Officer and I both served in the House of Representatives, and who represents Youngstown in the House, and I recently introduced the Strengthening Employment Clusters to Organize Regional Success, or SECTORS Act.

SECTORS would help allow businesses, workforce development boards, labor unions, and community colleges to connect skilled workers with workforce and community needs. We will see that with Youngstown State University in Youngstown, and with the Trumbull County branch of Kent State University.

SECTORS is not only a jobs skill bill, but an economic development bill. It is only one part of the citywide strategy to harness the talented workforce and students.

Youngstown State University is training engineers and contributing to workforce needs of an emerging advanced materials sector, involving advanced chemical and composite engineering and nanotechnology. I have seen some of this technology in the Mahoning Valley, and it is ready to take off.

YSU's science, technology, engineering, and math program, or STEM, teaches students the critical skills in the fields of advanced sciences, information technology, and engineering.

If our students succeed in the 21st century global economy, we must invest in our young people, who will create the businesses and opportunities for future growth.

We must also ensure that our communities are part of economic revival around the State.

I met with the Mahoning Valley Organizing Collaborative at one of my roundtables. We sat for an hour and a half in the basement of a church, with 15 community activists, who have a focus you wouldn't believe. This is a collective effort of neighborhood groups, churches, and labor unions. It is another example of citizens taking ownership of their community. It is revitalizing neighborhoods, surveying land to determine future economic use, and cleaning up crime-ridden neighborhoods. Ordinary citizens are organizing to make a difference, and it is working.

Yet another example of strategic economic development is the Youngstown 2010 Citywide Plan, which aims to revitalize the city of Youngstown with carefully planned economic development and urban planning.

As Ohio cities experience population loss, Youngstown's efforts to modernize infrastructure to serve current population needs is a harbinger of economic growth in the State.

All of these efforts are part of a collective strategy by workers, entrepreneurs, educators, and elected officials to tap into the region's rich resources and innovative spirit. That is why Entrepreneur Magazine wrote about Youngstown, calling it the ''dreamer.'' Out of these 10 cities, the other 9 are significantly larger than Youngstown, but none could equal Youngstown in hope, focus, and energy.

I will read some things they said:

> In the last decade, something special happened in this northeast Ohio city. A new generation is envisioning things we wouldn't have talked about 10 years ago. ''Let's clean the slate and start over again'' is the radical transformation going on in Youngstown right now.

Mike Broderick, of Turning Technologies, said:

> I believe in most places we wouldn't have been able to expand with the speed we did. The affordability here really helped fuel our growth. I found Youngstown to be a brilliant place for a startup.

It has been my pleasure to work with Congressman RYAN, Mayor Williams, the Youngstown Business Incubator, Turning Technologies, and all of the community activists who are working hard to create new opportunities for a better and stronger Youngstown.

Ohio's dedicated workforce and hard-working community leaders are leading examples of how we can turn around our economy, create new jobs, and how we can, across my State, and across the Mahoning Valley in Ohio, and across this country, rebuild our middle class.

Mr. President, before yielding the floor, I add that all of us who do this work and are, frankly, blessed enough to get to serve in the Senate spend much of our time away from home or our families are back, in my case, in Ohio, or in Washington. Either way, we are away from families more than we would like. I would like to, because today is my wife's birthday, wish her a happy birthday, if she is home watching this. If she is not, I will tell her later. I could not be with her today in Ohio. I look forward to coming home this weekend.

I yield the floor.

REMEMBERING MASON RUDD

Mr. MCCONNELL. Mr. President, I rise today with sadness to honor the life of Mr. Mason Rudd, a good friend who died on July 5, 2009, at the age of 90. He was loved by many in my hometown of Louisville, KY, and he will be missed.

Mason will be remembered as an entrepreneur, philanthropist, and family man who did so much to make his adopted hometown a better place.

His American dream began at the University of Minnesota, where he funded his college education with help from a tennis scholarship, participation in ROTC, and by selling doughnuts. In 1939, he graduated with a degree in geology and petroleum engineering. After college, his service in World War II led him to believe that he survived the war for one reason—to

help others achieve and live better lives. And this he did.

Mr. Rudd spent a few years working as an engineer for Shell Oil and then selling fire engines in Iowa until 1952 when he moved to Louisville. There he established Rudd Equipment Company, which distributed heavy construction equipment. The company he built brought him a large fortune which would serve him well when he undertook his many altruistic pursuits.

Mason grew to love the city and especially the local university—the University of Louisville. He contributed $1.4 million to the creation of a neurology professorship at the University of Louisville after his first wife Mary suffered a fatal stroke. His help facilitated the $3.6 million Bass-Rudd Tennis Center at the University of Louisville as well as the endowment for the Rudd Program for Young Artists at the Kentucky Opera to train young singers.

However, more important than the money, Mr. Rudd contributed invaluable time and effort to the causes of health care and education.

Thirty years ago, this passion was clear to me when I served as Jefferson County's judge-executive and it was my responsibility to appoint someone to the county's board of health. I reappointed him to the board, just as those serving before me had and those after me did.

While serving on this board as well as in leadership positions at Louisville General Hospitals and Louisville's Jewish Hospital, his efforts provided everyone in the city with a healthier, safer life. His fellow members credit him with creating lead poisoning education programs, a hazardous-materials task force in the health department, a mandate on sewage treatment, and primary care clinics for the uninsured.

His efforts also extended to helping the Louisville Free Library Foundation during his 16 years on the board there. Because of him the library's book endowment is stronger and the children's reading program continues to grow. Most notably, in the year 2000 library fundraising efforts under his leadership made it possible to purchase computers for the library.

Mr. Rudd leaves behind his wife Peggy: his daughter Betsy; and his son Michael. The life he led in his 90 years stands out as an example of service to his community and country which all Americans should honor and strive to achieve. He will be missed.

HONORING OUR ARMED FORCES

COMMAND MASTER CHIEF PETTY OFFICER JEFFREY JAMES GARBER

Mr. NELSON of Nebraska. Mr. President, I rise today to honor Navy Command Master Chief Jeffrey James Garber who passed away aboard the USS *Eisenhower* on June 20, 2009.

Originally from Hemingford, NE, Master Chief Garber enlisted in the Navy in December 1983. His career was an impressive one. At sea his assignments included time aboard the USS *Worden*, USS *Nimitz*, USS *Portland*, and Strike Fighter Squadron 34; and he had been assigned to the USS *Eisenhower* since June 2008. The *Eisenhower* is currently operating in the Arabian Sea in support of Operation Enduring Freedom and maritime security operations.

Master Chief Garber's military awards include the Meritorious Service Medal: Navy/Marine Corps Commendation Medal; Navy/Marine Corps Achievement Medal, six; Meritorious Unit Commendation; Good Conduct Medal, five; Navy Expeditionary Medal; National Defense Service Medal, two; Armed Forces Expeditionary Medal, Southwest Asia Service Medal, two; Sea Service Deployment Ribbon, six; And Navy Recruiting Service Ribbon.

On June 20, Command Master Chief Jeffrey James Garber was found unresponsive in a berthing space aboard the carrier, USS *Dwight D. Eisenhower*. When he was found unresponsive in his stateroom at approximately 8:15 A.M. local time, a medical emergency was declared; and medical personnel were on the scene within minutes. Sadly, all efforts to revive him were unsuccessful, and Master Chief Garber was pronounced dead of natural causes at 8:23 A.M. He was 43 years old. Command Master Chief Garber has been posthumously awarded the Legion of Merit medal, recognizing his accomplishments as Command Master Chief and his 24 years of service to our Nation.

Command Master Chief Garber leaves behind his wife Amy, (Vogt) Garber, and his three children, Tayler, Paige and Josh, all of Virginia Beach; his parents Larry and JoAnn Kuester of York, NE; and his brothers Joel and Jon. Throughout his career, those who knew him, admired Master Chief Garber's professionalism, but also, genuinely liked him. He will forever be remembered by his family and friends as not only the epitome of what a command master chief should be, but primarily a loving husband, father, and son. I join all Nebraskans today in mourning the loss of Command Master Chief Garber and offering our deepest condolences to his family.

ADDITIONAL STATEMENTS

125TH ANNIVERSARY OF NORTHWOOD, NORTH DAKOTA

• Mr. CONRAD. Mr. President, I am pleased today to recognize a community in North Dakota that is celebrating its 125th anniversary. On July 23–26, the residents of Northwood will gather to celebrate their community's history and founding.

Founded in 1884, Northwood is located in Northeastern ND, and was named after Northwood, IA, a common starting point for pioneers settling in the Dakota Territory. In its early years, the town grew rapidly, and continued to expand over the next century. It was honored in 1993 by the North Dakota League of Cities as City of the Year.

In 2007, Northwood was devastated by an EF4 tornado. Not a single building was left untouched by this monstrous storm that wreaked havoc on everything in its path. Homes and businesses were destroyed, yet amidst all of the destruction, this community banded together, and with the assistance of the federal government, it has successfully rebuilt.

Today, Northwood is a friendly and welcoming community that includes a nine-hole golf course, a swimming pool, a strong business community, and a high quality education system. Additionally, the town remains true to its agricultural roots through its farming population.

The central point of Northwood's 125th anniversary celebration will be the dedication of the new Northwood Public School and the Veteran's Memorial. Other activities, to name a few, include a community picnic, a tractor pull, a teen dance, karaoke, a 5K walk and run, a craft show, a kiddie parade, and a 3-on-3 basketball tournament.

I ask the Senate to join me in congratulating Northwood, ND, and its residents on their first 125 years and in wishing them well in the future. By honoring Northwood and all other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as Northwood that have helped shape this country into what it is today, which is why this fine community is deserving of our recognition.

Northwood has a proud past and a bright future.•

COMMENDING ABIGAIL KIMBELL

• Mr. JOHANNS. Mr. President, today I pay tribute to a leader in American forestry.

In February of 2007, Abigail Kimbell became the 16th Chief of the U.S. Forest Service. She was the first female in this role, a job she held until July 5, 2009. During those 2½ years, she served with distinction and accomplished much for the forests, grasslands, and people of the United States.

Gail is credited with renewing the emphasis behind the Forest Service's mission of ''Caring for the Land and Serving People'' and reconnecting programs and functions to that mission. She improved firefighter safety and fire suppression cost containment. Gail showed great vision and leadership, pressing the agency to continually strive to meet a standard of excellence in its operations, both internally and in service to the public.

Gail emphasized the importance of quality water to the environment and our communities. She directed the agency's investment in the education of children and youth, particularly those in underrepresented communities, to enhance their connection to the natural world.

Gail's numerous and significant contributions span more than three decades of public service. As a Forest Supervisor, she focused on community collaboration to build understanding and support for an economically and environmentally viable long-term timber sale program in Alaska. She also made bold land management decisions to ensure forests remained healthy by reducing hazardous fuels.

As associate deputy chief for the national forest system, Gail was central to the development of the Healthy Forests Initiative, including the Healthy Forests Restoration Act. She also worked to improve interagency cooperation.

As regional forester in the northern region, she oversaw the development and implementation of community wildfire protection plans in Idaho, Montana, and North Dakota. She also played a leading role in the development of plans to delist the grizzly bear in the Yellowstone Ecosystem. Gail pioneered the implementation of improved forest planning with unprecedented public collaboration and ownership.

On July 31, 2009, Gail Kimbell will be retiring from the Forest Service with 35-plus years of service to that agency and our country. Her dedication to the Forest Service mission ''to sustain the health, diversity, and productivity of the Nation's forests and grasslands to meet the needs of present and future generations'' will be forever appreciated by the people of the United States.●

MESSAGES FROM THE HOUSE

At 2:56 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2245. An act to authorize the President, in conjunction with the 40th anniversary of the historic and first lunar landing by humans in 1969, to award gold medals on behalf of the United States Congress to Neil A. Armstrong, the first human to walk on the moon; Edwin E. ''Buzz'' Aldrin, Jr., the pilot of the lunar module and second person to walk on the moon; Michael Collins, the pilot of their Apollo 11 mission's command module; and, the first American to orbit the Earth, John Herschel Glenn, Jr.

At 4:35 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 164. Concurrent resolution recognizing the 40th anniversary of the Food and Nutrition Service of the Department of Agriculture.

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–2352. A communication from the Deputy Secretary of Defense, transmitting the report of (6) officers authorized to wear the insignia of the grade of major general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–2353. A communication from the Deputy Secretary of Defense, transmitting the report of (10) officers authorized to wear the insignia of the grade of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–2354. A communication from the Deputy Secretary of Defense, transmitting the report of (7) officers authorized to wear the insignia of the grade of major general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–2355. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquistion Regulation Supplement; Restriction on Acquisition of Specialty Metals'' ((RIN0750–AF95) (DFARS Case 2008–D003)) received in the Office of the President of the Senate on July 16, 2009; to the Committee on Armed Services.

EC–2356. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Acquisition Regulation Supplement; Requirements Applicable to Undefinitized Contract Actions'' ((RIN0750–AG29) (DFARS Case 2008–D029)) received in the Office of the President of the Senate on July 17, 2009; to the Committee on Armed Services.

EC–2357. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 13441 with respect to Lebanon; to the Committee on Banking, Housing, and Urban Affairs.

EC–2358. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Qualified Plug-in Electric Vehicle Credit Under Section 30'' (Notice 2009–58) received in the Office of the President of the Senate on July 14, 2009; to the Committee on Finance.

EC–2359. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Industry Director's Directive No. 2 on Casualty Loss IRC 165'' (LMSB–4–0309–010) received in the Office of the President of the Senate on July 14, 2009; to the Committee on Finance.

EC–2360. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Industry Director's Directive No. 4 on Mixed Service Costs Phase 1'' (LMSB–4–0509–022) received in the Office of the President of the Senate on July 20, 2009; to the Committee on Finance.

EC–2361. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–123, ''Processing Sales Tax Clarification Act of 2009''; to the Committee on Homeland Security and Governmental Affairs.

EC–2362. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–124, ''National Law Enforcement Museum Sales and Use Tax Credit Act of 2009''; to the Committee on Homeland Security and Governmental Affairs.

EC–2363. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–125, ''Records Access Amendment Act of 2009''; to the Committee on Homeland Security and Governmental Affairs.

EC–2364. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–126, ''Raze Permit Community Notification Amendment Act of 2009''; to the Committee on Homeland Security and Governmental Affairs.

EC–2365. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–127, ''Citizen-Service Programs Amendment Act of 2009''; to the Committee on Homeland Security and Governmental Affairs.

EC–2366. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–128, ''Child Development Center Directors Relocation Fairness Clarification Temporary Amendment Act of 2009''; to the Committee on Homeland Security and Governmental Affairs.

EC–2367. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–133, ''Transportation Infrastructure Improvements GARVEE Bond Financing Act of 2009''; to the Committee on Homeland Security and Governmental Affairs.

EC–2368. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–134, ''Anacostia River Clean Up and Protection Act of 2009''; to the Committee on Homeland Security and Governmental Affairs.

EC–2369. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–135, ''Clean and Affordable Energy Fund Balance Temporary Amendment Act of 2009''; to the Committee on Homeland Security and Governmental Affairs.

EC–2370. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–136, ''Neighborhood Development Tax Deferral Temporary Act of 2009''; to the Committee on Homeland Security and Governmental Affairs.

EC–2371. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the Office's report on Federal agencies' use of the physicians comparability allowance (PCA) program; to the Committee on Homeland Security and Governmental Affairs .

EC–2372. A communication from the Senior Official, Office of Inspector General, Federal Housing Finance Agency, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from October 1, 2008 through March 31, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–2373. A communication from the Inspector General, Department of Commerce, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from October 1, 2008 through March 31, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–2374. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled

''Safety Zone; Summer 2009 Fireworks, Coastal Massachusetts'' ((RIN1625–AA08, 1625–AA00)(Docket No. USG–2009–0422)) received in the Office of the President of the Senate on July 15, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2375. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Fireworks Displays in Boothbay Harbor, South Gardiner, and Woolwich, Maine'' ((RIN1625–AA00)(Docket No. USG–2009–0526)) received in the Office of the President of the Senate on July 15, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2376. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; San Clemente Island Northwest Harbor August and September Training; Northwest Harbor, San Clemente Island, California'' ((RIN1625–AA00)(Docket No. USG–2009–0522)) received in the Office of the President of the Senate on July 15, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2377. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Southside Summer Fireworks, St. Clair River, Port Huron, Michigan'' ((RIN1625–AA00)(Docket No. USG–2009–0478)) received in the Office of the President of the Senate on July 15, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2378. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Sigma Gamma Fireworks, Lake St. Clair, Grosse Pointe Farms, Michigan'' ((RIN1625–AA00)(Docket No. USG–2009–0477)) received in the Office of the President of the Senate on July 15, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2379. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Thunder on Niagara, Niagara River, North Tonawanda, New York'' ((RIN1625–AA00)(Docket No. USG–2009–0110)) received in the Office of the President of the Senate on July 15, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2380. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; F/V PATRIOT, Massachusetts Bay, Massachusetts'' ((RIN1625–AA00)(Docket No. USG–2009–0512)) received in the Office of the President of the Senate on July 15, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2381. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Regulated Navigation Area; Herbert C. Bonner Bridge, Oregon Inlet, North Carolina'' ((RIN1625–AA11)(Docket No. USG–2009–0489)) received in the Office of the President of the Senate on July 15, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2382. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulations; Potomac River, Between Maryland and Virginia'' ((RIN1625–AA09)(Docket No. USG–2008–1216)) received in the Office of the President of the Senate on July 15, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2383. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Anchorage Regulations; Port of New York'' ((RIN1625–AA01)(Docket No. USG–2009–0045)) received in the Office of the President of the Senate on July 15, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2384. A communication from the Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Closure of the Eastern United States/Canada Area'' (RIN0648–XQ01) received in the Office of the President of the Senate on July 15, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2385. A communication from the Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Closure of the Closed Area II Scallop Access Area to Scallop Vessels'' (RIN0648–XQ05) received in the Office of the President of the Senate on July 15, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2386. A communication from the Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Closure of the 2009 Deepwater Grouper Commercial Fishery'' (RIN0648–XP56) received in the Office of the President of the Senate on July 15, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2387. A communication from the Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of West Coast States; Pacific Coast Groundfish Fishery; Biennial Specifications and Management Measures; Inseason Adjustments'' (RIN0648–AX96) received in the Office of the President of the Senate on July 15, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2388. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Spiny Dogfish; Framework Adjustment 2'' (RIN0648–AX56) received in the Office of the President of the Senate on July 15, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2389. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Recreational Management Measures for the Summer Flounder, Scup, and Black Sea Bass Fisheries; Fishing Year 2009'' (RIN0648–AX69) received in the Office of the President of the Senate on July 15, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2390. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Greenland Turbot, Arrowtooth Flounder, and Sablefish by Vessels Participating in the Amendment 80 Limited Access Fishery in Bering Sea and Aleutian Islands Management Area'' (RIN0648–XP97) received in the Office of the President of the Senate on July 15, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2391. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Closure of the Pacific Whiting Primary Fishery for the Mothership Sector'' (RIN0648–XP82) received in the Office of the President of the Senate on July 15, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2392. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery Off the Southern Atlantic States; Amendment 16'' (RIN0648–AW64) received in the Office of the President of the Senate on July 15, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2393. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States; Coastal Pelagic Species Fisheries; Annual Specifications Modification'' (RIN0648–XO74) received in the Office of the President of the Senate on July 15, 2009; to the Committee on Commerce, Science, and Transportation.

EXECUTIVE REPORTS OF COMMITTEES—THURSDAY, JUNE 25, 2009

The following material was omitted from the CONGRESSIONAL RECORD of June 25, 2009 on page S7110:

Financial Campaign Contributions Report for Daniel M. Rooney:

Nominee: Daniel Milton Rooney.

Post: Ireland.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributor, date, recipient, amount:

Daniel Milton Rooney: 5/24/2008, Gridiron-PAC, $5,000; 10/21/2008, Committee for Change (Joint FR Committee), $30,000.

Patricia Regan Rooney: 6/15/2007, Tom Rooney, $2,300; 6/27/2008, DCCC, $5,000; 8/03/2005, Patrick Murphy, $2,000; 9/29/2005, Patrick Murphy, $1,109; 4/21/2008, Barack Obama, $500; 11/19/2007, John Murtha, $2,000; 8/14/2008, John Murtha, $2,000; 5/18/2005, John Murtha, $1,500; 7/07/2006, John Murtha, $2,000; 6/28/2006, DCCC, $1,500; 12/28/2007, DCCC, $2,000; 9/23/2008, Patrick Murphy, $250; 10/21/2008, Committee for Change (Joint FR Committee), $30,000.

Arthur Joseph Rooney II: 9/07/2006, Melissa Hart, $500; 4/13/2007, Arlen Specter, $1,000; 6/20/2008, DCCC, $2,000; 8/06/2005, Patrick Murphy, $500; 10/27/2006, Mike Doyle, $500; 11/01/2005, John Murtha, $1,000; 11/19/2007, John Murtha, $2,000; 8/25/2008, John Murtha, $2,000; 5/02/2008, Tom Rooney, $1,700; 5/02/2008, Tom

Rooney, ($1,700); 5/02/2008, Tom Rooney, $2,000; 6/03/2005, Tim Murphy, $1,000.

Patricia Rooney Gerrero: 4/11/2008, Hillary Clinton, $500.

Rita Rooney Conway: 8/14/2008, 07/31/2008, John Murtha, Obama Victory Fund (Joint FR Committee), $2,000; $5,000; 6/30/2008, Obama for America, $250; 02/12/2008, Hillary Clinton for President, $1,000; 10/14/2005, DSCC, $500; 05/30/2006, DSCC, $250; 10/23/2008, Committee for Change, $10,000; 06/30/2006, DCCC, $2,000; 08/31/2007, Obama for America, $250.

Daniel Michael Rooney: 05/12/2005, North Side Good Government Committee, $3000; 3/26/2007, Tom Rooney, $400; 3/26/2007, Tom Rooney, $2,300; 7/22/2008, Tom Rooney, $1,900; 9/15/2008, Florida 16 Victory Trust (Joint FR Committee), $5,000.

John Thomas Rooney: 11/15/2005, George W. Bush, $1,000; 8/31/2007, Tom Rooney, $2,300.

James Emmett Rooney: 12/20/2005, Mike Doyle, $500; 01/24/2008, Arlen Specter, $500; 03/12/2007, Majority PAC, $1,000; 3/23/2006, Robert Casey, $2,100; 3/23/2006, Robert Casey, $2,100; 11/29/2007, Robert Casey, $1,000; 3/04/2008, William Shuster, $500; 4/25/2008, Jason Altmire, $500; 10/29/2008, Jason Altmire, $2,300; 5/18/2005, John Murtha, $1,000; 9/20/2005, John Murtha, $1,000; 7/07/2006, John Murtha, $2,000; 6/28/2006, DCCC, $1,000; 11/19/2007, John Murtha, $2,000; 10/11/2005, Prosperity Helps Inspire Liberty PAC, $1,000; 6/08/2008, Hilary Clinton, $1,000.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. ROCKEFELLER for the Committee on Commerce, Science, and Transportation.

*Polly Trottenberg, of Maryland, to be an Assistant Secretary of Transportation.

*Deborah A. P. Hersman, of Virginia, to be Chairman of the National Transportation Safety Board for a term of two years.

*Deborah A. P. Hersman, of Virginia, to be a Member of the National Transportation Safety Board for a term expiring December 31, 2013.

*Richard A. Lidinsky, Jr., of Maryland, to be a Federal Maritime Commissioner for the term expiring June 30, 2012.

*Meredith Attwell Baker, of Virginia, to be a Member of the Federal Communications Commission for the remainder of the term expiring June 30, 2011.

*Mignon L. Clyburn, of South Carolina, to be a Member of the Federal Communications Commission for a term of five years from July 1, 2007.

By Mr. KERRY for the Committee on Foreign Relations.

*Anne Elizabeth Derse, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Lithuania.

Nominee: Anne Elizabeth Derse.

Post: Lithuania.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, donee:

1. Self: None.
2. Spouse: None.
3. Children and Spouses None.
4. Parents: None, deceased.
5. Grandparents: None, deceased.
6. Brothers and Spouses: N/A.
7. Sisters and Spouses: Jane Quasarano (sister), None.

Paul Quasarano (brother-in-law): (A good faith effort was made to obtain contribution information from Mr. Quasarano. The following is what is available:) National Beer Wholesalers Association (NBWA) PAC: Contributions in 2005, 2006, 2007, 2008, and 2009; Michigan Beer and Wine Wholesalers Association (MBWWA) PAC: Contributions in 2005, 2006, 2007 and $3,000 in 2008 and $3,000 in 2009; Michigan Senator Martha Scott: $1,500 in 2008 and $1,500 in 2009; Michigan Lt. Governor John Cherry: $5,000 in 2008 and $5,000 in 2009; Magistrate O'Brien; Michigan State Representative Ed Gaffney; Michigan Senator Mary Waters; Michigan Senator Steve Tobocman.

Lisa Leifield (sister): None.

Daniel Leifield (brother-in-law): None.

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*Carlos Pascual, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Mexico.

Nominee: Carlos Pascual.

Post: Ambassador to Mexico.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, donee.

1. Self: $1,000, September 2008, Barack Obama; $250, August 2008, Hillary Clinton.
2. Spouse: $250, April 2008, DNC.
3. Children and Spouses: N/A.
4. Parents: None.

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*Kenneth H. Merten, of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Haiti.

NOMINEE: Kenneth H. Merten.

Port-Au-Prince, Haiti.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, donee:

1. Self: None.
2. Spouse: None.
3. Children and Spouses: None.
4. Parents: None.
5. Grandparents: None.
6. Brothers and Spouses: None.
7. Sisters and Spouses: None.

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*Donald Sternoff Beyer, Jr., of Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Switzerland, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Principality of Liechtenstein.

Nominee: Donald Sternoff Beyer, Jr.

Post: Chief of Mission to the Swiss Confederation and the Principality of Liechtenstein.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them in the past four years. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, donee:

1. Self: Obama for America, $4,600, 2007; Judy Feder for Congress, $2,000, 2006; Judy Feder for Congress, $1,000, 2008; Al Weed for Congress, $2,000, 2006; John Tester for U.S. Senate, $1,000, 2006; Tom Harkin for U.S. Senate, $2,280, 2007; Leonard Boswell for Congress, $2,100, 2006; Tom Perriello for Congress, $2,300, 2008; Dan Seals for Congress, $1,000, 2008; Paul Hodes for Congress, $2,000, 2007; Dan Seals for Congress, $1,000, 2006; Jared Polis for Congress, $500, 2008; Eighth District Democratic Committee, Virginia Democratic Party, $250, 2006; Allan Lichtman for Senate, $250, 2006; Democratic Senatorial Campaign Committee, $5,000, 2007; Fairfax County Democratic Committee, $1,000, 2008; Philip Forgit for Congress, $1,000, 2007; Peter Welch for Congress, $1,250, 2005; Peter Welch for Congress, $1,000, 2006; Democratic Senatorial Campaign Committee, $500, 2006; Alexandria Democratic Committee, $250, 2005; Mary Landrieu for Senate, $2,300, 2007; John Kerry for U.S. Senate, $1,000, 2007; Harris Miller for Senate, $2,100, 2006; Forward Together PAC, $5,000, 2005; Democratic Party of Virginia, $2,500, 2007; Born Fighting PAC, $2,500, 2008; Leslie Byrne for Congress, $2,300, 2008; Mark Udall for Senate, $2,300, 2008; Mark Warner for Senate, $4,600, 2007; Jim Webb for U.S. Senate, $2,100, 2006; Bob Casey for U.S. Senate, $2,000, 2005; Bob Casey for U.S. Senate, $900, 2006; Ethan Berkowitz for Congress, $1,000, 2008; Democratic National Committee, $28,500, 2008 (Obama Victory Fund); Gerry Connelly for Congress, $2,300, 2008; Gerry Connelly for Congress, $1,000, 2009; Win Virginia 2008, $3,256, 2008; Democratic National Committee, $26,700, 2005; Moving Virginia Forward, $20,000, 2007; Kaine for Governor, $19,600, 2005; Deeds for Attorney General, $10,000, 2005; Byrne for Lieutenant Governor, $8,600, 2005; Commonwealth Coalition, $5,000, 2006; Virginia Senate Causus, $5,000, 2007.

2. Spouse: Megan C. Beyer: Obama for America, $4,600, 2007; Mark Warner for Senate, $4,600, 2007; Democratic National Committee, $28,500, 2008 (Obama Victory Fund); Harris Miller for Senate, $2,100, 2006, Democratic Senatorial Campaign Committee, $10,000, 2006; Forward Together PAC, $5,000, 2005; Ronnie Musgrove for U.S. Senate $1,000, 2008; Leslie Byrne for U.S. Congress, $1,000, 2008; Gerry Connelly for U.S. Congress, $1,000, 2008; Mary Landrieu for Senate, $1,000, 2008; Win Virginia 2008, $3,256, 2008; Virginia Senate 2006, $10,000, 2006; Democratic National Committee, $5,000, 2005; Democratic National Committee, $500, 2006; Democratic National Committee, $5,000, 2007.

3. Children and Spouses: Donald S. Beyer III: No contributions.

Stephanie A. S. Beyer: $2,300, 3/2007, Obama for America.

Clara S. Beyer: No contributions.

Grace S. Beyer: No contributions.

4. Parents: Donald S. Beyer, Sr.: No contributions.

Nancy M. Beyer: (deceased 1999).

5. Grandparents: Otto S. Beyer Jr.: (deceased 1948).

Clara M. Beyer: (deceased 1990).

Beatrice J. McDonald: (deceased 1974).

Henry Stewart McDonald Jr.: (deceased 1985).

6. Brothers Spouses: Michael S. Beyer: $2,300, 8/17/07, Obama for America; $250, 5/14/07, Whipple for Va Senate.

June C. Beyer, spouse: $250, 8/6/08, Obama for America; $250, 7/21/08, Obama for America.

7. Sisters and Spouses: Katherine S. Beyer (single): No contributions.

Sharon S. Beyer (divorced): No contributions.

Marylee B. Hill: $250, 9/27/06, Feder for Congress; $250, 6/14/07, Obama for America; $2,300, 8/17/07, Obama for America; $500, 10/3/07, Hudgins for Fairfax Board; $250, 3/4/07, Hudgins for Fairfax Board; $600, 12/29/05, Kaine Inaugural Committee; $350, 5/30/07, Vanderhye for Va Delegate; $250, 7/2/08, Petersen for Va Senate; $150, 9/24/07, Moving Virginia Forward.

Wayne Hill, Spouse: No contributions.

Sandra S. Beyer (divorced): No contributions.

*John R. Nay, of Michigan, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Suriname.

Nominee: John R. Nay.

Post: U.S. Embassy Paramaribo, Suriname.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To be best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date and donee:

1. Self: $0—I have never made a political donation.

2. Spouse: $0—She has never made a political donation.

3. Children and Spouses: Janelle V.A. (Nay) Bennett: $0—has never made a political donation; Jamison R. Bennett: $0—has never made a political donation; Jaclyn E.A. Nay: $0—has never made a political donation; Jordan R. Nay: $0—has never made a political donation.

4. Parents: Jack R. Nay: $50, Spring 2006, Joe Schwartz (R–Michigan); Geraldine G. Nay: $0, (made only one political donation in her lifetime—$30 to the Democratic Nat'l Committee in March 1996).

5. Grandparents: Decreased.

6. Brothers and Spouses: None.

7. Sisters and Spouses: Karen Y. Sefchick: $0—has never made a political donation.

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*Vinai K. Thummalapally, of Colorado, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Belize.

Nominee: Vinai Kumar Thummalapally.

Post: Chief of Mission, Belize.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: $2,200, 6/07, Obama for America; $9,000, 9/08, Obama Victory Fund; $500, 9/08, Madia for U.S. Congress; $500, 7/08, Hal Bidlack for Congress.

2. Spouse: Barbara: $2,300, 6/07, Obama for America; $100, 10/08, Josh Segall for Congress (AL); $500, 9/08, Obama Victory Fund; $500, 9/08, Obama for America; $500, 8/08, Udall for Colorado, US Senate; $300, 9/08, Udall for Colorado, US Senate; $1,000, 1/09, Ritter for Governor, Colorado; $1,000, 3/09, Bennet for U.S. Senate; $25, 3/09, Organizing for America.

3. Children: Vishal: $2,500, 6/07, Obama for America; $1,800, 6/07, Obama for America; $1,000, 3/09, Bennet for U.S. Senate.

Sharanya: $2,275, 6/07, Obama for America.

4. Parents: Dharma R. Thummalapalli: None.

Padmaja Thummalapally: None.

5. Grandparents: (deceased): None.

6. Brother and Spouse: Ajay K. Thummalapally: None.

Vilasini Reddy: None.

7a. Sisters and Spouses: Deepika Rao: None.

Sagar Rao: None.

7b. Rasika G. Reddy: $2,300, 6/30/07, Obama for America; $2,300, 7/17/08, Obama Victory Fund; $2,300, 7/31/08, Obama for America; $2,300 10/01/08, Madia for U.S. Congress.

Girish V. Reddy: $2,300, 6/30/07, Obama for America; $1,000, 7/31/08, Obama Victory Fund; $1,000, 7/31/08, Obama Victory Fund; $28,500, 10/02/08, Obama Victory Fund; $2,300, 10/16/08, Obama for America.

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*Nicole A. Avant, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Commonwealth of The Bahamas.

Nominee: Nicole Alexandra Avant.

Post: United States Ambassador to the Bahamas.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, Amount, Date, and Donee:

1. Self: $1,000, 11/02/06, Music Row Democrats Federal PAC Inc.; $2,300, 03/31/07, Obama For America; $2,300, 03/31/07, Obama For America; −$2,300, 04/26/07, Obama For America; $2,300, 05/24/07, Obama For America; −$2,300, 05/24/07, Obama For America; $2,300, 05/24/07, Obama For America; −$2,300, 10/31/07, Obama For America; $500, 06/14/07, John Edwards For President; $500, 07/31/08, Hillary Clinton For President; $1,000, 10/21/08, Committee For Change (Joint Fundraiser Contribution); $1,000, 10/27/08, Nebraskans For Kleeb.

2. Spouse: None.

3. Children and Spouses: None.

4. Parents: Clarence Avant (father): 2005/2006, $1,000, 10/16/06, Democratic Senatorial Campaign Committee; $1,000, 03/22/06, Friends Of Rahm Emanuel; $2,100, 09/30/06, Tennessee Senate 2006 (Joint Fundraising Contribution); $500, 06/30/05, LA PAC; $1,000, 10/24/05, Berman For Congress; $1,200, 07/14/06, Harold Ford Jr. For Tennessee; $900, 02/27/06, Harold Ford Jr. For Tennessee; $2,000, 08/20/05, Harold Ford Jr. For Tennessee; $1,000, 12/15/05, Cantwell 2012; $1,000, 01/12/06, Mfume For US Senate; $1,000, 06/05/06, Mfume For US Senate; $1,100, 08/16/06, Mfume For US Senate; $500, 04/01/06, Schiff For Congress; $1,000, 11/01/05, Schiff For Congress; $5,000, 05/20/05, Hopefund, Inc.; $500, 11/01/06, Mejias For Congress; $500, 09/30/06, Mejias For Congress; $1,000, 09/26/05, Friends Of Patrick J. Kennedy Inc.; $500, 04/18/06, Barbara Lee For Congress; $1,000, 05/01/05, Barbara Lee For Congress; $1,000, 06/26/06, Mary Bono Committee; $500, 02/12/06, Hackett For Senate; $1,000, 03/14/06, Carter For Senate Committee; $500, 05/30/06, Friends Of Tammy Duckworth; $2,000, 08/25/05, Citizens For Waters; $1,000, 03/23/06, Feinstein For Senate; $250, 03/24/06, Committee To Re-Elect Loretta Sanchez; $250, 11/07/05, Committee To Re-Elect Loretta Sanchez; $500, 06/22/06, Klobuchar For Minnesota; $500, 04/25/05, Bill Nelson For US Senate; $500, 03/31/06, Bill Nelson For US Senate; $400, 10/20/05, Friends Of Hillary; $1,000, 06/14/05, Friends Of Hillary; $4,200, 04/04/06, Friends of Hillary; $1,000, 07/11/05, Friends Of Hillary; −$3,500, 05/02/06, Friends Of Hillary; $2,500, 10/19/06, Hill PAC; $500, 07/25/06, Lawless For Congress; $500, 03/19/06, Jesse Jackson Jr. For Congress; $500, 12/03/05, Jesse Jackson Jr. For Congress; $1,900, 12/15/05, Kennedy For Senate 2012; $2,100, 12/15/05, Kennedy For Senate 2012; $1,000, 11/04/05, Steele For Maryland Inc.; $1,000, 02/21/06, DNC Services Corporation/Democratic National Committee; $1,000, 11/02/06, DNC Services Corporation/Democratic National Committee; 2007/2008, $1,000, 08/31/07, Democratic Congressional Campaign Committee; $2,000, 01/23/08, Democratic Congressional Campaign Committee; $1,000, 10/10/07, Friends Of Rahm Emanuel; $500, 07/14/08, Loebsack For Congress; $500, 09/30/07, John Hall For Congress; $1,000, 05/11/07, Richardson For President Inc.; $1,000, 11/23/07, Friends Of Mark Warner; $2,300, 08/28/08, Friends Of Hillary; $5,000, 07/29/08, Hill PAC; $2,300, 07/18/08, Vernon Jones For Georgia; $500, 07/10/07, Richardson For Congress; $250, 06/25/07, Richardson For Congress; $500, 08/08/07, Richardson For Congress; $500, 05/19/08, Alaskans For Begich; $750, 06/18/08, Citizens For Waters; $1,000, 07/21/07, Citizens For Waters; $500, 10/15/08, Committee To Re-Elect Loretta Sanchez; $500, 11/09/07, Committee To Re-Elect Loretta Sanchez; $1,000, 09/16/08, Democrats Win Seats (DWS PAC); $1,000, 09/28/07, Friends Of Senator Carl Levin; $1,000, 03/01/07, Friends Of Patrick J. Kennedy Inc.; $500, 09/06/07, Barbara Lee For Congress; $1,000, 03/30/08, Barbara Lee For Congress; $250, 09/30/07, Mary Bono Mack Committee; $500, 09/17/08, Diane E. Watson For Congress; $500, 11/14/07, Diane E. Watson For Congress; $2,300, 03/28/07, Hillary Clinton For President; $2,300, 05/09/07, Hillary Clinton For President; $1,000, 06/20/08, Powers For Congress; $2,300, 10/31/07, Friends Of Barbara Boxer; $2,300, 10/31/07, Friends Of Barbara Boxer; $500, 03/20/08, Jesse Jackson Jr. For Congress; $2,500, 07/16/08, Rangel Victory Fund (Joint Fundraising Contribution); $2,300, 10/27/08, David Scott For Congress; $500, 08/27/08, Joe Garcia For Congress; $1,000, 03/13/07, John Edwards For President; $1,000, 03/20/08, Al Franken For Senate; $500, 07/07/08, Congressman Waxman Campaign Committee; $1,000, 08/16/07, LA PAC; $1,000, 11/20/07, Berman For Congress; $300, 06/28/08, Committee To Re-Elect Ed Towns; $2,000, 06/28/08, Committee To Re-Elect Ed Towns; −$400, 04/29/08, Friends Of Jim Clyburn; $300, 09/24/07, Friends Of Jim Clyburn; $700, 09/24/07, Friends Of Jim Clyburn; $2,000, 06/14/07, Friends Of Jim Clyburn; $2,300, 05/02/07, Rangel For Congress; $1,000, 08/20/07, Conyers for Congress; $2,500, 08/02/08, Conyers For Congress; $−1,200, 08/02/08,Conyers For Congress; $1,200, 08/02/08,Conyers For Congress; $5,000, 09/19/08, Obama Victory Fund (Joint Fundraising Contribution); $28,500, 6/30/08, Obama Victory Fund (Joint Fundraising Contribution); $2,300, 03/08/07, Obama For America. Jacqueline Avant (mother): 2005/2006, $2,100, 04/19/06, Friends Of Hillary; 2007/2008, $250, 02/14/07, Emily's List; $2,300, 03/28/07, Hillary Clinton For President; $4,600, 08/31/08, Obama Victory Fund (Joint Fundraiser Contribution); $1,000, 09/16/08, Democrats Win Seats (DWS PAC); $2,000, 12/08/08, Friends of Barbara Boxer.

5. Grandparents: Zella Gray (maternal grandmother)—deceased; Leon Gray (maternal grandfather)—deceased; Gertrude Woods (paternal grandmother)—deceased; Phoenix Jarrell (paternal grandfather)—deceased.

6. Brothers and Spouses: Alexander Avant (brother): $500, 6/07/07, Hillary Clinton For President; $500, 09/11/07, Hillary Clinton For President; $250, 12/13/07, Hillary Clinton For President; $2,300, 06/30/08, Obama Victory Fund (Joint Fundraiser Contribution); $2,500, 09/19/08, Obama Victory Fund (Joint Fundraiser Contribution); $250, 10/10/08, Hill PAC.

7. Sisters and Spouses—None.

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*Howard W. Gutman, of Maryland, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Belgium.

NOMINEE—Howard Gutman.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: $4600, 3/29/07, Obama for America; $1000, 6/30/06, Boswell for Congress; $1000, 9/21/06, Ben Cardin for Senate; $1000, 2/23/08, Ben Cardin for Senate; $1000, 6/30/2006, Friends of Joe Lieberman; $1000, 9/25/2008, Patrick Murphy for Congress; $250, 2/27/06, David Yassky for Congress; $1000, 12/10/08, Mikulski for Senate Committee; $500, 3/01/06, Whitehouse for Senate; $2300, 11/24/08, Hillary Clinton for President; $5000, 7/06/05, Forward Together PAC; $5000, 1/10/2006, Forward Together PAC; $2300, 9/24/2007, Friends of Mark Warner;

$2300, 1/16/2008, Friends of Mark Warner; $1000, 4/18/07, Friends of Mary Landrieu; $2100, 3/8/06, Miller 2006 (Harris Miller); $2100, 10/31/05, Rales for Senate; $2500, 9/23/08, Democratic Party of Virginia;

2.Spouse: Michelle Loewinger or Michelle Gutman: $5000, 7/6/05, Forward Together PAC; $5000, 1/10/06, Forward Together PAC; 3/29/07, $2300, Obama for America; 5/25/07, $2300, Obama for America; 10/31/05, $2100, Rales for Senate; 9/24/07, $2300, Friends of Mark Warner; 1/16/08, $2300, Friends of Mark Warner;

3. Children and Spouses: Collin Gutman—single—none; Chase Gutman—single—none.

4. Parents: Max Gutman—deceased 1973; Roslyn Gutman—none.

5. Grandparents: All grandparents are deceased for decades.

6. Brothers and Spouses: None.

7. Sisters and Spouses: Deborah Studen (Harvey Studen)—none.

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*Vilma S. Martinez, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Argentina.

Nominee: Vilma S. Martinez.

Post: Ambassador to Argentina.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge the information contained in this report is complete and accurate.)

Contributions, amount, date, donee:

1. Self: $931.00, 1/29/2008, Obama for America; $1,000.00, 10/30/2008, Obama for America; $250.00, 3/25/2006, Friends of Juan Vargas; $200.00, 10/02/2006, Madrid for Congress.

2. Spouse: not applicable.

3. Children and Spouses: Ricardo T. Singer: none.

Carlos A. Singer: $1,000.00, 10/11/2004, Democratic National Committee.

Jessica Uzcategui, (Carlos' spouse): $500.00, 1/26/2008, Obama for America.

4. Parents: Salvador Martinez: deceased.

Marina P. Martinez: deceased.

5. Grandparents: Guadalupe Martinez: deceased.

Zaragoza Martinez: deceased.

Agustina Piña: deceased.

Rosendo Piña: deceased.

6. Brothers and Spouses: Salvador Martinez, Jr.: unable to locate.

Mary Jane Martinez (spouse): deceased.

James P. Martinez: none.

7. Sisters and Spouses: Rose Linda Hernandez: none.

Robert Hernandez (spouse): none.

Elizabeth Bond: none.

Charles Bond (spouse): none.

(*David H. Thorne, of Massachusetts, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Italian Republic, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of San Marino.)

Nominee: David H. Thorne.

Post: Ambassador to Italy and San Marino.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Donee, amount, date, and donor:

Self: Democratic National Committee, $100, 2006, David Thorne; Democratic National Committee, $1000, 2006, David Thorne; New Hampshire Democratic Party, $1000, 2006, David Thorne; Friends of John Kerry, $2100, 2006, David Thorne; John Powers for Congress, $2300, 2007, David Thorne; Biden for President, $1000, 2007, David Thorne; Obama for America, $1000, 2008, David Thorne; Obama for America, $1000, 2008, David Thorne; Obama for America, $250, 2008, David Thorne; Obama Victory Fund, $1000, 2008, David Thorne; Obama Victory Fund, $250, 2008, David Thorne; Obama Victory Fund, $1000, 2008, David Thorne; Footlik for Congress, $1000, 2008, David Thorne; Young Democrats of America, $500, 2008, David Thorne.

Spouse: Friends of John Kerry, $2100, 2006, Rose Thorne; John Powers for Congress, $1300, 2007, Rose Thorne; John Powers for Congress, $1000, 2007, Rose Thorne.

Mr. KERRY. Mr. President, for the Committee on Foreign Relations I report favorably the following nomination list which was printed in the RECORD on the date indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that this nomination lie at the Secretary's desk for the information of Senators.

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

*Foreign Service nominations beginning with Christopher L. Andino and ending with Holly Hope Zardus, which nominations were received by the Senate and appeared in the Congressional Record on June 25, 2009.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

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 Mrs. MCCASKILL:

S. 1476. A bill to require all new and upgraded fuel pumps to be equipped with automatic temperature compensation equipment, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. FEINGOLD:

S. 1477. A bill to establish a user fee for follow-up reinspections under the Federal Food, Drug, and Cosmetic Act; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. GILLIBRAND (for herself, Mr. ALEXANDER, and Mr. REID):

S. 1478. A bill to strengthen communities through English literacy and civics education for new Americans, and for other purposes; to the Committee on Finance.

By Ms. KLOBUCHAR (for herself and Mr. FRANKEN):

S. 1479. A bill to provide for the treatment of certain hospitals; to the Committee on Finance.

By Mr. KOHL (for himself, Mr. FEINGOLD, Mr. KERRY, Mr. DURBIN, Mr. BEGICH, Mr. BINGAMAN, and Mr. TESTER):

S. 1480. A bill to amend the Child Nutrition Act of 1966 to establish a program to improve the health and education of children through grants to expand school breakfast programs, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. MENENDEZ (for himself and Mr. JOHANNS):

S. 1481. A bill to amend section 811 of the Cranston-Gonzalez National Affordable Housing Act to improve the program under such section for supportive housing for persons with disabilities; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. KERRY (for himself, Ms. SNOWE, Mr. ROCKEFELLER, Mr. PRYOR, and Mr. WYDEN):

S. 1482. A bill to reauthorize the 21st Century Nanotechnology Research and Development Act, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. KLOBUCHAR:

S. 1483. A bill to designate the Department of Veterans Affairs outpatient clinic in Alexandria, Minnesota, as the ''Max J. Beilke Department of Veterans Affairs Outpatient Clinic''; to the Committee on Veterans' Affairs.

By Mr. NELSON of Florida (for himself and Mr. MARTINEZ):

S. 1484. A bill to amend the Internal Revenue Code of 1986 to create Catastrophe Savings Accounts; to the Committee on Finance.

By Mr. MARTINEZ (for himself and Mr. NELSON of Florida):

S. 1485. A bill to improve hurricane preparedness by establishing the National Hurricane Research Initiative and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. NELSON of Florida (for himself and Mr. MARTINEZ):

S. 1486. A bill to amend the Internal Revenue Code of 1986 to provide for the creation of disaster protection funds by property and casualty insurance companies for the payment of policyholders' claims arising from future catastrophic events; to the Committee on Finance.

By Mr. NELSON of Florida (for himself and Mr. MARTINEZ):

S. 1487. A bill to establish a bipartisan commission on insurance reform; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BURRIS:

S. 1488. A bill to extend temporarily the 18-month period of continuation coverage under group health plans required under COBRA continuation coverage provisions so as to provide for a total period of continuation coverage of up to 24 months; to the Committee on Health, Education, Labor, and Pensions.

By Ms. SNOWE:

S. 1489. A bill to amend the Small Business Act to create parity among small business contracting programs, and for other purposes; to the Committee on Small Business and Entrepreneurship.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MCCONNELL:

S. Res. 218. A resolution making minority party appointments for the 111th Congress; considered and agreed to.

By Mr. MENENDEZ:

S. Res. 219. A resolution honoring the hockey team of East Side High School in Newark, New Jersey; to the Committee on the Judiciary.

By Mr. BURRIS:

S. Con. Res. 33. A concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued to honor the crew of the USS Mason DE-529 who fought and served during World War II; to the Committee on Homeland Security and Governmental Affairs.

ADDITIONAL COSPONSORS

S. 144

At the request of Mr. KERRY, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 144, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 211

At the request of Mrs. MURRAY, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 211, a bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral on human services and volunteer services, and for other purposes.

S. 237

At the request of Mr. LEVIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 237, a bill to establish a collaborative program to protect the Great Lakes, and for other purposes.

S. 254

At the request of Mrs. LINCOLN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 254, a bill to amend title XVIII of the Social Security Act to provide for the coverage of home infusion therapy under the Medicare Program.

S. 428

At the request of Mr. DORGAN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 428, a bill to allow travel between the United States and Cuba.

S. 572

At the request of Mr. WEBB, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 572, a bill to provide for the issuance of a ''forever stamp'' to honor the sacrifices of the brave men and women of the armed forces who have been awarded the Purple Heart.

S. 616

At the request of Mr. HARKIN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 616, a bill to amend the Public Health Service Act to authorize medical simulation enhancement programs, and for other purposes.

S. 781

At the request of Mr. ROBERTS, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 781, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 812

At the request of Mr. BAUCUS, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of S. 812, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 846

At the request of Mr. DURBIN, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 846, a bill to award a congressional gold medal to Dr. Muhammad Yunus, in recognition of his contributions to the fight against global poverty.

S. 913

At the request of Mr. CORNYN, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 913, a bill to amend the Internal Revenue Code of 1986 to expand workplace health incentives by equalizing the tax consequences of employee athletic facility use.

S. 941

At the request of Mr. CRAPO, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 941, a bill to reform the Bureau of Alcohol, Tobacco, Firearms, and Explosives, modernize firearm laws and regulations, protect the community from criminals, and for other purposes.

S. 1026

At the request of Mr. CORNYN, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1026, a bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to improve procedures for the collection and delivery of marked absentee ballots of absent overseas uniformed service voters, and for other purposes.

S. 1055

At the request of Mrs. BOXER, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1055, a bill to grant the congressional gold medal, collectively, to the 100th Infantry Battalion and the 442nd Regimental Combat Team, United States Army, in recognition of their dedicated service during World War II.

S. 1066

At the request of Mr. SCHUMER, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 1066, a bill to amend title XVIII of the Social Security Act to preserve access to ambulance services under the Medicare program.

S. 1121

At the request of Mr. HARKIN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1121, a bill to amend part D of title V of the Elementary and Secondary Education Act of 1965 to provide grants for the repair, renovation, and construction of elementary and secondary schools, including early learning facilities at the elementary schools.

S. 1128

At the request of Mr. ROBERTS, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1128, a bill to authorize the award of a military service medal to members of the Armed Forces who were exposed to ionizing radiation as a result of participation in the testing of nuclear weapons or under other circumstances.

S. 1153

At the request of Mr. SCHUMER, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1153, a bill to amend the Internal Revenue Code of 1986 to extend the exclusion from gross income for employer-provided health coverage for employees' spouses and dependent children to coverage provided to other eligible designated beneficiaries of employees.

S. 1156

At the request of Mr. HARKIN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1156, a bill to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to reauthorize and improve the safe routes to school program.

S. 1265

At the request of Mr. CORNYN, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1265, a bill to amend the National Voter Registration Act of 1993 to provide members of the Armed Forces and their family members equal access to voter registration assistance, and for other purposes.

S. 1279

At the request of Mr. NELSON of Nebraska, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 1279, a bill to amend the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 to extend the Rural Community Hospital Demonstration Program.

S. 1304

At the request of Mr. GRASSLEY, the names of the Senator from Montana (Mr. BAUCUS) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. 1304, a bill to restore the economic rights of automobile dealers, and for other purposes.

S. 1312

At the request of Mr. ISAKSON, the name of the Senator from Delaware (Mr. KAUFMAN) was added as a cosponsor of S. 1312, a bill to amend title XVIII of the Social Security Act to provide for coverage, as supplies associated with the injection of insulin, of containment, removal, decontamination and disposal of home-generated needles, syringes, and other sharps through a sharps container, decontamination/destruction device, or sharps-by-mail program or similar program under part D of the Medicare program.

S. 1324

At the request of Mr. DEMINT, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1324, a bill to ensure that every American has a health insurance plan that they can afford, own, and keep.

S. 1344

At the request of Mr. VITTER, the names of the Senator from Kentucky (Mr. BUNNING), the Senator from Nebraska (Mr. JOHANNS) and the Senator

from Alabama (Mr. SESSIONS) were added as cosponsors of S. 1344, a bill to temporarily protect the solvency of the Highway Trust Fund.

S. 1362

At the request of Mr. REED, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1362, a bill to provide grants to States to ensure that all students in the middle grades are taught an academically rigorous curriculum with effective supports so that students complete the middle grades prepared for success in high school and postsecondary endeavors, to improve State and district policies and programs relating to the academic achievement of students in the middle grades, to develop and implement effective middle grades models for struggling students, and for other purposes.

S. 1408

At the request of Mr. MENENDEZ, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 1408, a bill to amend the Internal Revenue Code of 1986 to encourage alternative energy investments and job creation.

S. 1415

At the request of Mr. SCHUMER, the names of the Senator from Oklahoma (Mr. INHOFE), the Senator from Virginia (Mr. WEBB), the Senator from Wyoming (Mr. ENZI), the Senator from Oregon (Mr. MERKLEY) and the Senator from Tennessee (Mr. CORKER) were added as cosponsors of S. 1415, a bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to ensure that absent uniformed services voters and overseas voters are aware of their voting rights and have a genuine opportunity to register to vote and have their absentee ballots cast and counted, and for other purposes.

S. 1422

At the request of Mrs. MURRAY, the names of the Senator from Washington (Ms. CANTWELL), the Senator from New York (Mr. SCHUMER) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. 1422, a bill to amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews.

S. 1439

At the request of Mr. WYDEN, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1439, a bill to provide for duty-free treatment of certain recreational performance outerwear, and for other purposes.

S. 1469

At the request of Mrs. BOXER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1469, a bill to provide for the administration of Port Chicago Naval Magazine National Memorial as a unit of the National Park System, and for other purposes.

S. 1474

At the request of Mr. BAUCUS, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1474, a bill to amend the Internal Revenue Code of 1986 to repeal the provision prohibiting the crediting of interest to the Highway Trust Fund, and for other purposes.

S. CON. RES. 25

At the request of Mr. MENENDEZ, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. Con. Res. 25, a concurrent resolution recognizing the value and benefits that community health centers provide as health care homes for over 18,000,000 individuals, and the importance of enabling health centers and other safety net providers to continue to offer accessible, affordable, and continuous care to their current patients and to every American who lacks access to preventive and primary care services.

S. RES. 210

At the request of Mrs. LINCOLN, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. Res. 210, a resolution designating the week beginning on November 9, 2009, as National School Psychology Week.

S. RES. 212

At the request of Mr. JOHANNS, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. Res. 212, a resolution expressing the sense of the Senate that any savings under the Medicare program should be invested back into the Medicare program, rather than creating new entitlement programs.

AMENDMENT NO. 1501

At the request of Mr. LEAHY, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of amendment No. 1501 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 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. BOND, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of amendment No. 1501 intended to be proposed to S. 1390, supra.

AMENDMENT NO. 1514

At the request of Mr. SANDERS, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of amendment No. 1514 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 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. 1515

At the request of Mr. NELSON of Florida, the names of the Senator from Florida (Mr. MARTINEZ), the Senator from North Carolina (Mr. BURR), the Senator from Pennsylvania (Mr. CASEY), the Senator from Iowa (Mr. HARKIN), the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of amendment No. 1515 proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 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. 1517

At the request of Mr. BUNNING, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of amendment No. 1517 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 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. 1528

At the request of Mr. LIEBERMAN, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of amendment No. 1528 proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 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. LEVIN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of amendment No. 1528 proposed to S. 1390, supra.

AMENDMENT NO. 1543

At the request of Mr. RISCH, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of amendment No. 1543 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 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. 1558

At the request of Mr. NELSON of Florida, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of amendment No. 1558 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 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. 1597

At the request of Mr. BROWNBACK, the names of the Senator from Arizona (Mr. KYL), the Senator from Oklahoma

(Mr. INHOFE) and the Senator from Utah (Mr. BENNETT) were added as cosponsors of amendment No. 1597 proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 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. 1599

At the request of Mr. BEGICH, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of amendment No. 1599 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 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. 1618

At the request of Mr. THUNE, the names of the Senator from Oklahoma (Mr. INHOFE), the Senator from Idaho (Mr. RISCH), the Senator from Mississippi (Mr. COCHRAN) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of amendment No. 1618 proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 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. 1621

At the request of Mrs. SHAHEEN, the names of the Senator from Missouri (Mr. BOND) and the Senator from Missouri (Mrs. MCCASKILL) were added as cosponsors of amendment No. 1621 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 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. 1628

At the request of Ms. COLLINS, her name was added as a cosponsor of amendment No. 1628 proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 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. BENNETT, his name was added as a cosponsor of amendment No. 1628 proposed to S. 1390, supra.

AMENDMENT NO. 1635

At the request of Mr. SCHUMER, the names of the Senator from Virginia (Mr. WEBB), the Senator from Wyoming (Mr. ENZI), the Senator from Oregon (Mr. MERKLEY) and the Senator from Tennessee (Mr. CORKER) were added as cosponsors of amendment No. 1635 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 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. 1637

At the request of Mr. PRYOR, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of amendment No. 1637 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 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.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. MCCASKILL:

S. 1476. A bill to require all new and upgraded fuel pumps to be equipped with automatic temperature compensation equipment, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mrs. MCCASKILL.

Mr. President, today I am here to talk about a simple bill that would correct a serious injustice.

Each year U.S. consumers spend $2.57 billion more than they should for gasoline and diesel fuel. This is because they are buying hot fuel. The physics behind hot fuel are fairly simple. Retailers currently measure our gasoline as it if is stored at 60 degrees Fahrenheit. However, if the temperature increases, as it often does during the summer or in warm climates, the gasoline expands so that consumers are getting less energy per gallon of fuel. Yet, when consumers buy hot fuel, they are paying the same amount even though they are getting less energy.

This problem can be easily solved by installing temperature compensating equipment that will regulate the distribution of fuel based on its temperature at the time of purchase. A similar policy was implemented in Canada 15 years ago because retailers were losing money due to the cold temperature of the fuel they were selling; and earlier this year, the U.S. retailer Costco Warehouse, LLC agreed to install this temperature compensating equipment as a result of a legal settlement.

Today, I am introducing legislation that would require all retailers of gasoline to install temperature compensating equipment on their retail fuel pumps. The Future Accountability in Retail Fuel Act of 2009, or the FAIR Fuel Act, is not intended to be onerous. It would simply require that within 6 years after enactment of this legislation all retail gasoline pumps would include automatic temperature compensating equipment. Prior to that 6 year timeline, if a retailer replaces their pumps, they must replace it with a pump that will be able to compensate for temperature fluctuations. Rural retail gasoline owners are exempt from this replacement requirement and the bill provides grant assistance for small retail owners to retrofit or purchase pumps with temperature compensating equipment.

American families deserve to be treated fairly. They deserve to get what they pay for. With the current economic crisis and the high prices of gasoline, every penny we can save the consumer will go along way to helping them survive these tough times. This legislation will help to achieve this goal. It will finally give consumers the fairness they deserve.

I am pleased that this bill has been endorsed by the Owner-Operator Independent Drivers Association, OOIDA, USPIRG and Consumer Watchdog. I look forward to working with the members of the Commerce Committee and the full Senate in getting this legislation passed. I think we owe it to the American consumers.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1476

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Future Accountability in Retail Fuel Act'' or the ''FAIR Fuel Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) AUTOMATIC TEMPERATURE COMPENSATION EQUIPMENT.—The term ''automatic temperature compensation equipment'' has the meaning given the term in the National Institute of Standards and Technology Handbook 44.

(2) EQUIVALENT STANDARD.—The term ''equivalent standard'' means any standard that prohibits the retail sale of gasoline with energy content per gallon that is different than the energy content of 1 gallon of gasoline stored at 60 degrees Fahrenheit.

(3) RURAL AREA.—The term ''rural area'' means any area other than—

(A) a city, town, or unincorporated area that has a population of greater than 50,000 inhabitants; or

(B) the urbanized area that is contiguous and adjacent to such a city, town, or unincorporated area.

(4) SMALL-VOLUME STATION.—The term ''small-volume station'' means any retail fuel establishment that dispenses fewer than 360,000 gallons of gasoline and diesel fuel per year.

SEC. 3. AUTOMATIC TEMPERATURE COMPENSATION EQUIPMENT.

(a) IN GENERAL.—

(1) NEW MOTOR FUEL DISPENSERS.—Beginning 180 days after the issuance of final regulations under subsection (c), all motor fuel dispensers that are newly installed or upgraded at any retail fuel establishment in the United States shall be equipped with automatic temperature compensation equipment to ensure that any volume of gasoline

or diesel fuel measured by such dispenser for retail sale is equal to the volume that such quantity of fuel would equal at the time of such sale if the temperature of the fuel was 60 degrees Fahrenheit.

(2) EXISTING MOTOR FUEL DISPENSERS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), not later than 5 years after the issuance of final regulations under subsection (c), all motor fuel dispensers at any retail fuel establishment in the United States shall be equipped with the automatic temperature compensation equipment described in paragraph (1).

(B) SMALL-VOLUME STATIONS.—Small-volume stations located in rural areas shall not be subject to the requirement under subparagraph (A).

(b) INSPECTIONS.—

(1) ANNUAL INSPECTION.—Beginning on the date described in subsection (a), State inspectors conducting an initial or annual inspection of motor fuel dispensers are authorized to determine if such dispensers are equipped with the automatic temperature compensation equipment required under subsection (a).

(2) NOTIFICATION.—If the State inspector determines that a motor fuel dispenser does not comply with the requirement under subsection (a), the State inspector is authorized to notify the Federal Trade Commission, through an electronic notification system developed by the Commission, of such noncompliance.

(3) FOLLOW-UP INSPECTION.—Not earlier than 180 days after a motor fuel dispenser is found to be out of compliance with the requirement under subsection (a), the Federal Trade Commission shall coordinate a follow-up inspection of such motor fuel dispenser.

(4) FINE.—

(A) IN GENERAL.—The owner or operator of any retail fuel establishment with a motor fuel dispenser subject to the requirement under subsection (a) that is determined to be out of compliance with such requirement shall be subject to a fine equal to $5,000 for each noncompliant motor fuel dispenser.

(B) ADDITIONAL FINE.—If a motor fuel dispenser is determined to be out of compliance during a follow-up inspection, the owner or operator of the retail fuel establishment at which such motor fuel dispenser is located shall be subject to an additional fine equal to $5,000.

(5) USE OF FINES.—Any amounts collected under paragraph (4) shall be deposited into the trust fund established under section 4.

(c) RULEMAKING.—

(1) COMMENCEMENT.—Not later than 90 days after the date of the enactment of this Act, the Federal Trade Commission, in consultation with the National Institute of Standards and Technology, shall commence a rulemaking procedure to implement the requirement under subsection (a).

(2) FINAL REGULATIONS.—Not later than 1 year after the date of the enactment of this Act, the Federal Trade Commission shall issue final regulations to implement the requirement under subsection (a), including specifying which volume correction factor tables shall be used for the range of gasoline and diesel fuel products that are sold to retail customers in the United States.

SEC. 4. AUTOMATIC TEMPERATURE COMPENSATION EQUIPMENT GRANT PROGRAM.

(a) ESTABLISHMENT OF TRUST FUND.—

(1) IN GENERAL.—There is established in the Treasury of the United States a trust fund to be known as the ''Automatic Temperature Compensation Equipment Trust Fund'' (referred to in this section as the ''Trust Fund'').

(2) TRANSFERS.—The Secretary of the Treasury shall transfer to the Trust Fund out of the general fund of the Treasury an amount equal to the amount collected as fines under section 3(b)(4).

(3) INVESTMENT.—The Secretary of the Treasury shall invest such portion of the Trust Fund as is not required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States.

(b) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Secretary of Commerce is authorized to use amounts in the Trust Fund for grants to owners and operators of retail fuel establishments to offset the costs associated with the installation of automatic temperature compensation equipment on motor fuel dispensers.

(2) MAXIMUM AMOUNT.—The Secretary may not award a grant under this subsection in excess of—

(A) $1,000 per motor fuel dispenser; or

(B) $10,000 per grant recipient.

(3) ELIGIBLE RECIPIENTS.—An owner or operator of not more than 5 retail fuel establishments is eligible to receive a grant under this subsection.

(4) USE OF GRANT FUNDS.—Grant funds received under this subsection may be used to offset the costs incurred by owners and operators of retail establishments to acquire and install automatic temperature compensation equipment in accordance with the requirement under section 3(a).

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

(c) REIMBURSEMENT OF STATE INSPECTION COSTS.—The Secretary of Commerce is authorized to use amounts in the Trust Fund to reimburse States for the costs incurred by the States to—

(1) inspect motor fuel dispensers for compliance with the requirement under section 3(a); and

(2) notify the Secretary of Commerce of any noncompliance with such requirement.

SEC. 5. SAVINGS PROVISION.

Nothing in this Act may be construed to preempt a State from enacting a law that imposes an equivalent standard or a more stringent standard concerning the retail sale of gasoline at certain temperatures.

By Mr. FEINGOLD:

S. 1477. A bill to establish a user fee for follow-up reinspections under the Federal Food, Drug, and Cosmetic Act; to the Committee on Health, Education, Labor, and Pensions.

Mr. FEINGOLD. Mr. President, today I am introducing a bill that would charge a reinspection fee for goods that fail FDA inspection for good manufacturing practices. Currently, businesses do not have to pay for the second inspection if they fail. Essentially, then, the FDA is absorbing this extra cost. This Nation faces difficult enough choices without subsidizing private companies that fail basic inspections. I am pleased to credit the Bush administration for originally proposing this fee, which is again proposed in President Obama's fiscal year 2010 budget. This fee carries proposed savings of an estimated $24 million per year, and could save as much as $115 million over 5 years.

We must ensure that U.S. taxpayer money is being used efficiently and effectively, and this measure would help in our ongoing efforts to streamline government programs and reduce the Federal budget deficit. FDA Commissioner Andrew von Eschenbach testified about these fees before the House Agriculture, Rural Development, and FDA Appropriations Subcommittee in 2006. He believes, and I agree, that the reinspection fee will motivate businesses to comply with long-established health and safety standards. Businesses that do not meet Federal standards should bear the burden of the reinspection, rather than getting a free pass at the taxpayer's expense.

One of the main reasons I first ran for the U.S. Senate was to restore fiscal responsibility to the Federal budget. I have worked throughout my Senate career to eliminate wasteful spending and to reduce the budget deficit. Unless we return to fiscally responsible budgeting, Congress will saddle our nation's younger generations with an enormous financial burden for years to come. This bill is one small step in that direction.

By Mr. KOHL (for himself, Mr. FEINGOLD, Mr. KERRY, Mr. DURBIN, Mr. BEGICH, Mr. BINGAMAN, and Mr. TESTER):

S. 1480. A bill to amend the Child Nutrition Act of 1966 to establish a program to improve the health and education of children through grants to expand school breakfast programs, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. FEINGOLD. Mr. President, today I join with Senator KOHL to introduce the Student Breakfast and Education Improvement Act as part of my continued efforts to improve student achievement in our Nation's schools. One part of student performance that is often overlooked is nutrition, which can have a significant impact on student achievement. I know many of my colleagues share my support for school programs that help alleviate hunger for the most in-need students, such as the Free and Reduced Price Lunch Program, as well as those programs that provide more nutritious food, such as the Fresh Fruit and Vegetable Snack program.

I am sure that I am not the only member of this body who grew up hearing that breakfast is the most important meal of the day. I was lucky never to have to worry about going hungry, and my parents did not have to choose between giving their children lunch or breakfast. The fact is, that is a choice many parents do have to make today, even if they get the help of reduced price meals. The current economic difficulties and rising unemployment have only increased the burdens facing low income families in Wisconsin and around the country as they struggle to provide nutritious meals for their children.

The Student Breakfast and Education Improvement Act would provide grants for schools wishing to begin or expand universal school breakfast programs. Studies show that kids who eat breakfast perform better in school and

on tests, and they tend to be less disruptive to the class. I have heard many stories from teachers, school nurses, and other school officials over the years to confirm this. In fact, in my home State of Wisconsin, the Milwaukee Public Schools have been working with the Hunger Task Force for the past few years to implement universal school breakfast programs, which they have in place now in more than 80 schools. This program, which has expanded in its second year, has proven popular with students, teachers, and parents.

This bill would target the most in-need schools—those with 65 percent or more of students eligible for the free and reduced price lunch program—with the funds necessary to implement a universal free breakfast program. The grants, which could be used in a number of ways, aim to help schools overcome the numerous barriers faced in trying to create a school breakfast program.

Our Nation faces a series of pressing education challenges in its schools, including most significantly a large achievement gap and graduation rate gap among minority and low income students. After decades of civil rights struggles, public education should provide all our students with access to equal opportunities, but the quality of public education provided to students of color and low-income students in urban and rural Wisconsin and around the country still does not come close to affording many of these students an equal chance for success. Too often these students learn in crumbling and outdated buildings, they do not have the same access to high quality technology in their classrooms, they are taught by the least experienced teachers, and they often do not have adequate access to important resources like school counselors and nurses.

These and a number of other factors contribute to the achievement gap in our Nation's schools and the Federal Government can help to address this gap by promoting smarter and more flexible accountability structures and increased supports for schools during the upcoming reauthorization of the Elementary and Secondary Education Act. Congress should also help to address some of the many other issues facing our nation's students living in poverty issues that may not seem directly related to education, but impact the academic growth of students including hunger, affordable housing, and crime. This bill takes an important step to address hunger and also seeks to improve nutrition education by providing funds to expand school breakfast programs, boost collaboration between local farmers and schools, expand service-learning opportunities in our classrooms, and improve nutrition education programming for students.

In this economy, more and more parents are forced to make these kinds of decisions, and the school meal programs can provide a tremendous relief. As we look forward to reauthorizing the Child Nutrition Act, it is vital that we take stock of the successes and limitations of existing programs. School breakfast faces a number of hurdles that, quite simply, other school feeding programs do not. Chief of those is time. For some students, getting to school early is impossible; for some, the lure of breakfast is not a strong enough draw to get up earlier. These are problems that schools across the country are facing and solving with creativity and dedication. This legislation will help support the innovative work going on in some of our nation's schools and will help to scale up successful nutrition programs in other schools so that hopefully one day, none of America's students will start the school day hungry.

By Mr. NELSON, of Florida (for himself and Mr. MARTINEZ):

S. 1484. A bill to amend the Internal Revenue Code of 1986 to create Catastrophe Savings Accounts; to the Committee on Finance.

Mr. NELSON of Florida. Mr. President, last year we were all transfixed by the non-stop news coverage of Hurricanes Gustav and Ike as they grew into monster storms, crossing the Caribbean and Gulf of Mexico and leaving a trail of misery in their wake. Ike, the third most destructive storm in the history of the U.S., made landfall in Galveston, Texas, and then tracked through Arkansas, Illinois, Indiana, Missouri, Ohio, and Pennsylvania, killing 112 people and causing more than $24 billion in damage.

Since 2003, hurricanes and other tropical cyclones have caused more than 2,000 deaths in the U.S. Forty percent of all hurricanes that make landfall in the U.S. hit Florida.

Insured losses from hurricanes average more than $5.2 billion per year. A recent study of hurricane-related damages over the last century suggests that economic losses will double every 10 years. With more than 50 percent of the U.S. population living within 50 miles of the coast, and with 180 million people visiting the coast annually, the risks to life and property are growing.

Hurricanes, however, do not just impact the coasts. These extreme events also have national consequences, such as increased fuel prices, displaced populations, and severe inland flooding.

The American public is increasingly aware of the potential for high recovery costs and financing of natural disaster losses. I cannot overstate the importance of prior preparation and insurance coverage for large catastrophic risks—including natural disasters such as hurricanes and earthquakes—as well as efforts to promote a stable, affordable catastrophic insurance market.

This is why today Senator MARTINEZ and I are introducing four bills: the Commission on Catastrophic Disaster Risk and Insurance Act of 2009, S. 1487, the Policyholder Disaster Protection Act of 2009, S. 1486, the Catastrophe Savings Accounts Act of 2009, S. 1484, and the National Hurricane Research Initiative Act of 2009, 1485. These bills take a pro-active approach in addressing these natural catastrophe concerns.

The National Hurricane Research Initiative Act of 2009 will expand the scope of fundamental research on hurricanes. The bill is aimed at improving hurricane forecasting and tracking and helping us find better ways to mitigate their impact. The Act will establish a National Science Foundation (NSF) grant program for hurricane and tropical cyclone research and bring together a task force, jointly chaired by the National Oceanic and Atmospheric Administration, NOAA, the National Institute of Standards and Technology, NIST, and NSF.

The second bill, the Commission on Catastrophic Disaster Risk and Insurance Act of 2009, establishes the bipartisan Commission on Catastrophic Disaster Risk and Insurance. This commission will assess the condition of the property and casualty insurance and reinsurance markets in the aftermath of Hurricanes Katrina, Rita, and Wilma in 2005, as well as the four major hurricanes that struck the U.S. in 2004. It will also evaluate the country's ongoing exposure to earthquakes, volcanic eruptions, tsunamis, and floods. Finally, the commission will recommend and report legislative and regulatory changes that will improve the domestic and international financial health and competitiveness of property and casualty insurance markets, assuring the availability of adequate insurance when an insured event occurs, as well as the best possible range of insurance products at competitive prices.

The Policyholder Disaster Protection Act of 2009 amends the Internal Revenue Code to allow property and casualty insurance companies to create tax-exempt disaster protection funds and to make tax deductible contributions to those funds for the payment of policyholders' claims arising from certain catastrophic events, such as windstorms, earthquakes, fires, and floods.

Finally, the Catastrophe Savings Accounts Act of 2009 amends the Internal Revenue Code to create tax-exempt catastrophe savings accounts. Individuals could take tax-free distributions from these accounts to pay expenses resulting from a presidentially declared major disaster. The bill limits catastrophe savings account balances to $2,000 for individuals with homeowner insurance deductibles of not more than $1,000, and the lesser of $15,000 or twice the homeowner's insurance deductible for individuals with deductibles of more than $1,000.

As I mentioned at the beginning of my remarks, the entire country experiences financial losses when hurricanes hit. It is time for us to take the bull by the horns and pass legislation that plans in advance for these and other natural disasters.

As we are in the hurricane season, it will become painfully apparent just

how precarious a lot of the construction is, how precarious building codes are not being fairly and judiciously administered, and it will become evident what an economic disaster even a mild hurricane can cause when it hits the coast. And Lord knows, if the big one hits an urbanized part of the coast—and the big one is a category 4 or a category 5 hurricane—it is going to create economic chaos. It is going to cause the insurance industry to be on the brink of total collapse. And it will ultimately, just like Katrina, end up having the U.S. Government pay a major part of the economic bailout consequences of a natural disaster, such as a hurricane or an earthquake hitting the United States. We ought to get ahead of it and we ought to plan for it, and that is what this package of four bills Senator MARTINEZ and I are offering will do.

Mr. President, I ask unanimous consent that the text of the bills be printed in the RECORD.

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

S. 1484

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Catastrophe Savings Accounts Act of 2009''.

SEC. 2. CATASTROPHE SAVINGS ACCOUNTS.

(a) IN GENERAL.—Subchapter F of Chapter 1 of the Internal Revenue Code of 1986 (relating to exempt organizations) is amended by adding at the end the following new part:

''PART IX—CATASTROPHE SAVINGS ACCOUNTS

''SEC. 530A. CATASTROPHE SAVINGS ACCOUNTS.

''(a) GENERAL RULE.—A Catastrophe Savings Account shall be exempt from taxation under this subtitle. Notwithstanding the preceding sentence, such account shall be subject to the taxes imposed by section 511 (relating to imposition of tax on unrelated business income of charitable organizations).

''(b) CATASTROPHE SAVINGS ACCOUNT.—For purposes of this section, the term 'Catastrophe Savings Account' means a trust created or organized in the United States for the exclusive benefit of an individual or his beneficiaries and which is designated (in such manner as the Secretary shall prescribe) at the time of the establishment of the trust as a Catastrophe Savings Account, but only if the written governing instrument creating the trust meets the following requirements:

''(1) Except in the case of a qualified rollover contribution—

''(A) no contribution will be accepted unless it is in cash, and

''(B) contributions will not be accepted in excess of the account balance limit specified in subsection (c).

''(2) The trustee is a bank (as defined in section 408(n)) or another person who demonstrates to the satisfaction of the Secretary that the manner in which that person will administer the trust will be consistent with the requirements of this section.

''(3) The interest of an individual in the balance of his account is nonforfeitable.

''(4) The assets of the trust shall not be commingled with other property except in a common trust fund or common investment fund.

''(c) ACCOUNT BALANCE LIMIT.—The aggregate account balance for all Catastrophe Savings Accounts maintained for the benefit of an individual (including qualified rollover contributions) shall not exceed—

''(1) in the case of an individual whose qualified deductible is not more than $1,000, $2,000, and

''(2) in the case of an individual whose qualified deductible is more than $1,000, the amount equal to the lesser of—

''(A) $15,000, or

''(B) twice the amount of the individual's qualified deductible.

''(d) DEFINITIONS.—For purposes of this section—

''(1) QUALIFIED CATASTROPHE EXPENSES.—The term 'qualified catastrophe expenses' means expenses paid or incurred by reason of a major disaster that has been declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

''(2) QUALIFIED DEDUCTIBLE.—With respect to an individual, the term 'qualified deductible' means the annual deductible for the individual's homeowners' insurance policy.

''(3) QUALIFIED ROLLOVER CONTRIBUTION.—The term 'qualified rollover contribution' means a contribution to a Catastrophe Savings Account—

''(A) from another such account of the same beneficiary, but only if such amount is contributed not later than the 60th day after the distribution from such other account, and

''(B) from a Catastrophe Savings Account of a spouse of the beneficiary of the account to which the contribution is made, but only if such amount is contributed not later than the 60th day after the distribution from such other account.

''(e) TAX TREATMENT OF DISTRIBUTIONS.—

''(1) IN GENERAL.—Any distribution from a Catastrophe Savings Account shall be includible in the gross income of the distributee in the manner as provided in section 72.

''(2) DISTRIBUTIONS FOR QUALIFIED CATASTROPHE EXPENSES.—

''(A) IN GENERAL.—No amount shall be includible in gross income under paragraph (1) if the qualified catastrophe expenses of the distributee during the taxable year are not less than the aggregate distributions during the taxable year.

''(B) DISTRIBUTIONS IN EXCESS OF EXPENSES.—If such aggregate distributions exceed such expenses during the taxable year, the amount otherwise includible in gross income under paragraph (1) shall be reduced by the amount which bears the same ratio to the amount which would be includible in gross income under paragraph (1) (without regard to this subparagraph) as the qualified catastrophe expenses bear to such aggregate distributions.

''(3) ADDITIONAL TAX FOR DISTRIBUTIONS NOT USED FOR QUALIFIED CATASTROPHE EXPENSES.—The tax imposed by this chapter for any taxable year on any taxpayer who receives a payment or distribution from a Catastrophe Savings Account which is includible in gross income shall be increased by 10 percent of the amount which is so includible.

''(4) RETIREMENT DISTRIBUTIONS.—No amount shall be includible in gross income under paragraph (1) (or subject to an additional tax under paragraph (3)) if the payment or distribution is made on or after the date on which the distributee attains age 62.

''(f) TAX TREATMENT OF ACCOUNTS.—Rules similar to the rules of paragraphs (2) and (4) of section 408(e) shall apply to any Catastrophe Savings Account.''.

(b) TAX ON EXCESS CONTRIBUTIONS.—

(1) IN GENERAL.—Subsection (a) of section 4973 of the Internal Revenue Code of 1986 (relating to tax on excess contributions to certain tax-favored accounts and annuities) is amended by striking ''or'' at the end of paragraph (4), by inserting ''or'' at the end of paragraph (5), and by inserting after paragraph (5) the following new paragraph:

''(6) a Catastrophe Savings Account (as defined in section 530A),''.

(2) EXCESS CONTRIBUTION.—Section 4973 of such Code is amended by adding at the end the following new subsection:

''(h) EXCESS CONTRIBUTIONS TO CATASTROPHE SAVINGS ACCOUNTS.—For purposes of this section, in the case of Catastrophe Savings Accounts (within the meaning of section 530A), the term 'excess contributions' means the amount by which the aggregate account balance for all Catastrophe Savings Accounts maintained for the benefit of an individual exceeds the account balance limit defined in section 530A(c)(1).''.

(c) CONFORMING AMENDMENT.—The table of parts for subchapter F of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''PART IX. CATASTROPHE SAVINGS ACCOUNTS.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

S. 1485

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''National Hurricane Research Initiative Act of 2009''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Sense of Congress.
Sec. 4. Definitions.
Sec. 5. National Hurricane Research Initiative.
Sec. 6. National Hurricane Research Task Force.
Sec. 7. National Hurricane Research.
Sec. 8. Authorization of appropriations.
Sec. 9. Independent review.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Hurricanes and other tropical cyclones have directly caused more than 2,000 deaths in the United States since 2003 and account for approximately 66 percent of insured losses due to natural hazards.

(2) While the ability to understand and predict hurricanes and other tropical cyclones has improved since 1999, particularly with respect to storm tracking, much remains unknown concerning—

(A) storm dynamics, rapid intensity change, and impact on extratropical cyclones;

(B) the interactions of storms with natural and built environments; and

(C) the impacts to and response of society to destructive storms.

(3) Several expert assessments of the state of hurricane science and research needs have been published, including—

(A) the January 2007 report by the National Science Board titled, ''Hurricane Warning: The Critical Need for a National Hurricane Initiative'';

(B) the February 2007 report by the Office of the Federal Coordinator for Meteorological Services and Supporting Research entitled, ''Interagency Strategic Research Plan for Tropical Cyclones: The Way Ahead''; and

(C) reports from the Hurricane Intensity Working Group of the National Science Advisory Board of the National Oceanic and Atmospheric Administration.

(4) In the June 2005 publication, ''Grand Challenges for Disaster Reduction'', and in related 2008 implementation plans for hurricane and coastal inundation hazards the Subcommittee on Disaster Reduction of the Committee on Environment and Natural Resources of the National Science and Technology Council prioritized Federal science and technology investments needed to reduce future loss of life and property caused, both directly and indirectly, by hurricanes and other coastal storms.

(5) A National Hurricane Research Initiative complements the objectives of the National Windstorm Impact Reduction Program.

SEC. 3. SENSE OF CONGRESS.

It is the sense of Congress that, consistent with the findings of the expert assessments and strategies described in paragraphs (3) and (4) of section 2, a National Hurricane Research Initiative should be established to address the urgent and compelling need to undertake long-term, coordinated, multi-entity hurricane research focused on—

(1) conducting high priority scientific, engineering, and related social and behavioral studies; and

(2) effectively applying the research results of such studies to mitigate the impacts of hurricanes on society.

SEC. 4. DEFINITIONS.

In this Act:

(1) TASK FORCE.—The term ''Task Force'' means the National Hurricane Research Task Force established under section 6(a).

(2) ELIGIBLE ENTITIES.—The term ''eligible entities'' means State, regional, and local government agencies and departments, tribal governments, universities, research institutes, and nongovernmental organizations.

(3) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a).

(4) INITIATIVE.—The term ''Initiative'' means the National Hurricane Research Initiative established under section 5(a)(1).

(5) NATIONAL WINDSTORM IMPACT REDUCTION PROGRAM.—The term ''National Windstorm Impact Reduction Program'' means the program established by section 204 of the National Windstorm Impact Reduction Act of 2004 (42 U.S.C. 15703).

(6) STATE.—The term ''State'' means any State of the United States, the District of Columbia, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, Puerto Rico, and the Virgin Islands.

(7) TRIBAL GOVERNMENT.—The term ''tribal government'' means the governing body of an Indian tribe.

(8) UNDER SECRETARY.—The term ''Under Secretary'' means the Under Secretary for Oceans and Atmosphere.

SEC. 5. NATIONAL HURRICANE RESEARCH INITIATIVE.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Under Secretary, in collaboration with the Director of the National Science Foundation, shall establish an initiative to be known as the ''National Hurricane Research Initiative'' for the purposes described in paragraph (2). The Initiative shall consist of—

(A) the activities of the Under Secretary under this section;

(B) the activities of the Task Force under section 6; and

(C) the research carried out under section 7.

(2) PURPOSES.—The purposes described in this paragraph are as follows:

(A) To improve understanding and prediction of hurricanes and other tropical storms, including—

(i) storm tracking and prediction;

(ii) forecasting of storm formation, intensity, and wind and rain patterns, both within the tropics and as the storms move poleward;

(iii) storm surge modeling, inland flood modeling, and coastal erosion;

(iv) the interaction with and impacts of storms with the natural and built environment; and

(v) the impacts to and response of society to destructive storms, including the socioeconomic impacts requiring emergency management, response, and recovery.

(B) To develop infrastructure that is resilient to the forces associated with hurricanes and other tropical storms.

(C) To mitigate the impacts of hurricanes on coastal populations, the coastal built environment, and natural resources, including—

(i) coral reefs;

(ii) mangroves;

(iii) wetlands; and

(iv) other natural systems that can reduce hurricane wind and flood forces.

(D) To provide training for the next generation of hurricane researchers and forecasters.

(b) IMPLEMENTATION PLAN.—

(1) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, the Under Secretary shall develop a detailed, 5-year implementation plan for the Initiative that—

(A) incorporates the priorities for Federal science and technology investments set forth in the June 2005 publication, ''Grand Challenges for Disaster Reduction'', and in related 2008 implementation plans for hurricane and coastal inundation hazards of the Subcommittee on Disaster Reduction of the Committee on Environment and Natural Resources of the National Science and Technology Council;

(B) to the extent practicable and as appropriate, establishes benchmarks, milestones, goals, and performance measures to track progress of the research carried out under the Initiative and the application of research results for reducing hurricane losses and related public benefits, as recommended by the Task Force under section 6(f)(2); and

(C) identifies opportunities to leverage the results of the research carried out under section 7 with other Federal and non-Federal hurricane research, coordination, and loss-reduction initiatives, such as—

(i) the National Windstorm Impact Reduction Program established by section 204(a) of the National Windstorm Impact Reduction Act of 2004 (15 U.S.C. 15703);

(ii) the National Flood Insurance Program established under chapter 1 of the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.);

(iii) the initiatives of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.);

(iv) wind hazard mitigation initiatives carried out by a State;

(v) the Hurricane Forecast Improvement Project fo the National Oceanic and Atmospheric Administration; and

(vi) the Working Group for Tropical Cyclone Research of the Office of the Federal Coordinator for Meteorological Services and Supporting Research.

(2) REVIEW.—Not later than 18 months after the date of the enactment of this Act, the Under Secretary shall ensure that the implementation plan required by paragraph (1) is reviewed by—

(A) the Director of the National Science Foundation;

(B) the Secretary of Homeland Security;

(C) the Director of the National Institute for Standards and Technology;

(D) the Commanding General of the U.S. Army Corps of Engineers;

(E) the Commander of the Naval Meterorology and Oceanography Command;

(F) the Associate Administrator for Science Mission Directorate of the National Aeronautics and Space Administration; and

(G) the Director of the U.S. Geological Survey.

(3) REVISIONS.—The Under Secretary shall revise the implementation plan required by paragraph (1) not less frequently than once every 5 years to address and respond to the findings and recommendations of the Task Force.

(c) RESEARCH.—

(1) ESTABLISHMENT OF RESEARCH OBJECTIVES.—The Under Secretary shall, in consultation with the Director fo the National Science Foundation, establish objectives for research carried out pursuant to section 7 that are based on the findings of the expert assessments and strategies described in paragraphs (3) and (4) of section 2.

(2) COORDINATION.—In carrying out the provisions of this subsection, the Under Secretary shall coordinate with the Task Force to the extent practicable.

(d) NATIONAL WORKSHOPS AND CONFERENCES.—The Under Secretary, in coordination with the Director of the National Science Foundation and the Task Force, shall carry out a series of national workshops and conferences that assemble a broad collection of scientific disciplines—

(1) to address hurricane-related research questions; and

(2) to encourage researchers to work collaboratively to carry out the purposes described in subsection (a)(2).

(e) PUBLIC INTERNET WEBSITE.—The Under Secretary, in coordination with the Task Force, shall facilitate the establishment of a public Internet website for the Initiative—

(1) to foster collaboration and interactive dialogues among the Under Secretary, the Director of the National Science Foundation, the Task Force, and the public; and

(2) to enhance public access to Initiative documents and products, including—

(A) information about the members of the Task Force, including their affiliation and contact information;

(B) meeting agenda and minutes of the Task Force;

(C) reports and publications of the Initiative;

(D) the most recent 5-year implementation plan developed under subsection (b); and

(E) the most recent annual report submitted to Congress under subsection (f).

(f) ANNUAL REPORT.—

(1) REQUIREMENT FOR ANNUAL CROSSCUT BUDGET AND REPORT.—The Under Secretary, in conjunction with members of the Task Force who represent Federal agencies, the Office of Science and Technology Policy, and the Office of Management and Budget, shall submit to Congress each year, together with documents submitted to Congress in support of the budget of the President for the fiscal year beginning in such year (as submitted pursuant to section 1105 of title 31, United States Code), a coordinated annual report for the Initiative for the fiscal year in which the report is submitted and the last fiscal year ending before such submittal.

(2) CONTENTS.—The report required by paragraph (1) shall—

(A) document the funds transferred by the Under Secretary to the heads of other Federal agencies under section 8(b); and

(B) document the grants and contracts awarded to eligible entities under section 7;

(C) for each agency that receives funds under section 8(b) and eligible entity that receives a grant or contract under section 7, identify what major activities were undertaken with such funds, grants, and contracts; and

(D) for each research activity or group of activities described in section 7(c), as appropriate, identify any accomplishments, which may include full or partial achievement of benchmarks, milestones, goals, performance measure targets established for the implementation plan under subsection (b)(1)(B).

SEC. 6. NATIONAL HURRICANE RESEARCH TASK FORCE.

(a) ESTABLISHMENT.—Not later than 90 days after the date of the enactment of this Act, the Under Secretary shall establish a task force to be known as the ''National Hurricane Research Task Force'' to facilitate and coordinate the efforts of Federal agencies and eligible entities in support of the Initiative.

(b) MEMBERSHIP.—The Task Force shall be composed of the following:

(1) The Under Secretary, or the Under Secretary's designee.

(2) The Director of the National Science Foundation, or the Director's designee.

(3) The Director of the National Institute of Standards and Technology, or the Director's designee.

(4) The Secretary of Homeland Security, or the Secretary's designee.

(5) The Commanding General of the U.S. Army Corps of Engineers, or the Commanding General's designee.

(6) The Director of the United States Geological Survey, or the Director's designee.

(7) The Administrator of the National Aeronautics and Space Administration, or the Administrator's designee.

(8) One member shall be appointed by the Secretary of Defense, who shall be a representative of the Office of Naval Research or the Chief of Naval Operations.

(9) The Federal Coordinator for Meteorological Services and Supporting Research.

(10) The Director of the Office of Science and Technology Policy, or the Director's designee.

(11) The Director of the Office of Management and Budget, or the Director's designee.

(12) The Chair of the Executive Committee of the Federal Geographic Data Committee, or the Chair's designee.

(13) Such other members from Federal agencies as the chairpersons of the Task Force jointly consider appropriate.

(14) Members who are not employees of the Federal Government, selected jointly by the chairpersons of the Task Force in consultation with the National Academy of Sciences and the National Academy of Engineering, as follows:

(A) At least 3 members who are prominent in the fields of hurricane science, engineering, social science, or related fields.

(B) At least 1 member who represents a State government agency responsible for emergency management and response.

(C) At least 3 members who represent the views of local governments, tribal governments, and nongovernmental organizations.

(D) At least 2 members who represent private sector interests engaged in hurricane research, preparedness, response, or recovery.

(E) At least 1 member who represents a State floodplain or coastal zone manager.

(F) Such other members as may be appropriate.

(c) CHAIRPERSONS.—The concurrent chairpersons of the Task Force shall be the following:

(1) The Under Secretary, or the Under Secretary's designee under subsection (b)(1).

(2) The Director of the National Science Foundation, or the Director's designee under subsection (b)(2).

(3) The Director of the National Institute of Standards and Technology, or the Director's designee under subsection (b)(3).

(d) INITIAL MEETING.—Not later than 120 days after the date of the enactment of this Act, the Task Force shall hold its first meeting.

(e) MEETINGS.—The Task Force shall meet at the call of the chairpersons of the Task Force, but not less frequently than twice each year.

(f) DUTIES.—The duties of the Task Force are as follows:

(1) To provide assistance to the Under Secretary with the development of the 5-year implementation plan required by section 5(b).

(2) Not later than 270 days after the date of the enactment of this Act and in consideration of the expert findings referred to in section 2(3)—

(A) to develop and furnish to the Under Secretary findings and recommendations, as appropriate, for monitoring research progress and for a set of benchmarks, milestones, goals, and performance measures to track the transition and application of research results for reducing hurricane losses and related public benefits under the Initiative;

(B) to identify interim and long-term goals of the research program under section 7; and

(C) to prioritize the activities of the Initiative over a 10-year period.

(3) To improve communication and coordination among Federal agencies with respect to hurricane-related research, developments in hurricane forecasting and operations, and best practices for applying results of Initiative research to reduce loss of life and property damage resulting from hurricanes.

(4) To identify opportunities to leverage the activities and products of the Initiative with the National Windstorm Impact Reduction Program and other Federal and non-Federal hurricane research, coordination, and loss reduction programs.

(5) To recommend a model described in section 7(c)(1)(A) and monitor progress on development of such model.

(6) To make recommendations to the Under Secretary and the Director of the National Science Foundation on research priorities and content and structure of the program established under section 7(a)(1).

(7) To make recommendations on national hurricane research observation and data requirements.

(8) To assess opportunities to leverage the capabilities of the following stakeholders:

(A) Federal, State, and local governments.

(B) Tribal governments.

(C) Academic and research institutions.

(D) Entities from the private sector.

(E) Nongovernmental organizations.

(9) To evaluate the extent to which the stakeholders described in paragraph (8) have been engaged as partners and collaborators in the Initiative.

(10) To assist the Under Secretary in facilitating the development of the annual report required by section 5(f).

(11) To review such report and provide comments to the Under Secretary.

(12) To submit to the National Science and Technology Council and to Congress, together with documents submitted to Congress in support of the budget of the President for the 2012 fiscal year (as submitted pursuant to section 1105 of title 31, United States Code), a report containing a comprehensive review of the progress of the Initiative in meeting the needs of the United States to understand hurricanes, their impacts on natural and built environment, and methods to mitigate such impacts.

(g) ADVISORY BODIES.—

(1) AUTHORITY TO ESTABLISH.—The Task Force may establish such advisory bodies as the Task Force considers necessary to assist the Task Force in its duties under subsection (f).

(2) CRITERIA.—An advisory body established under paragraph (1) shall represent a broad variety of private and public interests.

(h) ADVISORS TO THE TASK FORCE.—The Task Force may seek advice and input from any interested, knowledgeable, or affected party as the Task Force considers necessary to carry out the duties under subsection (f).

(i) COMPENSATION.—

(1) IN GENERAL.—All members of the Task Force who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(2) TRAVEL EXPENSES.—The members of the Task Force shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Task Force.

(j) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairpersons may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(k) VOLUNTEER SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Commission may accept and use voluntary and uncompensated services as the Commission determines necessary.

(l) EXEMPTION FROM FACA NOTICE REQUIREMENT FOR TASK FORCE ADVISORY BODIES.—An advisory body established by the Task Force under subsection (g) shall not be subject to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. 10(a)(2)).

(m) TERMINATION OF TASK FORCE.—The Task Force shall terminate on September 30, 2018.

SEC. 7. NATIONAL HURRICANE RESEARCH.

(a) NATIONAL SCIENCE FOUNDATION COMPETITIVE GRANT RESEARCH PROGRAM.—

(1) IN GENERAL.—The Director of the National Science Foundation, in coordination with the Under Secretary, shall establish a program to award grants to eligible entities to carry out—

(A) research described in subsection (c); or

(B) other research that is consistent with the research objectives established under section 5(c)(1).

(2) SELECTION.—The National Science Foundation shall select grant recipients under this section through its merit review process.

(b) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION RESEARCH PROGRAM.—

(1) IN GENERAL.—The Under Secretary shall carry out a program of research described in subsection (c) or other research that is consistent with the research objectives established under section 5(c)(1).

(2) RESEARCH ACTIVITIES.—Research carried out under paragraph (1) may be carried out through—

(A) intramural research;

(B) awarding grants to eligible entities to carry out research;

(C) contracting with eligible entities to carry out research; or

(D) entering into cooperative agreements to carry out research.

(c) RESEARCH.—The research described in this subsection is research that is consistent with the purposes described in section 5(a)(2) and is described by one or more of the following:

(1) FUNDAMENTAL HURRICANE RESEARCH.—Fundamental hurricane research, which may consist of the following:

(A) COMMUNITY RESEARCH MODELS.—Research to support continued development and maintenance of community weather research and forecast models recommended by the Task Force under section 6(f)(5), including advanced methods of observing storm structure and assimilating observations into the models, in which the agency or institution hosting the models ensures broad access and use of the model by members of the Task Force and the civilian research community.

(B) PREDICTING HURRICANE INTENSITY AND STRUCTURE.—Research to improve understanding and prediction of—

(i) storm formation and tracking with extended time scale to weeks in advance;

(ii) rapid changes in storm size, motion, structure, and intensity;

(iii) the internal dynamics of storms;

(iv) the transition to extratropical characteristics as storms move poleward; and

(v) the interactions of storms with environmental conditions, including the atmosphere, ocean, and land surface.

(C) UNDERSTANDING AIR AND SEA INTERACTIONS.—Research regarding observations, theory, and modeling to improve understanding of air and sea interaction in hurricanes and other high wind speed environments.

(D) PREDICTING STORM SURGE, WAVES, RAINFALL, INLAND FLOODING, AND STRONG WINDS PRODUCED BY HURRICANES.—Research to understand, model, and predict rainfall, coastal and riverline flooding, high winds, and the potential occurrence of tornadoes, including probabilistic modeling, mapping, and visualization of risk.

(E) RELATIONSHIPS BETWEEN HURRICANES AND CLIMATE VARIABILITY AND CHANGE.—Research to improve the understanding of the complex relationships between hurricanes and climate on seasonal to decadal time scales, such as research to determine the most effective methods to use observational information and numerical-model simulations to examine short-term and long-term impacts of climate on changes in storm intensity, geographic distribution, and frequency.

(F) RELATIONSHIPS BETWEEN HURRICANES AND ECOSYSTEMS.—Research to improve the understanding of how hurricanes affect ecosystems, landscapes, and natural resources and to develop assessments for hurricane vulnerability and risk, including—

(i) how ecosystems have been influenced by past hurricanes and the ability and capacity of ecosystems to recover from the effects of hurricanes;

(ii) how ecosystem management practices can minimize disruptions to ecosystem functions and dependent economic uses as a result of hurricanes; and

(iii) the role of natural features, such as barrier islands, wetlands, and mangroves, in—

(I) acting as natural buffers to wind and flood forces; and

(II) improving coastal resiliency.

(2) TECHNOLOGY ASSESSMENT AND DEVELOPMENT.—Technology assessment and development, which may consist of the following:

(A) IMPROVED OBSERVATION OF HURRICANES AND TROPICAL STORMS.—Research to improve hurricane and tropical storm observations and to improve the understanding of the complex nature of storms and their interaction with the natural and built environment through development and application of new technologies, such as—

(i) mobile radars and advanced airborne observing technologies;

(ii) global positioning system technology;

(iii) unmanned vehicles;

(iv) satellite-based sensors;

(v) ground-based and aerial wireless sensors; and

(vi) other geospatial technologies and geospatial data, including bathymetry and elevation.

(B) COMPUTATIONAL CAPABILITY.—Research and development of robust computational capabilities and facilities required to conduct numerical and other types of modeling that support the scientific studies and research carried out under the Initiative as well as data acquisition and modeling during hurricane events, including research to improve understanding of the efficient utility of multiple models that—

(i) require sharing and interoperability of databases, computing environments, networks, visualization tools, and analytic systems that improve on such technologies that are available on the date of the enactment of this Act; and

(ii) are used for transitioning hurricane research assets into operational practice.

(C) TECHNOLOGIES FOR DISASTER RESPONSE AND RECOVERY.—Research to improve damage assessments after a hurricane and emergency communications during hurricane response and recovery, including improvements to—

(i) communications networks for government agencies and nongovernmental entities;

(ii) network interoperability;

(iii) cyber-security during hurricane or storm related emergencies; and

(iv) use of models, remote sensing, and statistically based ground sampling to support effective and rapid damage assessment to scale disaster response and recovery needs.

(3) RESEARCH INTEGRATION, TRANSITION, AND APPLICATION.—Research on integration, transition, and application of research results, which may consist of the following:

(A) TRANSITION OF RESEARCH TO OPERATIONS.—Research to develop mechanisms to accelerate the application of improved models, observations, communication, and risk assessment systems, and related research products to forecasting and other operational settings, including use of 1 or more developmental test beds.

(B) ASSESSING VULNERABLE INFRASTRUCTURE.—Developing a national engineering assessment and clearinghouse of coastal infrastructure by leveraging and building upon existing Federal activities, resources, and research, including infrastructure related to levees, sea walls, and similar coastal flood-protection structures, drainage systems, bridges, water and sewage utilities, power, and communications, to determine the level of vulnerability of such infrastructure to damage from hurricanes.

(C) INTERACTION OF HURRICANES WITH ENGINEERED STRUCTURES.—Research to improve understanding of the impacts of hurricanes and tropical storms on buildings, structures, and housing combined with modeling that is essential for guiding the creation of improved building designs and construction codes in locations particularly vulnerable to hurricanes.

(D) EVACUATION PLANNING.—Research to improve the manner in which hurricane-related information is provided to, and utilized by, the public and government officials, including research to assist officials of State, tribal, regional, or local governments in—

(i) determining the circumstances in which evacuations are required; and

(ii) carrying out such evacuations.

(E) DECISION SUPPORT.—Research to—

(i) assess the social, behavioral, and economic factors that influence decision making by the public, government officials, nongovernmental entities, the private sector, and other impacted populations before, during, and in the aftermath of hurricanes;

(ii) improve the translation of natural science and engineering research carried out under the Initiative into informed decision making that enables communities, economies, and the man-made and natural environments to become resilient to hurricane impacts, including development of effective risk and vulnerability assessment and risk communication tools; and

(iii) develop methods of assessing disaster recovery costs, both government and nongovernment, and of comparing the relative benefits of disaster mitigation methods with disaster recovery costs.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated for fiscal years 2010 through 2015 amounts as follows:

(1) To the Under Secretary, $18,750,000 to carry out sections 5, 6, and 7(b), of which not less than $13,750,000 shall be used to carry such section 7(b).

(2) To the Director of the National Science Foundation, $56,250,000 to carry out sections 5 and 7(a).

(b) INTERAGENCY TRANSFER OF FUNDS.—

(1) TRANSFERS BY UNDER SECRETARY FOR OCEANS AND ATMOSPHERE.—Of amounts appropriated pursuant to the authorization of appropriations under subsection (a)(1), the Under Secretary may transfer to the heads of other Federal agencies such amounts as the Under Secretary considers appropriate to carry out sections 5, 6, and 7(b).

(2) TRANSFERS BY DIRECTOR OF THE NATIONAL SCIENCE FOUNDATION.—Of amounts appropriated pursuant to the authorization of appropriations under subsection (a)(2), the Director of the National Science Foundation may transfer to the heads of other Federal agencies such amounts as the Director considers appropriate to carry out sections 5 and 7(a).

SEC. 9. INDEPENDENT REVIEW.

(a) AGREEMENT.—

(1) IN GENERAL.—The Under Secretary shall seek to enter into an agreement with the National Research Council of the National Academies for the National Research Council to perform the services covered by this section.

(2) TIMING.—The Under Secretary shall seek to enter into the agreement described in paragraph (1) not later than 180 days after the date of the enactment of this Act.

(b) INDEPENDENT REVIEW OF NATIONAL HURRICANE RESEARCH INITIATIVE.—Under an agreement between the Under Secretary and the National Research Council under this section, the National Research Council shall carry out an independent review of the Initiative. In carrying out the review, the National Research Council shall review the following:

(1) Whether the Initiative has well-defined, prioritized, and appropriate research objectives.

(2) Whether the Initiative is properly coordinated among relevant Federal agencies and stakeholders.

(3) Whether the Initiative has allocated appropriate resources to each of the research objectives.

(4) Whether suitable mechanisms exist for transitioning the research results from the Initiative into operational technologies and procedures and activities in a timely manner.

(c) REPORT.—Not later than 4 years after the date of the enactment of this Act, the Under Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives a report on the results of the review carried out under this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Under Secretary, $750,000 to carry out this section.

S. 1486

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Policyholder Disaster Protection Act of 2009''.

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) Rising costs resulting from natural disasters are placing an increasing strain on the ability of property and casualty insurance companies to assure payment of homeowners' claims and other insurance claims arising from major natural disasters now and in the future.

(2) Present tax laws do not provide adequate incentives to assure that natural disaster insurance is provided or, where such insurance is provided, that funds are available for payment of insurance claims in the event of future catastrophic losses from major natural disasters, as present law requires an insurer wishing to accumulate surplus assets for this purpose to do so entirely from its after-tax retained earnings.

(3) Revising the tax laws applicable to the property and casualty insurance industry to permit carefully controlled accumulation of pretax dollars in separate reserve funds devoted solely to the payment of claims arising from future major natural disasters will provide incentives for property and casualty insurers to make natural disaster insurance available, will give greater protection to the Nation's homeowners, small businesses, and other insurance consumers, and will help assure the future financial health of the Nation's insurance system as a whole.

(4) Implementing these changes will reduce the possibility that a significant portion of the private insurance system would fail in the wake of a major natural disaster and that governmental entities would be required to step in to provide relief at taxpayer expense.

SEC. 3. CREATION OF POLICYHOLDER DISASTER PROTECTION FUNDS; CONTRIBUTIONS TO AND DISTRIBUTIONS FROM FUNDS; OTHER RULES.

(a) CONTRIBUTIONS TO POLICYHOLDER DISASTER PROTECTION FUNDS.—Subsection (c) of section 832 of the Internal Revenue Code of 1986 (relating to the taxable income of insurance companies other than life insurance companies) is amended by striking ''and'' at the end of paragraph (12), by striking the period at the end of paragraph (13) and inserting ''; and'', and by adding at the end the following new paragraph:

''(14) the qualified contributions to a policyholder disaster protection fund during the taxable year.''.

(b) DISTRIBUTIONS FROM POLICYHOLDER DISASTER PROTECTION FUNDS.—Paragraph (1) of section 832(b) of the Internal Revenue Code of 1986 is amended by striking ''and'' at the end of subparagraph (D), by striking the period at the end of subparagraph (E) and inserting '', and'', and by adding at the end the following new subparagraph:

''(F) the amount of any distributions from a policyholder disaster protection fund during the taxable year, except that a distribution made to return to the qualified insurance company any contribution which is not a qualified contribution (as defined in subsection (h)) for a taxable year shall not be included in gross income if such distribution is made prior to the filing of the tax return for such taxable year.''.

(c) DEFINITIONS AND OTHER RULES RELATING TO POLICYHOLDER DISASTER PROTECTION FUNDS.—Section 832 of the Internal Revenue Code of 1986 (relating to insurance company taxable income) is amended by adding at the end the following new subsection:

''(h) DEFINITIONS AND OTHER RULES RELATING TO POLICYHOLDER DISASTER PROTECTION FUNDS.—For purposes of this section—

''(1) POLICYHOLDER DISASTER PROTECTION FUND.—The term 'policyholder disaster protection fund' (hereafter in this subsection referred to as the 'fund') means any custodial account, trust, or any other arrangement or account—

''(A) which is established to hold assets that are set aside solely for the payment of qualified losses, and

''(B) under the terms of which—

''(i) the assets in the fund are required to be invested in a manner consistent with the investment requirements applicable to the qualified insurance company under the laws of its jurisdiction of domicile,

''(ii) the net income for the taxable year derived from the assets in the fund is required to be distributed no less frequently than annually,

''(iii) an excess balance drawdown amount is required to be distributed to the qualified insurance company no later than the close of the taxable year following the taxable year for which such amount is determined,

''(iv) a catastrophe drawdown amount may be distributed to the qualified insurance company if distributed prior to the close of the taxable year following the year for which such amount is determined,

''(v) a State required drawdown amount may be distributed, and

''(vi) no distributions from the fund are required or permitted other than the distributions described in clauses (ii) through (v) and the return to the qualified insurance company of contributions that are not qualified contributions.

''(2) QUALIFIED INSURANCE COMPANY.—The term 'qualified insurance company' means any insurance company subject to tax under section 831(a).

''(3) QUALIFIED CONTRIBUTION.—The term 'qualified contribution' means a contribution to a fund for a taxable year to the extent that the amount of such contribution, when added to the previous contributions to the fund for such taxable year, does not exceed the excess of—

''(A) the fund cap for the taxable year, over

''(B) the fund balance determined as of the close of the preceding taxable year.

''(4) EXCESS BALANCE DRAWDOWN AMOUNTS.—The term 'excess balance drawdown amount' means the excess (if any) of—

''(A) the fund balance as of the close of the taxable year, over

''(B) the fund cap for the following taxable year.

''(5) CATASTROPHE DRAWDOWN AMOUNT.—

''(A) IN GENERAL.—The term 'catastrophe drawdown amount' means an amount that does not exceed the lesser of the amount determined under subparagraph (B) or (C).

''(B) NET LOSSES FROM QUALIFYING EVENTS.—The amount determined under this subparagraph shall be equal to the qualified losses for the taxable year determined without regard to clause (ii) of paragraph (8)(A).

''(C) GROSS LOSSES IN EXCESS OF THRESHOLD.—The amount determined under this subparagraph shall be equal to the excess (if any) of—

''(i) the qualified losses for the taxable year, over

''(ii) the lesser of—

''(I) the fund cap for the taxable year (determined without regard to paragraph (9)(E)), or

''(II) 30 percent of the qualified insurance company's surplus as regards policyholders as shown on the company's annual statement for the calendar year preceding the taxable year.

''(D) SPECIAL DRAWDOWN AMOUNT FOLLOWING A RECENT CATASTROPHE LOSS YEAR.—If for any taxable year included in the reference period the qualified losses exceed the amount determined under subparagraph (C)(ii), the 'catastrophe drawdown amount' shall be an amount that does not exceed the lesser of the amount determined under subparagraph (B) or the amount determined under this subparagraph. The amount determined under this subparagraph shall be an amount equal to the excess (if any) of—

''(i) the qualified losses for the taxable year, over

''(ii) the lesser of—

''(I) ⅓ of the fund cap for the taxable year (determined without regard to paragraph (9)(E)), or

''(II) 10 percent of the qualified insurance company's surplus as regards policyholders as shown on the company's annual statement for the calendar year preceding the taxable year.

''(E) REFERENCE PERIOD.—For purposes of subparagraph (D), the reference period shall be determined under the following table:

''For a taxable year beginning in—	The reference period shall be—
2012 and later ...	The 3 preceding taxable years.
2011	The 2 preceding taxable years.
2010	The preceding taxable year.
2008 or before ...	No reference period applies.

''(6) STATE REQUIRED DRAWDOWN AMOUNT.—The term 'State required drawdown amount' means any amount that the department of insurance for the qualified insurance company's jurisdiction of domicile requires to be distributed from the fund, to the extent such amount is not otherwise described in paragraph (4) or (5).

''(7) FUND BALANCE.—The term 'fund balance' means—

''(A) the sum of all qualified contributions to the fund,

''(B) less any net investment loss of the fund for any taxable year or years, and

''(C) less the sum of all distributions under clauses (iii) through (v) of paragraph (1)(B).

''(8) QUALIFIED LOSSES.—

''(A) IN GENERAL.—The term 'qualified losses' means, with respect to a taxable year—

''(i) the amount of losses and loss adjustment expenses incurred in the qualified lines of business specified in paragraph (9), net of reinsurance, as reported in the qualified insurance company's annual statement for the taxable year, that are attributable to one or more qualifying events (regardless of when such qualifying events occurred),

''(ii) the amount by which such losses and loss adjustment expenses attributable to such qualifying events have been reduced for reinsurance received and recoverable, plus

''(iii) any nonrecoverable assessments, surcharges, or other liabilities that are borne by the qualified insurance company and are attributable to such qualifying events.

''(B) QUALIFYING EVENT.—For purposes of subparagraph (A), the term 'qualifying event' means any event that satisfies clauses (i) and (ii).

''(i) EVENT.—An event satisfies this clause if the event is 1 or more of the following:

''(I) Windstorm (hurricane, cyclone, or tornado).

''(II) Earthquake (including any fire following).

''(III) Winter catastrophe (snow, ice, or freezing).

''(IV) Fire.

''(V) Tsunami.

''(VI) Flood.

''(VII) Volcanic eruption.

''(VIII) Hail.

''(ii) CATASTROPHE DESIGNATION.—An event satisfies this clause if the event—

''(I) is designated a catastrophe by Property Claim Services or its successor organization,

''(II) is declared by the President to be an emergency or disaster, or

''(III) is declared to be an emergency or disaster in a similar declaration by the chief executive official of a State, possession, or territory of the United States, or the District of Columbia.

''(9) FUND CAP.—

''(A) IN GENERAL.—The term 'fund cap' for a taxable year is the sum of the separate lines of business caps for each of the qualified lines of business specified in the table contained in subparagraph (C) (as modified under subparagraphs (D) and (E)).

''(B) SEPARATE LINES OF BUSINESS CAP.—For purposes of subparagraph (A), the separate lines of business cap, with respect to a qualified line of business specified in the table contained in subparagraph (C), is the product of—

''(i) net written premiums reported in the annual statement for the calendar year preceding the taxable year in such line of business, multiplied by

''(ii) the fund cap multiplier applicable to such qualified line of business.

''(C) QUALIFIED LINES OF BUSINESS AND THEIR RESPECTIVE FUND CAP MULTIPLIERS.—For purposes of this paragraph, the qualified lines of business and fund cap multipliers specified in this subparagraph are those specified in the following table:

''Line of Business on Annual Statement Blank:	**Fund Cap** Multiplier:
Fire	0.25
Allied	1.25
Farmowners Multiple Peril	0.25
Homeowners Multiple Peril	0.75
Commercial Multi Peril (non-liability portion)	0.50
Earthquake	13.00
Inland Marine	0.25.

''(D) SUBSEQUENT MODIFICATIONS OF THE ANNUAL STATEMENT BLANK.—If, with respect to any taxable year beginning after the effective date of this subsection, the annual statement blank required to be filed is amended to replace, combine, or otherwise modify any of the qualified lines of business specified in subparagraph (C), then for such taxable year subparagraph (C) shall be applied in a manner such that the fund cap shall be the same amount as if such reporting modification had not been made.

''(E) 20-YEAR PHASE-IN.—Notwithstanding subparagraph (C), the fund cap for a taxable year shall be the amount determined under subparagraph (C), as adjusted pursuant to subparagraph (D) (if applicable), multiplied by the phase-in percentage indicated in the following table:

''Taxable year beginning in:	Phase-in percentage to be applied to fund cap computed under subparagraphs (A) and (B)
2009	5 percent
2010	10 percent
2011	15 percent
2012	20 percent
2013	25 percent
2014	30 percent
2015	35 percent
2016	40 percent
2017	45 percent
2018	50 percent
2019	55 percent
2020	60 percent
2021	65 percent
2022	70 percent
2023	75 percent
2024	80 percent
2025	85 percent
2026	90 percent
2027	95 percent
2028 and later	100 percent.

''(10) TREATMENT OF INVESTMENT INCOME AND GAIN OR LOSS.—

''(A) CONTRIBUTIONS IN KIND.—A transfer of property other than money to a fund shall be treated as a sale or exchange of such property for an amount equal to its fair market value as of the date of transfer, and appropriate adjustment shall be made to the basis of such property. Section 267 shall apply to any loss realized upon such a transfer.

''(B) DISTRIBUTIONS IN KIND.—A transfer of property other than money by a fund to the qualified insurance company shall not be treated as a sale or exchange or other disposition of such property. The basis of such property immediately after such transfer shall be the greater of the basis of such property immediately before such transfer or the fair market value of such property on the date of such transfer.

''(C) INCOME WITH RESPECT TO FUND ASSETS.—Items of income of the type described in paragraphs (1)(B), (1)(C), and (2) of subsection (b) that are derived from the assets held in a fund, as well as losses from the sale or other disposition of such assets, shall be considered items of income, gain, or loss of the qualified insurance company. Notwithstanding paragraph (1)(F) of subsection (b), distributions of net income to the qualified insurance company pursuant to paragraph (1)(B)(ii) of this subsection shall not cause such income to be taken into account a second time.

''(11) NET INCOME; NET INVESTMENT LOSS.—For purposes of paragraph (1)(B)(ii), the net income derived from the assets in the fund for the taxable year shall be the items of income and gain for the taxable year, less the items of loss for the taxable year, derived from such assets, as described in paragraph (10)(C). For purposes of paragraph (7), there is a net investment loss for the taxable year to the extent that the items of loss described in the preceding sentence exceed the items of income and gain described in the preceding sentence.

''(12) ANNUAL STATEMENT.—For purposes of this subsection, the term 'annual statement' shall have the meaning set forth in section 846(f)(3).

''(13) EXCLUSION OF PREMIUMS AND LOSSES ON CERTAIN PUERTO RICAN RISKS.—Notwithstanding any other provision of this subsection, premiums and losses with respect to risks covered by a catastrophe reserve established under the laws or regulations of the Commonwealth of Puerto Rico shall not be taken into account under this subsection in determining the amount of the fund cap or the amount of qualified losses.

''(14) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this subsection, including regulations—

''(A) which govern the application of this subsection to a qualified insurance company having a taxable year other than the calendar year or a taxable year less than 12 months,

''(B) which govern a fund maintained by a qualified insurance company that ceases to be subject to this part, and

''(C) which govern the application of paragraph (9)(D).''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

S. 1487

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Commission on Catastrophic Disaster Risk and Insurance Act of 2009''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Hurricanes Katrina, Rita, and Wilma, which struck the United States in 2005, caused over $200 billion in total economic losses, including insured and uninsured losses.

(2) Although private sector insurance is currently available to spread some catastrophe-related losses throughout the Nation and internationally, most experts believe there will be significant insurance and reinsurance shortages, resulting in dramatic rate increases for consumers and businesses, and the unavailability of catastrophe insurance.

(3) The Federal Government has provided and will continue to provide billions of dollars and resources to pay for losses from catastrophes, including hurricanes, volcanic eruptions, tsunamis, tornados, and other disasters, at huge costs to American taxpayers.

(4) The Federal Government has a critical interest in ensuring appropriate and fiscally responsible risk management of catastrophes. Mortgages require reliable property insurance, and the unavailability of reliable property insurance would make most real estate transactions impossible. In addition, the public health, safety, and welfare demand that structures damaged or destroyed in a catastrophe be reconstructed as soon as possible. Therefore, the inability of the private sector insurance and reinsurance markets to maintain sufficient capacity to enable Americans to obtain property insurance coverage in the private sector endangers the national economy and the public health, safety, and welfare.

(5) Multiple proposals have been introduced in the United States Congress over the past decade to address catastrophic risk insurance, including the creation of a national catastrophic reinsurance fund and the revision of the Federal tax code to allow insurers to use tax-deferred catastrophe funds, yet Congress has failed to act on any of these proposals.

(6) To the extent the United States faces high risks from catastrophe exposure, essential technical information on financial structures and innovations in the catastrophe insurance market is needed.

(7) The most efficient and effective approach to assessing the catastrophe insurance problem in the public policy context is to establish a bipartisan commission of experts to study the management of catastrophic disaster risk, and to require such commission to timely report its recommendations to Congress so that Congress can quickly craft a solution to protect the American people.

SEC. 3. ESTABLISHMENT.

There is established a bipartisan Commission on Catastrophic Disaster Risk and Insurance (in this Act referred to as the ''Commission'').

SEC. 4. MEMBERSHIP.

(a) MEMBERS.—The Commission shall be composed of the following:

(1) The Administrator of the Federal Emergency Management Agency or a designee of the Administrator.

(2) The Administrator of the National Oceanic and Atmospheric Administration or a designee of the Administrator.

(3) 12 additional members or their designees of whom one shall be—

(A) a representative of a consumer group;

(B) a representative of a primary insurance company;

(C) a representative of a reinsurance company;

(D) an independent insurance agent with experience in writing property and casualty insurance policies;

(E) a State insurance regulator;

(F) a State emergency operations official;

(G) a scientist;

(H) a faculty member of an accredited university with experience in risk management;

(I) a member of nationally recognized think tank with experience in risk management;

(J) a homebuilder with experience in structural engineering;

(K) a mortgage lender; and

(L) a nationally recognized expert in antitrust law.

(b) MANNER OF APPOINTMENT.—

(1) IN GENERAL.—Any member of the Commission described under subsection (a)(3) shall be appointed only upon unanimous agreement of—

(A) the majority leader of the Senate;

(B) the minority leader of the Senate;

(C) the Speaker of the House of Representatives; and

(D) the minority leader of the House of Representatives.

(2) CONSULTATION.—In making any appointment under paragraph (1), each individual described in paragraph (1) shall consult with the President.

(c) ELIGIBILITY LIMITATION.—Except as provided in subsection (a), no member or officer of the Congress, or other member or officer of the Executive Branch of the United States Government or any State government may be appointed to be a member of the Commission.

(d) PERIOD OF APPOINTMENT.—

(1) IN GENERAL.—Each member of the Commission shall be appointed for the life of the Commission.

(2) VACANCIES.—A vacancy on the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment was made.

(e) QUORUM.—

(1) MAJORITY.—A majority of the members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(2) APPROVAL ACTIONS.—All recommendations and reports of the Commission required by this Act shall be approved only by a majority vote of a quorum of the Commission.

(f) CHAIRPERSON.—The majority leader of the Senate, the minority leader of the Senate, the Speaker of the House of Representatives, and the minority leader of the House of Representatives shall jointly select 1 member appointed pursuant to subsection (a) to serve as the Chairperson of the Commission.

(g) MEETINGS.—The Council shall meet at the call of its Chairperson or a majority of its members at any time.

SEC. 5. DUTIES OF THE COMMISSION.

The Commission shall—

(1) assess—

(A) the condition of the property and casualty insurance and reinsurance markets in the aftermath of Hurricanes Katrina, Rita, and Wilma in 2005, and the 4 major hurricanes that struck the United States in 2004; and

(B) the ongoing exposure of the United States to earthquakes, volcanic eruptions, tsunamis, and floods; and

(2) recommend and report, as required under section 6, any necessary legislative and regulatory changes that will—

(A) improve the domestic and international financial health and competitiveness of such markets; and

(B) assure consumers of the—

(i) availability of adequate insurance coverage when an insured event occurs; and

(ii) best possible range of insurance products at competitive prices.

SEC. 6. REPORT.

(a) IN GENERAL.—Not later than 90 days after the appointment of Commission members under section 4, the Commission shall submit to the President and the Congress a final report containing a detailed statement of its findings, together with any recommendations for legislation or administrative action that the Commission considers appropriate, in accordance with the requirements of section 5.

(b) CONSIDERATIONS.—In developing any recommendations under subsection (a), the Commission shall consider—

(1) the catastrophic insurance and reinsurance market structures and the relevant commercial practices in such insurance industries in providing insurance protection to different sectors of the American population;

(2) the constraints and opportunities in implementing a catastrophic insurance system that can resolve key obstacles currently impeding broader implementation of catastrophe risk management and financing with insurance;

(3) methods to improve risk underwriting practices, including—

(A) analysis of modalities of risk transfer for potential financial losses;

(B) assessment of private securitization of insurances risks;

(C) private-public partnerships to increase insurance capacity in constrained markets; and

(D) the financial feasibility and sustainability of a national catastrophe pool or regional catastrophe pools designed to provide adequate insurance coverage and increased underwriting capacity to insurers and reinsurers;

(4) approaches for implementing a public insurance scheme for low-income communities, in order to promote risk reduction and explicit insurance coverage in such communities;

(5) methods to strengthen insurance regulatory requirements and supervision of such requirements, including solvency for catastrophic risk reserves;

(6) methods to promote public insurance policies linked to programs for loss reduction in the uninsured sectors of the American population;

(7) methods to strengthen the risk assessment and enforcement of structural mitigation and vulnerability reduction measures, such as zoning and building code compliance;

(8) the appropriate role for the Federal Government in stabilizing the property and casualty insurance and reinsurance markets, with an analysis—

(A) of options such as—

(i) a reinsurance mechanism;

(ii) the modernization of Federal taxation policies; and

(iii) an ''insurance of last resort'' mechanism; and

(B) how to fund such options; and

(9) the merits of 3 principle legislative proposals introduced in the 109th Congress, namely:

(A) The creation of a Federal catastrophe fund to act as a backup to State catastrophe funds (S. 3117);

(B) Tax-deferred catastrophe accounts for insurers (S. 3115); and

(C) Tax-free catastrophe accounts for policyholders (S. 3116).

SEC. 7. POWERS OF THE COMMISSION.

(a) HEARINGS.—The Commission or, at the direction of the Commission, any subcommittee or member of the Commission, may, for the purpose of carrying out this Act—

(1) hold such public hearings in such cities and countries, sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths or affirmations as the Commission or such subcommittee or member considers advisable; and

(2) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, documents, tapes, and materials as the Commission or such subcommittee or member considers advisable.

(b) ISSUANCE AND ENFORCEMENT OF SUBPOENAS.—

(1) ISSUANCE.—Subpoenas issued under subsection (a) shall bear the signature of the Chairperson of the Commission and shall be served by any person or class of persons designated by the Chairperson for that purpose.

(2) ENFORCEMENT.—In the case of contumacy or failure to obey a subpoena issued under subsection (a), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(3) CONFIDENTIALITY.—

(A) IN GENERAL.—Information obtained under a subpoena issued under subsection (a) which is deemed confidential, or with reference to which a request for confidential treatment is made by the person furnishing such information—

(i) shall be exempt from disclosure under section 552 of title 5, United States Code; and

(ii) shall not be published or disclosed unless the Commission determines that the withholding of such information is contrary to the interest of the United States.

(B) EXCEPTION.—The requirements of subparagraph (A) shall not apply to the publication or disclosure of any data aggregated in a manner that ensures protection of the identity of the person furnishing such data.

(c) AUTHORITY OF MEMBERS OR AGENTS OF THE COMMISSION.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take by this Act.

(d) OBTAINING OFFICIAL DATA.—

(1) AUTHORITY.—Notwithstanding any provision of section 552a of title 5, United States Code, the Commission may secure directly from any department or agency of the United States any information necessary to enable the Commission to carry out the purposes of this Act.

(2) PROCEDURE.—Upon request of the Chairperson of the Commission, the head of that department or agency shall furnish the information requested to the Commission.

(e) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(f) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, any administrative support services necessary for the Commission to carry out its responsibilities under this Act.

(g) GIFTS.—

(1) IN GENERAL.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(2) REGULATIONS.—The Commission shall adopt internal regulations governing the receipt of gifts or donations of services or property similar to those described in part 2601 of title 5, Code of Federal Regulations.

SEC. 8. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for GS–18 of the General Schedule under section 5332 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) SUBCOMMITTEES.—The Commission may establish subcommittees and appoint persons to such subcommittees as the Commission considers appropriate.

(d) STAFF.—Subject to such policies as the Commission may prescribe, the Chairperson of the Commission may appoint and fix the pay of such additional personnel as the Chairperson considers appropriate to carry out the duties of the Commission.

(e) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—Subcommittee members and staff of the Commission may be—

(1) appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service; and

(2) paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of the annual rate of basic pay prescribed for GS–18 of the General Schedule under section 5332 of that title.

(f) EXPERTS AND CONSULTANTS.—In carrying out its objectives, the Commission may procure temporary and intermittent services of consultants and experts under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for GS–18 of the General Schedule under section 5332 of that title.

(g) DETAIL OF GOVERNMENT EMPLOYEES.—Upon request of the Chairperson of the Commission, any Federal Government employee may be detailed to the Commission to assist in carrying out the duties of the Commission—

(1) on a reimbursable basis; and

(2) such detail shall be without interruption or loss of civil service status or privilege.

SEC. 9. TERMINATION.

The Commission shall terminate 60 days after the date on which the Commission submits its report under section 6.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $5,000,000 to carry out the purposes of this Act.

By Mr. BURRIS:

S. 1488. A bill to extend temporarily the 18-month period of continuation coverage under group health plans required under COBRA continuation coverage provisions so as to provide for a total period of continuation coverage of up to 24 months; to the Committee on Health, Education, Labor, and Pensions.

Mr. BURRIS. Mr. President, today I rise to address a growing problem resulting from America's high levels of unemployment and economic downturn. Congress is working to design health reform that will provide access to quality, affordable insurance coverage for every American, but as unemployment numbers continue to rise, help may not come in time to avoid coverage denials on the individual insurance market and unbearable economic strain for those job seekers whose COBRA coverage has expired.

The Comprehensive Omnibus Budget Reconciliation Act of 1985 codified 18 months of additional group rate coverage under employer sponsored plans following a triggering event such as job loss. This law has been instrumental in providing continuity of health coverage for families. The measure requires companies with over 20 employees to provide access to 18 months of continued coverage at the employee's expense, except in cases of firing for gross employee misconduct. Beneficiaries cover the additional administrative expense, and may be charged up to 103 percent of their original premiums.

The American Reinvestment and Recovery Act provided help with health insurance for families who lost their jobs after September 1, 2008 and through December of 2009. For those in this category, the federal government provides nine months of subsidized premiums, with beneficiaries covering 35 percent of premium costs. However, the downturn started well before September of 2008.

For those that lost their job before September, and are still looking for work, the situation is dire. Many are quickly facing the end of their 18 month eligibility period for COBRA. They hear about health reform but have no idea when it may come. Insurance exchanges to guaranteeing eligibility and reasonable premiums on the individual market could take years to set up. In the mean time, those who could have afforded coverage under COBRA may instead have to resort to emergency room care and bankruptcy.

The Emergency COBRA Expansion Act of 2009 will give job seekers the opportunity to continue their COBRA coverage for up to an additional 6 months. The bill applies to all of those utilizing COBRA benefits as of the date of bill passage, and would not extend anyone's coverage beyond 12 months from the date of bill enactment. A year from now, our country will be on the road to economic recovery, but in the meantime we need to help struggling families to stay insured and healthy.

By Ms. SNOWE:

S. 1489. A bill to amend the Small Business Act to create parity among small business contracting programs, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Ms. SNOWE. Mr. President, as Ranking Member of the Senate Committee on Small Business and Entrepreneurship, I rise to introduce this bill in order to correct disparities among the Small Business Administration's small business contracting programs. Building on my efforts to bring true parity to the program, this bill will create a more equitable and flexible method for federal agencies to fairly allocate federal procurement dollars to small business contractors across the nation. Earlier this year, I filed an amendment, cosponsored by my colleague from Maine, Senator COLLINS, to create parity as part of S. 454, the Weapon

Systems Acquisition Reform Act of 2009. Unfortunately, that amendment was not accepted.

For years it has been unclear to the acquisition community what, if any, the true order of preference is for determining which small business contracting program is at the top of the agency's priority list. The SBA's regulations state that there is parity among the programs, and this had been the general practice in effect until two Government Accountability Office decisions were released on September 19, 2008 and May 4, 2009.

The decisions stated that the Historically Underutilized Business Zone, HUBZone, program had preference over all other small business contracting programs. While the interpretation benefits HUBZone businesses, it comes at the expense of other vital small business contracting programs. This targeted bill provides equity for the SBA's small business contracting programs.

The bill provides Federal agencies with the necessary flexibility to satisfy their government-wide statutory small business contracting goals. This bill makes clear to purchasing agencies that contracting officers may award contracts to HUBZone, Service Disabled Veterans, 8(a), or women-owned firms with equal deference to each program. It would provide these agencies with the ability to achieve their goaling requirements equally through an award to a HUBZone firm, a service-disabled veteran-owned small business, and a small business participating in the 8(a) business development program. Of course this list will also include women-owned small businesses once the women's procurement program is fully implemented by the SBA.

In addition, this bill brings the SBA's contracting programs closer to true parity by giving HUBZones a subcontracting goal. HUBZones are the only small business contracting program without a subcontracting goal. In addition, the bill authorizes mentor protégé programs modeled after those used in the 8(a) program for HUBZones, service-disabled veteran and women-owned firms.

The essence of true parity is where each program has an equal chance of competing and being selected for an award. During these difficult economic times, it is imperative that small business contractors possess an equal opportunity to compete for Federal contracts on the same playing field with each other.

I urge my colleagues on both sides of the aisle to support this bill.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 218—MAKING MINORITY PARTY APPOINTMENTS FOR THE 111TH CONGRESS

Mr. McCONNELL submitted the following resolution; which was considered and agreed to:

S. RES. 218

Resolved, That the following be the minority membership on the following committees for the remainder of the 111th Congress, or until their successors are appointed:

COMMITTEE ON AGRICULTURE NUTRITION AND FORESTRY: Mr. Chambliss, Mr. Lugar, Mr. Cochran, Mr. McConnell, Mr. Roberts, Mr. Johanns, Mr. Grassley, Mr. Thune, and Mr. Cornyn.

COMMITTEE ON FOREIGN RELATIONS: Mr. Lugar, Mr. Corker, Mr. Isakson, Mr. Risch, Mr. DeMint, Mr. Barrasso, Mr. Wicker, and Mr. Inhofe.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS: Ms. Collins, Mr. Coburn, Mr. McCain, Mr. Voinovich, Mr. Ensign, Mr. Graham, and Mr. Bennett.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP: Ms. Snowe, Mr. Bond, Mr. Vitter, Mr. Thune, Mr. Enzi, Mr. Isakson, Mr. Wicker, and Mr. Risch.

SPECIAL COMMITTEE ON AGING: Mr. Martinez, Mr. Shelby, Ms. Collins, Mr. Corker, Mr. Hatch, Mr. Brownback, Mr. Graham, and Mr. Chambliss.

SENATE RESOLUTION 219—HONORING THE HOCKEY TEAM OF EAST SIDE HIGH SCHOOL IN NEWARK, NEW JERSEY

Mr. MENENDEZ submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 219

Whereas adolescents who lack a structured, after-school environment are at high risk of delinquency, poor academic performance, and illicit behavior;

Whereas the lack of a structured after-school environment is especially prevalent in inner-city communities such as Newark, New Jersey;

Whereas athletic organizations provide a safe after-school environment in which adolescents learn about commitment, dedication, and teamwork;

Whereas East Side High School in Newark, New Jersey, formed a hockey team;

Whereas members of the East Side High School hockey team have shown resilience, dedication, and continuous improvement;

Whereas the New Jersey Devils offered assistance to the East Side High School hockey team, including access to the New Jersey Devils practice hockey rink; and

Whereas the nonprofit organization, Hockey in Newark, has joined with the New Jersey Devils and the National Hockey League to collect and distribute donated hockey equipment and uniforms valued at $85,000 to low-income children in Newark, New Jersey: Now, therefore, be it

Resolved, That the Senate—

(1) commends the dedication of the players and coaches of the hockey team of East Side High School in Newark, New Jersey;

(2) wishes the East Side High School hockey team many successful seasons ahead; and

(3) commends the New Jersey Devils for engaging the local community and providing low-income, at-risk children the opportunity to play hockey.

SENATE CONCURRENT RESOLUTION 33—EXPRESSING THE SENSE OF CONGRESS THAT A COMMEMORATIVE POSTAGE STAMP SHOULD BE ISSUED TO HONOR THE CREW OF THE USS MASON DE–529 WHO FOUGHT AND SERVED DURING WORLD WAR II.

Mr. BURRIS submitted the following concurrent resolution; which was referred to the Committee on Homeland Security and Governmental Affairs:

S. CON. RES. 33

Whereas the USS Mason DE-529 was the only United States Navy destroyer with a predominantly black enlisted crew during World War II;

Whereas the integration of the crew of the USS Mason DE-529 was the role model for racial integration on Navy vessels and served as a beacon for desegregation in the Navy;

Whereas the integration of the crew signified the first time that black citizens of the United States were trained to serve in ranks other than cooks and stewards;

Whereas the USS Mason DE-529 served as a convoy escort in the Atlantic and Mediterranean Theatres during World War II;

Whereas, in September 1944, the crew of the USS Mason DE-529 helped save Convoy NY119, ushering the convoy to safety despite a deadly storm in the Atlantic Ocean;

Whereas, in 1998, the Secretary of the Navy John H. Dalton made an official decision to name an Arleigh Burke Class Destroyer the USS Mason DDG-87 in order to honor the USS Mason DE-529;

Whereas, in 1994, President Clinton awarded the USS Mason DE-529 a long-overdue commendation, presenting the award to 67 of the surviving crewmembers; and

Whereas commemorative postage stamps have been issued to honor important vessels, aircrafts, and battles in the history 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—

(1) the United States Postal Service should issue a postage stamp honoring the crew of the USS Mason DE-529 who fought and served during World War II; and

(2) the Citizens' Stamp Advisory Committee should recommend to the Postmaster General that such a stamp be issued.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1647. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 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 1648. Mrs. BOXER (for herself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by her to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1649. Ms. COLLINS (for herself and Mr. COBURN) submitted an amendment intended to be proposed by her to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1650. Mr. LIEBERMAN (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1651. Mr. FEINGOLD (for himself, Ms. MURKOWSKI, Mrs. LINCOLN, and Mr. BURRIS) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1652. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1653. Mr. CORNYN (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1654. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1655. Mr. CORNYN (for himself, Mr. INHOFE, and Mr. KYL) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1656. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1657. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1658. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1659. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1660. Mr. CARDIN (for himself, Ms. MIKULSKI, Mr. WEBB, and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1661. Mr. KERRY (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1662. Mr. DURBIN (for himself and Mr. NELSON, of Nebraska) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1663. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1664. Mr. CASEY submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1665. Mr. CASEY submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1666. Mr. CASEY submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1667. Mr. CASEY submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1668. Mr. GREGG submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1669. Mrs. BOXER (for herself, Mr. BOND, Ms. LANDRIEU, Ms. MURKOWSKI, Mrs. LINCOLN, Mrs. GILLIBRAND, Mr. WYDEN, Mr. BURRIS, and Mr. SCHUMER) submitted an amendment intended to be proposed by her to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1670. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1671. Mr. KYL (for himself, Mr. DEMINT, Mr. INHOFE, and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1672. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1673. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1674. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1675. Mr. FEINGOLD (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1676. Mr. BEGICH (for himself, Mr. SESSIONS, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1677. Mr. BEGICH (for himself, Mr. SESSIONS, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1678. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1679. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1680. Mr. VOINOVICH (for himself, Mr. LEAHY, Mr. BOND, Mr. BEGICH, Mr. BENNETT, Mr. BYRD, Mr. CASEY, Mr. COCHRAN, Mr. CRAPO, Mr. DORGAN, Mrs. LINCOLN, Ms. MURKOWSKI, Mr. RISCH, Mr. ROCKEFELLER, and Mrs. SHAHEEN) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1681. Mrs. LINCOLN (for herself, Ms. LANDRIEU, Mr. TESTER, and Mr. WYDEN) submitted an amendment intended to be proposed by her to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1682. Mr. CONRAD (for himself, Mr. ENZI, Mr. HATCH, Mr. TESTER, Mr. BENNETT, Mr. BAUCUS, Mr. BARRASSO, and Mr. DORGAN) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1683. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1684. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1685. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1686. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1687. Mr. MENENDEZ (for himself and Mr. CORKER) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1688. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1689. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 1390, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1647. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 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 213, between lines 14 and 15, insert the following:

SEC. 706. SENSE OF THE SENATE ON HEALTH CARE BENEFITS AND COSTS FOR MEMBERS OF THE ARMED FORCES AND THEIR FAMILIES.

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

(1) Career members of the Armed Forces 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 combat operations, 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) A primary benefit of enduring the extraordinary sacrifices inherent in a military career is a range of retirement benefits, including lifetime health benefits, that a grateful Nation provides for those who choose to subordinate their personal life to the national interest for so many years.

(4) Currently serving and retired members of the uniformed services and their families and survivors deserve benefits equal to their commitment and service to our Nation.

(5) Many employers are curtailing health benefits and shifting costs to their employees, which may result in retired members of the Armed Forces returning to the Department of Defense, and its TRICARE program, for health care benefits during retirement, and contribute to health care cost growth.

(6) Defense health costs also expand as a result of service-unique military readiness requirements, wartime requirements, and other necessary requirements that represent the ''cost of business'' for the Department of Defense.

(7) While the Department of Defense has made some efforts to contain increases in the cost of the TRICARE program, too many of those efforts have been devoted to shifting a larger share of the costs of benefits under that program to retired members of the Armed Forces who have earned health care benefits in return for a career of military service.

(8) In some cases health care providers refuse to accept TRICARE patients because that program pays less than other public and private payors and imposes unique administrative requirements.

(9) The Department of Defense records deposits to the Department of Defense Military Retiree Health Care Fund as discretionary costs to the Department in spite of legislation enacted in 2006 that requires such deposits to be made directly from the Treasury of the United States.

(10) As a result, annual payments for the future costs of servicemember health care continue to compete with other readiness needs of the Armed Forces.

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

(1) the Department of Defense and the Nation have an obligation to provide health care benefits to retired members of the Armed Forces that equals the quality of their selfless service to our country;

(2) past proposals by the Department of Defense to impose substantial fee increases

on military beneficiaries have failed to acknowledge properly the findings addressed in subsection (a); and

(3) 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 Armed Forces 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.

SA 1648. Mrs. BOXER (for herself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by her to the bill S. 1390, to authorize appropriations for fiscal year 2010 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 appropriate place, insert the following:

SEC. ___. PORT CHICAGO NAVAL MAGAZINE NATIONAL MEMORIAL.

(a) IN GENERAL.—Section 203 of the Port Chicago National Memorial Act of 1992 (16 U.S.C. 431 note; Public Law 102–562; 106 Stat. 4235) is amended—

(1) by redesignating subsection (c) as subsection (f);

(2) by inserting after subsection (b) the following:

''(c) ADMINISTRATION.—

''(1) IN GENERAL.—The Secretary of the Interior shall administer the Port Chicago Naval Magazine National Memorial as a unit of the National Park System in accordance with—

''(A) this Act; and

''(B) the laws generally applicable to units of the National Park System, including—

''(i) the National Park Service Organic Act (16 U.S.C. 1 et seq.); and

''(ii) the Act of August 21, 1935 (16 U.S.C. 461 et seq.).

''(2) ADMINISTERED LAND.—The land described in subsection (d)(2) shall be administered in accordance with this subsection.

''(d) TRANSFER OF LAND.—

''(1) IN GENERAL.—The Secretary of Defense shall enter into a memorandum of understanding with the Secretary of the Interior providing for the transfer, without reimbursement, of administrative jurisdiction to the Secretary of the Interior of the land described in paragraph (2), if the Secretary of Defense determines that the land is in excess of military needs.

''(2) DESCRIPTION OF LAND.—The land referred to in paragraph (1) is the parcel of approximately 5 acres of land, as depicted on the map entitled 'Port Chicago Naval Magazine National Memorial, Proposed Boundary', numbered 018/80,001, and dated August 2005.

''(e) AGREEMENT WITH CITY OF CONCORD AND EAST BAY REGIONAL PARK DISTRICT.—The Secretary of the Interior may enter into an agreement with the City of Concord, California, and the East Bay Regional Park District to establish and operate a facility for visitor orientation and parking, administrative offices, and curatorial storage for the Port Chicago Naval Magazine National Memorial.''; and

(3) in subsection (f), (as redesignated by paragraph (1)), by striking ''Secretary of the Navy to provide public access to the Memorial'' and inserting ''Secretary of Defense to provide the maximum practicable public access to the Memorial without interfering with military needs''.

(b) SENSE OF CONGRESS ON REMEDIATION AND REPAIR OF PORT CHICAGO NAVAL MAGAZINE NATIONAL MEMORIAL.—

(1) REMEDIATION.—It is the sense of Congress that, to facilitate the transfer of administrative jurisdiction described in subsection (d) of section 203 of the Port Chicago National Memorial Act of 1992 (16 U.S.C. 431 note; Public Law 102–562; 106 Stat. 4235)(as added by subsection (a)), the Secretary of Defense should promptly remediate any remaining environmental contamination relating to the land.

(2) REPAIR.—It is the sense of Congress that, in order to preserve the Port Chicago Naval Magazine National Memorial for future generations, the Secretary of Defense and the Secretary of the Interior should work together to—

(A) repair storm damage to the Port Chicago Naval Magazine National Memorial; and

(B) develop a process by which future repairs and necessary modifications to the Memorial can be achieved in as timely and cost-effective a manner as possible.

(c) EFFECT.—Nothing in this section or the amendments made by this section affects or limits the application of, or obligation to comply with, any environmental law, including section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)).

SA 1649. Ms. COLLINS (for herself and Mr. COBURN) submitted an amendment intended to be proposed by her to the bill S. 1390, to authorize appropriations for fiscal year 2010 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. SMALL ARMS PRODUCTION INDUSTRIAL BASE.

Section 2473 of title 10, United States Code, is amended—

(1) by striking subsection (c) and inserting the following new subsection (c):

''(c) SMALL ARMS PRODUCTION INDUSTRIAL BASE.—In this section, the term 'small arms production industrial base' means the persons and organizations that are engaged in the production or maintenance of small arms within the United States.''; and

(2) in subsection (d), by adding at the end the following new paragraph:

''(6) Pistols.''.

SA 1650. Mr. LIEBERMAN (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 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 394, between lines 8 and 9, insert the following:

SEC. 1032. TRIAL BY MILITARY COMMISSION OF ALIEN UNPRIVILEGED BELLIGERENTS FOR VIOLATIONS OF THE LAW OF WAR.

(a) IN GENERAL.—Subchapter I of chapter 47A of title 10, United States Code, as amended by section 1031(a), is further amended by adding at the end the following new section:

''§ 948e. Trial by military commission of alien unprivileged belligerents for violations of the law of war

''(a) SENSE OF CONGRESS.—It is the sense of Congress that the preferred forum for the trial of alien unprivileged enemy belligerents subject to this chapter for violations of the law of war and other offenses made punishable by this chapter is trial by military commission under this chapter.

''(b) REPORTING REQUIREMENT.—For any alien unprivileged enemy belligerent subject to this chapter whom the United States Government decides to try in Federal district court rather than by military commission under this chapter, the Secretary of Defense and the Attorney General shall report to Congress, not later than 30 days after such decision is made, on—

''(1) the criteria used to decide to try such individual in Federal district court rather than by military commission;

''(2) an estimate of the total costs to the United States Government, including costs borne by the judicial branch, attributable to trying such individual in Federal district court; and

''(3) any other information that the Secretary of Defense and the Attorney General consider appropriate.''.

(b) CLERICAL AMENDMENT.—The table of sections of the beginning of such subchapter, as amended by section 1031(a), is further amended by adding after the item relating to section 948d the following new item:

''948e. Trial by military commission of alien unprivileged belligerents for violations of the law of war.''.

SA 1651. Mr. FEINGOLD (for himself, Ms. MURKOWSKI, Mrs. LINCOLN, and Mr. BURRIS) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 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. 652. CONTINUATION ON ACTIVE DUTY OF RESERVE COMPONENT MEMBERS DURING PHYSICAL EVALUATION BOARD PROCESS.

Section 1218 of title 10, United States Code, is amended by adding at the end the following new subsections:

''(d)(1) The Secretary of a military department shall give a member of a reserve component under the jurisdiction of the Secretary who is being evaluated by a physical evaluation board for separation or retirement for disability, incurred in the performance of military duties under this chapter or for placement on the temporary disability retired list or inactive status list under this chapter the option to remain on active duty during the physical evaluation board process until such time as the member—

''(A) is cleared by the board for continuation of active duty; or

''(B) is separated, retired, or placed on the temporary disability retired list or inactive status list.

''(2) A member may change the election under paragraph (1) at any point during the physical evaluation board process and be released from active duty.

''(3) The requirements in paragraph (1) shall expire on the date that is five years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2010.

''(e) A member contemplating the exercise of an option under subsection (d) may exercise such option only after being afforded an opportunity to consult with a member of the applicable judge advocate general's corps.''.

SEC. 653. ENCOURAGEMENT OF USE OF LOCAL RESIDENCES FOR CERTAIN RESERVE COMPONENT MEMBERS.

Section 1222 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(d) ASSIGNMENT TO COMMUNITY BASED WARRIOR TRANSITION UNITS FOR CERTAIN RESERVE COMPONENT MEMBERS.—(1)(A) A member of a reserve component described by subparagraph (B) may be assigned to the community based warrior transition unit located nearest to the member's permanent place of residence if residing at that location is—

''(i) medically feasible, as determined by a licensed military health care provider; and

''(ii) consistent with the needs of the armed forces.

''(B) A member of a reserve component described by this subparagraph is any member remaining on active duty under section 1218(d) of this title during the period the member is on active duty under such subsection.

''(2) Nothing in this subsection shall be construed as terminating, altering, or otherwise affecting the authority of the commander of a member described in paragraph (1)(B) to order the member to perform duties consistent with the member's fitness for duty.

''(3) The Secretary concerned shall pay any reasonable expenses of transportation, lodging, and meals incurred by a member residing at the member's permanent place of residence under this subsection in connection with travel from the member's permanent place of residence to a medical facility during the period in which the member is covered by this subsection.''.

SEC. 654. ASSISTANCE WITH TRANSITIONAL BENEFITS.

(a) IN GENERAL.—Chapter 61 of title 10, United States Code, is amended by inserting after section 1218 the following new section:

''§ 1218a. Discharge or release from active duty: transition assistance

''The Secretary of a military department shall provide to a member of a reserve component under the jurisdiction of the Secretary who is injured while on active duty in the armed forces the following before such member is demobilized or separated from the armed forces:

''(1) Information on the availability of care and administrative processing through community based warrior transition units.

''(2) The location of the community based warrior transition unit located nearest to the member's permanent place of residence.

''(3) An opportunity to consult with a member of the applicable judge advocate general's corps regarding the member's eligibility for compensation, disability, or other transitional benefits.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 61 of such title is amended by inserting after the item relating to section 1218 the following new item:

''1218a. Discharge or release from active duty: transition assistance.''.

SA 1652. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 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 429, between lines 8 and 9, insert the following:

SEC. 1073. REPORT ON INTERNATIONAL MILITARY EDUCATION AND TRAINING PROGRAM.

(a) FINDINGS.—Congress makes the following findings:

(1) Building foreign partner capacity is a fundamental cornerstone of the security strategy of the United States.

(2) Significant progress has been made in this area over the past several years, but the United States Government must continue to increase its efforts, including improving reliability of funding and late notifications of school availability for the International Military Education and Training (IMET) program.

(b) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretary of State, shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the effectiveness and efficiency of the IMET program.

(2) CONTENT.—The report required under paragraph (1) shall include the following information broken out by year over the past 10 years:

(A) Number of courses in the IMET program available, accomplished, and cancelled and an explanation therefor.

(B) Number of students authorized and actual attendance for each course and an explanation for the difference.

(C) The total budget and actual budget executed for each course in the IMET program and an explanation for the difference.

(D) The process for selecting students for the IMET program, including a timeline.

(E) The process for distributing funding for each school, including a timeline.

(F) Lessons learned to ensure student attendance and course execution is maximized.

SA 1653. Mr. CORNYN (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 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. 1222. REPORT ON TAIWAN'S AIR FORCE.

(a) FINDINGS.—Congress makes the following findings:

(1) According to the Department of Defense's (DoD) 2009 Annual Report on Military Power of the People's Republic of China, the military balance in the Taiwan Strait has been shifting in China's favor since 2000, marked by the sustained deployment of advanced military equipment to the Chinese military regions opposite Taiwan.

(2) Although the DoD's 2002 Report concluded that Taiwan ''has enjoyed dominance of the airspace over the Taiwan Strait for many years,'' the DoD's 2009 Report states this conclusion no longer holds true.

(3) China has based 490 combat aircraft (330 fighters and 160 bombers) within unrefueled operational range of Taiwan, and has the airfield capacity to expand that number by hundreds. In contrast, Taiwan has 390 combat aircraft (all of which are fighters).

(4) Also according to the DoD's 2009 Report, China has continued its build-up of conventional ballistic missiles since 2000, ''building a nascent capacity for conventional short-range ballistic missile (SRBM) strikes against Taiwan into what has become one of China's primary instruments of coercion.'' At this time, China has expanded its SRBM force opposite Taiwan to seven brigades with a total of 1,050 through 1,150 missiles, and is augmenting these forces with conventional medium-range ballistic missiles systems and at least 2 land attack cruise missile variants capable of ground or air launch. Advanced fighters and bombers, combined with enhanced training for nighttime and overwater flights, provide China's People's Liberation Army (PLA) with additional capabilities for regional strike or maritime interdiction operations.

(5) Furthermore, the Report maintains, ''the security situation in the Taiwan Strait is largely a function of dynamic interactions among Mainland China, Taiwan, and the United States. The PLA has developed and deployed military capability to coerce Taiwan or attempt an invasion if necessary. PLA improvements pose new challenges to Taiwan's security, which has historically been based upon the PLA's inability to project power across the 100 nautical-mile Taiwan Strait, natural geographic advantages of island defense, Taiwan's armed forces' technological superiority, and the possibility of U.S. intervention''.

(6) The Taiwan Relations Act of 1979 requires that, in furtherance of the principle of maintaining peace and stability in the Western Pacific region, the United States shall make available to Taiwan such defense articles and defense services in such quantity ''as may be necessary to enable Taiwan to maintain a sufficient self-defense capability,'' allowing that ''the President and the Congress shall determine the nature and quantity of such defense articles and services based solely upon their judgment of the needs of Taiwan . . .''.

(b) REPORT TO CONGRESS ON TAIWAN'S CURRENT AIR FORCE AND FUTURE SELF-DEFENSE REQUIREMENTS.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to Congress a report, in both classified and unclassified form, containing the following:

(1) A thorough and complete assessment of the current state of Taiwan's Air Force, including—

(A) the number and type of aircraft;

(B) the age of aircraft; and

(C) the capability of those aircraft.

(2) An assessment of the effectiveness of the aircraft in the face of a full-scale concerted missile and air campaign by China, in which China uses its most modern surface-to-air missiles currently deployed along its seacoast.

(3) An analysis of the specific weapons systems and platforms that Taiwan would need to provide for it's self-defense and maintain control of its own air space.

(4) Options for the United States to assist Taiwan in achieving those capabilities.

(5) A 5-year plan for fulfilling the obligations of the United States under the Taiwan Relations Act to provide for Taiwan's self-defense and aid Taiwan in maintaining control of its own air space.

SA 1654. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 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 appropriate place, insert the following:

SEC. ___. POSTHUMOUS BENEFITS FOR SURVIVING SPOUSE.

(a) SHORT TITLE.—This section may be cited as the ''Military Widow and Surviving Spouse Protection Act''.

(b) AMENDMENT.—Section 1703(a)(1) of title XVII of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136) is amended by inserting ''or the citizen died while serving honorably in an active duty status in the military, air, or naval forces of the United States and such death occurred through no fault of the citizen,'' after ''aggravated by combat,''.

SA 1655. Mr. CORNYN (for himself, Mr. INHOFE, and Mr. KYL) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 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 XII, add the following:

SEC. 1232. SENSE OF THE SENATE REGARDING COMMITMENT TO GLOBAL WAR ON TERROR.

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

(1) The surge strategy executed in Iraq by General David H. Petraeus and General Raymond T. Odierno in 2007 and 2008 was highly successful in reducing levels of violence and enabling the Iraqi government and security forces to gain credibility and capability.

(2) President Obama articulated his general strategy for Iraq during a speech at Camp Lejeune, North Carolina, on February 27, 2009, stating that a central goal is to ensure that Iraq ''is sovereign, stable, and self-reliant''. During the speech, the President outlined the President's objective to ''transition to full Iraqi responsibility'' through the ''responsible removal of our combat brigades from Iraq''.

(3) As part of the President's Iraq strategy, the President also indicated the President's commitment to ensuring that ''we preserve the gains we've made and protect our troops''. Consequently, the United States and our allies have a continued interest in maintaining these hard-fought security gains, especially during the upcoming Iraqi provincial elections, while simultaneously protecting the United States military and civilian members still in Iraq.

(4) A key component of the President's plan for Iraq is to retain a transitional force there to carry out several distinct functions, including training, equipping, and advising the Iraqi Security Forces, conducting targeted counterterrorism missions, and protecting our civilian and military forces within Iraq. In accordance with this policy, United States forces have largely withdrawn from Iraqi cities, but the President expects that the transitional force, to number between 35,000 and 50,000 United States military servicemembers, will remain in Iraq for the foreseeable future.

(5) President Obama articulated his emerging plan for Afghanistan in a speech on March 27, 2009, stating that the United States goal there is to ''disrupt, dismantle, and defeat al Qaeda in Pakistan and Afghanistan, and to prevent their return to either country in the future''. To this end, the current surge strategy in Afghanistan, spearheaded by General Petraeus and General Stanley A. McChrystal, the new commander of the NATO International Security Assistance Force, is critical to providing security for the Afghan populace, bolstering the Afghan security forces, and waging a successful campaign against Islamic extremists of al Qaeda, the Taliban, and affiliated groups.

(6) President Obama's laudable goals of disrupting terrorist networks in Afghanistan and Pakistan and developing increasingly self-reliant Afghan security forces necessitated the surge of 17,000 additional United States troops to increase the overall size of the NATO-led International Security Assistance Force. These more robust forces, focusing in the south and east portions of the country, will have an enhanced ability to protect the Afghan population against a resurgence of al Qaeda, the Taliban, and their allies, as well as to provide greater ability for the Afghan government to establish effective government control.

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

(1) the global war on terror represents a critical effort to protect the American people and ensure that future generations may continue to enjoy the precious freedoms we have today;

(2) the United States must remain committed to succeeding in the global war on terror and fighting the forces of Islamic extremism in Iraq and Afghanistan, including al Qaeda, the Taliban, and other groups, that are intent on the murder of innocent Americans, the destruction of the American way of life, and the global proliferation of radical and violent ideology;

(3) our military servicemembers and civilian United States personnel serving in harm's way in Iraq, Afghanistan, and other fronts in the global war on terror must be given any and all resources they need to accomplish the missions that have been asked of them, including the deployment of additional forces, should United States commanders on the ground deem that necessary;

(4) in Iraq, the hard-earned security gains won by our servicemembers must be preserved, and the long-term United States strategy there must continue to reflect that essential goal;

(5) the President's plan for Iraq is fundamentally sound and represents a responsible and carefully considered strategy that will help Iraq maintain sovereignty, stability, and self-reliance, achievements that were made possible largely through the extraordinary efforts and tremendous sacrifices of United States servicemembers and civilian personnel in Iraq;

(6) the President's plan for Afghanistan is clearly intended to improve the overall security situation there and enable the eventual drawdown and withdrawal of United States forces, and the President's near-term strategy to surge forces and provide improved security to the Afghan people by locating United States military personnel among the population, in conjunction with the growing Afghan National Army and Afghan National Police, which the United States supports and trains, will increase the security of the Afghan population; and

(7) although gains in the global war on terror will not come without a cost, the American people and the Iraqi and Afghan people share a common enemy and a common goal to do whatever is necessary to defeat terrorists and those who support them, no matter the cost or duration.

SA 1656. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 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. 652. REPORT ON RECRUITMENT AND RETENTION OF MEMBERS OF THE AIR FORCE IN NUCLEAR CAREER FIELDS.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a report on the efforts of the Air Force to attract and retain qualified individuals for service as members of the Air Force involved in the operation, maintenance, handling, and security of nuclear weapons.

(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 description of the steps the Air Force has taken, including the use of retention bonuses or assignment incentive pay, to improve recruiting and retention of officers and enlisted personnel by the Air Force for the positions described in paragraph (1).

(4) An assessment of the feasibility, advisability, utility, and cost effectiveness of establishing additional bonuses or incentive pay as a way to enhance the recruitment and retention by the Air Force of skilled personnel in the positions described in paragraph (1).

(5) An assessment of whether assignment incentive pay should be provided for members of the Air Force covered by the Personnel Reliability Program.

(6) An assessment of the long-term community management plan for recruitment and retention by the Air Force of skilled personnel in the positions described in paragraph (1).

(7) Such other matters as the Secretary considers appropriate.

SA 1657. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for the 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 appropriate place, insert the following:

SEC. ___. NO MIRANDA WARNINGS FOR AL QAEDA TERRORISTS.

(a) DEFINITIONS.—In this section—

(1) the term ''foreign national'' means an individual who is not a citizen or national of the United States; and

(2) the term ''prisoner of war''—

(A) has the same meaning that term has under the law of war; and

(B) includes a privileged belligerent and an unprivileged enemy belligerent, as those terms are defined in section 948a of title 10, United States Code, as amended by section 1031 of this Act.

(b) NO MIRANDA WARNINGS.—Absent an unappealable court order requiring the reading of such statements, no agency or department of the United States shall read to a foreign national who is captured or detained as a prisoner of war by the United States the statement required by Miranda v. Arizona, 384 U.S. 436 (1966), or otherwise inform such a prisoner of any rights that the prisoner may or may not have under the Constitution of the United States or under any Federal statute, regulation, or treaty. No Federal statute, regulation, or treaty shall be construed to require that a foreign national who is captured or detained as a prisoner of war by the United States be informed of any rights that the prisoner may or may not have. No statement that is made by a foreign national who is captured or detained as a prisoner of war by the United States may be excluded from any proceeding on the basis that the prisoner was not informed of a right that the prisoner may or may not have.

SA 1658. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 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 V, add the following:

SEC. 557. COMPTROLLER GENERAL REPORT ON CHILD CARE ASSISTANCE FOR DEPLOYED MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES.

(a) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representative a report on financial assistance for child care provided by the Department of Defense, including through the Operation: Military Child Care and Military Child Care in Your Neighborhood programs, to members of the reserve components of the Armed Forces who are deployed in connection with a contingency operation.

(b) ELEMENTS.—The report required by subsection (a) shall include an assessment of the following:

(1) The types of financial assistance for child care made available by the Department of Defense to members of the reserve components of the Armed Forces who are deployed in connection with a contingency operation.

(2) The extent to which such members have taken advantage of such assistance since such assistance was first made available.

(3) The formulas used for calculating the amount of such assistance provided to such members.

(4) The funding allocated to such assistance.

(5) The remaining costs of child care to families of such members that are not covered by the Department of Defense.

(6) Any barriers to access to such assistance faced by such members and the families of such members.

(7) The different criteria used by different States with respect to the regulation of child care services and the potential impact differences in such criteria may have on the access of such members to such assistance.

(8) The different standards and criteria used by different programs of the Department of Defense for providing such assistance with respect to child care providers and the potential impact differences in such standards and criteria may have on the access of such members to such assistance.

(9) Any other matters the Comptroller General determines relevant to the improvement of financial assistance for child care made available by the Department of Defense to members of the reserve components of the Armed Forces who are deployed in connection with a contingency operation.

SA 1659. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 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 V, add the following:

SEC. 557. INCREASE IN FINANCIAL ASSISTANCE FOR CHILD CARE FOR CHILDREN OF DEPLOYED MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations to increase financial assistance provided under Operation: Military Child Care to cover not less than 75 percent of the costs of child care provided pursuant to Operation: Military Child Care.

(b) OPERATION: MILITARY CHILD CARE DEFINED.—In this section, the term ''Operation: Military Child Care'' refers to the program of the Department of Defense to provide financial assistance for child care to members of the reserve components of the Armed Forces who are deployed in connection with a contingency operation.

SA 1660. Mr. CARDIN (for himself, Ms. MIKULSKI, Mr. WEBB, and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 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 appropriate place, insert the following:

SEC. ____. CONSENT OF CONGRESS TO COMPACT AMENDMENTS.

(a) CONSENT.—Consent of Congress is given to the amendments of the State of Maryland, the amendments of the Commonwealth of Virginia, and the amendments of the District of Columbia to sections 5, 9 and 18 of title III of the Washington Metropolitan Area Transit Regulation Compact.

(b) AMENDMENTS.—The amendments referred to in subsection (a) are substantially as follows:

(1) Section 5 is amended to read as follows:

''(a) The Authority shall be governed by a Board of eight Directors consisting of two Directors for each Signatory and two for the federal government (one of whom shall be a regular passenger and customer of the bus or rail service of the Authority). For Virginia, the Directors shall be appointed by the Northern Virginia Transportation Commission; for the District of Columbia, by the Council of the District of Columbia; for Maryland, by the Washington Suburban Transit Commission; and for the Federal Government, by the Administrator of General Services. For Virginia and Maryland, the Directors shall be appointed from among the members of the appointing body, except as otherwise provided herein, and shall serve for a term coincident with their term on the appointing body. A Director for a Signatory may be removed or suspended from office only as provided by the law of the Signatory from which he was appointed. The nonfederal appointing authorities shall also appoint an alternate for each Director. In addition, the Administrator of General Services shall also appoint two nonvoting members who shall serve as the alternates for the federal Directors. An alternate Director may act only in the absence of the Director for whom he has been appointed an alternate, except that, in the case of the District of Columbia where only one Director and his alternate are present, such alternate may act on behalf of the absent Director. Each alternate, including the federal nonvoting Directors, shall serve at the pleasure of the appointing authority. In the event of a vacancy in the Office of Director or alternate, it shall be filled in the same manner as an original appointment.

''(b) Before entering upon the duties of his office each Director and alternate Director shall take and subscribe to the following oath (or affirmation) of office or any such other oath or affirmation, if any, as the constitution or laws of the Government he represents shall provide: 'I, , hereby solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution and laws of the state or political jurisdiction from which I was appointed as a director (alternate director) of the Board of Washington Metropolitan Area Transit Authority and will faithfully discharge the duties of the office upon which I am about to enter.' ''.

(2) Subsection (a) of section 9 is amended to read as follows:

''(a) The officers of the Authority, none of whom shall be members of the Board, shall consist of a general manager, a secretary, a treasurer, a comptroller, an inspector general, and a general counsel and such other officers as the Board may provide. Except for the office of general manager, inspector general, and comptroller, the Board may consolidate any of such other offices in one person. All such officers shall be appointed and may be removed by the Board, shall serve at the pleasure of the Board and shall perform such duties and functions as the Board shall specify. The Board shall fix and determine the compensation to be paid to all officers and, except for the general manager who shall be a full-time employee, all other officers may be hired on a full-time or part-time basis and may be compensated on a salary or fee basis, as the Board may determine. All employees and such officers as the Board may designate shall be appointed and removed by the general manager under such rules of procedure and standards as the Board may determine.''.

(3) Section 9 is further amended by inserting new subsection (d) to read as follows (and by renumbering all subsequent paragraphs of section 9):

''(d) The inspector general shall report to the Board and head the Office of the Inspector General, an independent and objective unit of the Authority that conducts and supervises audits, program evaluations, and investigations relating to Authority activities; promotes economy, efficiency, and effectiveness in Authority activities; detects and prevents fraud and abuse in Authority activities; and keeps the Board fully and currently informed about deficiencies in Authority activities as well as the necessity for and progress of corrective action.''.

(4) Section 18 is amended by adding a new section 18(d) to read as follows:

''(d)(1) All payments made by the local Signatory governments for the Authority for the purpose of matching federal funds appropriated in any given year as authorized under title VI, section 601, Public Law 110–432 regarding funding of capital and preventative maintenance projects of 1 the Authority shall be made from amounts derived from dedicated funding sources.

''(2) For the purposes of this paragraph (d), a 'dedicated funding source' means any source of funding that is earmarked or required under State or local law to be used to match Federal appropriations authorized under title VI, section 601, Public Law 110–432 for payments to the Authority.''.

(c) RIGHT TO ALTER, AMEND, OR REPEAL.—The right to alter, amend, or repeal this section is expressly reserved. The consent granted by this section shall not be construed as impairing or in any manner affecting any right or jurisdiction of the United States in and over the region that forms the subject of the compact.

(d) CONSTRUCTION AND SEVERABILITY.—It is intended that the provisions of this compact shall be reasonably and liberally construed to effectuate the purposes thereof. If any part or application of this compact, or legislation enabling the compact, is held invalid, the remainder of the compact or its application to other situations or persons shall not be affected.

(e) INCONSISTENCY OF LANGUAGE.—The validity of this compact shall not be affected by any insubstantial differences in its form or language as adopted by the State of Maryland, Commonwealth of Virginia and District of Columbia.

(f) EFFECTIVE DATE.—This section shall take effect on the date of enactment of this Act.

SA 1661. Mr. KERRY (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for the 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. 652. INCLUSION OF SERVICE AFTER SEPTEMBER 11, 2001, IN DETERMINATION OF REDUCED ELIGIBILITY AGE FOR RECEIPT OF NON-REGULAR SERVICE RETIRED PAY.

Section 12731(f)(2)(A) of title 10, United States Code, is amended—

(1) by striking ''the date of the enactment of the National Defense Authorization Act for Fiscal Year 2008'' and inserting ''September 11, 2001''; and

(2) by striking ''in any fiscal year after such date'' and inserting ''in any fiscal year after fiscal year 2001''.

SA 1662. Mr. DURBIN (for himself and Mr. NELSON of Nebraska) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for the 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 617 and insert the following:

SEC. 617. SPECIAL COMPENSATION FOR MEMBERS OF THE UNIFORMED SERVICES WITH SERIOUS INJURIES OR ILLNESSES REQUIRING ASSISTANCE IN EVERYDAY LIVING.

(a) IN GENERAL.—Chapter 7 of title 37, United States Code, is amended by adding at the end the following new section:

''§ 439. Special compensation: members of the uniformed services with serious injuries or illnesses requiring assistance in everyday living

''(a) MONTHLY COMPENSATION.—The Secretary concerned may pay to any member of the uniformed services described in subsection (b) monthly special compensation in an amount determined under subsection (c).

''(b) COVERED MEMBERS.—A member eligible for monthly special compensation authorized by subsection (a) is a member who—

''(1) has been certified by a licensed physician to be in need of assistance from another person to perform the personal functions required in everyday living;

''(2) has a serious injury, disorder, or disease of either a temporary or permanent nature that—

''(A) is incurred or aggravated in the line of duty; and

''(B) compromises the member's ability to carry out one or more activities of daily living or requires the member to be constantly supervised to avoid physical harm to the member or to others; and

''(3) meets such other criteria, if any, as the Secretary of Defense (or the Secretary of Homeland Security, with respect to the Coast Guard) prescribes for purposes of this section.

''(c) AMOUNT.—(1) The amount of monthly special compensation payable to a member under subsection (a) shall be determined under criteria prescribed by the Secretary of Defense (or the Secretary of Homeland Security, with respect to the Coast Guard), but may not exceed the amount of aid and attendance allowance authorized by section 1114(r)(2) of title 38 for veterans in need of aid and attendance.

''(2) In determining the amount of monthly special compensation, the Secretary concerned shall consider the following:

''(A) The extent to which home health care and related services are being provided by the Government.

''(B) The extent to which aid and attendance services are being provided by family and friends who may be compensated with funds provided through the monthly special compensation.

''(d) PAYMENT UNTIL MEDICAL RETIREMENT.—Monthly special compensation is payable under this section to a member described in subsection (b) for any month that begins before the date on which the member is medically retired.

''(e) CONSTRUCTION WITH OTHER PAY AND ALLOWANCES.—Monthly special compensation payable to a member under this section is in addition to any other pay and allowances payable to the member by law.

''(f) BENEFIT INFORMATION.—The Secretary of Defense, in collaboration with the Secretary of Veterans Affairs, shall ensure that members of the uniformed services who may be eligible for compensation under this section are made aware of the availability of such compensation by including information about such compensation in written and online materials for such members and their families.

''(g) REGULATIONS.—The Secretary of Defense (or the Secretary of Homeland Security, with respect to the Coast Guard) shall prescribe regulations to carry out this section.''.

(b) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense (and the Secretary of Homeland Security, with respect to the Coast Guard) shall submit to Congress a report on the provision of compensation under section 439 of title 37, United States Code, as added by subsection (a) of this section.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) An estimate of the number of members of the uniformed services eligible for compensation under such section 439.

(B) The number of members of the uniformed services receiving compensation under such section.

(C) The average amount of compensation provided to members of the uniformed services receiving such compensation.

(D) The average amount of time required for a member of the uniformed services to receive such compensation after the member becomes eligible for the compensation.

(E) A summary of the types of injuries, disorders, and diseases of members of the uniformed services receiving such compensation that made such members eligible for such compensation.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of such title is amended by adding at the end the following new item:

''439. Special compensation: members of the uniformed services with serious injuries or illnesses requiring assistance in everyday living.''.

SA 1663. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for the 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. 619. MONTHLY SPECIAL PAY FOR MEMBERS RETAINED IN THE ARMED FORCES UNDER STOP-LOSS AUTHORITIES FOR PRE-DEPLOYMENT AND RE-INTEGRATION DUTY.

(a) MONTHLY SPECIAL PAY REQUIRED.—The Secretary concerned shall pay to each member of the Armed Forces described in subsection (b) monthly special pay in the amount specified in subsection (c) for each month or portion of a month of pre-deployment and re-integration duty performed by such member on or after September 11, 2001, while described by subsection (b), regardless of whether or not such duty was performed by such member on active duty in the Armed Forces.

(b) COVERED MEMBERS.—A member of the Armed Forces described in this subsection is any member of the Armed Forces whose enlistment or period of obligated service is extended, or whose eligibility for retirement is suspended, pursuant to section 123 or 12305 of title 10, United States Code, or any other provision of law authorizing 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 (commonly referred to as a ''stop-loss authority'').

(c) AMOUNT.—The amount of monthly special pay payable under subsection (a) for a month or portion of a month is $500.

(d) CONSTRUCTION WITH OTHER MONTHLY SPECIAL PAY.—Monthly special pay may not be paid under both this section and section 8116 of the Department of Defense Appropriations Act, 2009 (division C of Public Law 110–329; 122 Stat. 3646) for any month or portion of a month.

SA 1664. Mr. CASEY submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for the 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 214, between lines 20 and 21, insert the following:

(3) ASSESSMENTS OF MEMBERS DISCHARGED OR RELEASED UPON RETURN FROM DEPLOYMENT.—In the case of a member of the Armed Forces who is discharged or released from the Armed Forces upon the member's return from deployment, the Secretary of Defense shall make available the opportunity for such member to participate in the mental health assessments required under subparagraph (C) of paragraph (1) together with the unit with which the member was previously deployed, without regard to the terms of such discharge or release.

SA 1665. Mr. CASEY submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for the 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 appropriate place in title VII, insert the following:

SEC. ___. FUNDING FOR MENTAL HEALTH CARE FOR MEMBERS OF THE NATIONAL GUARD.

(a) AVAILABILITY OF DEFENSE HEALTH PROGRAM FUNDS.—Subject to the provisions of appropriations Acts, amounts available for Defense Health Program shall be available for programs described in subsection (b) for members of the National Guard not on active duty in the Armed Forces who incurred a psychological or mental illness or injury on active duty in the Armed Forces as demonstrated by existing medical records or, in the absence of such records, by the opinion of a licensed medical provider in the State where the member resides.

(b) COVERED PROGRAMS.—The programs described in this subsection are programs as follows:

(1) Programs to assist members of the National Guard described in subsection (a) in case management in the receipt of non-clinical care for an illness or injury described in that subsection.

(2) Programs to advise members of the National Guard described in subsection (a) on the receipt of care and treatment for an illness or injury described in that subsection under the TRICARE program.

(3) Programs of psychological health treatment for members of the National Guard described in subsection (a) for an illness or injury described in that subsection.

(4) Programs supporting the efforts of the military departments to update and maintain military health electronic records systems.

(5) Such other treatment programs as may assist a member of the National Guard described in subsection (a) for an illness or injury described in that subsection, as determined by the State Surgeon General of the National Guard of the State in which the member reside, the Director of Psychological Health of the State in which the member resides, the mental health or equivalent agency of the State in which the member resides, or the Director of the Psychological Health Program of the National Guard Bureau.

(c) BUDGETING.—The Assistant Secretary of Defense for Health Affairs shall coordinate with the National Guard Bureau and other personnel and logistical elements of the National Guard in determining the budget requirements of the National Guard for the programs described in subsection (b).

SA 1666. Mr. CASEY submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for the 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 218, after line 21, add the following:

(h) POST-DEPLOYMENT HEALTH ASSESSMENTS OF GUARD AND RESERVE MEMBERS.—

(1) IN GENERAL.—The Secretary concerned shall administer a Post-Deployment Health Assessment (PDHA) to each member of a reserve component of the armed forces returning to the member's home station or county of residence from deployment in connection with a contingency operation within the following timeframes:

(A) In the case of a member of the Individual Ready Reserve, the assessment shall be administered by not later than the member's release from active duty following such deployment or 10 days after the member's return to such station or county, whichever occurs earlier.

(B) In the case of any other member of a reserve component of the armed forces returning from deployment, by not later than the member's release from active duty following such deployment.

(2) PERFORMANCE BY TRAINED PRACTITIONERS.—

(A) IN GENERAL.—The Post-Deployment Health Assessment required under this subsection shall be performed by a practitioner trained and certified as qualified to participate in the performance of Post-Deployment Health Assessments or Post-Deployment Health Reassessments.

(B) REPORT ON AVAILABILITY OF TRAINED PERSONNEL.—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 the availability of personnel described under subparagraph (A) to perform assessments pursuant to this subsection at the home stations or counties of residence of members of the reserve components of the Armed Forces. If such personnel are not available at such locations, the Secretary shall indicate the additional resources necessary to ensure such availability within one year after the date of the enactment of this Act.

SA 1667. Mr. CASEY submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for the 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 214, line 12, insert ''18 months,'' after ''12 months,''.

SA 1668. Mr. GREGG submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for the 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 475, between lines 2 and 3, insert the following:

SEC. 1211. AUTHORITY TO TRANSFER DEFENSE ARTICLES AND EQUIPMENT TO ARMED FORCES OF LEBANON AND JORDAN.

Notwithstanding any other provision of law, the Secretary of Defense, in consultation with the congressional defense committees, may transfer defense articles and equipment used by the United States Armed Forces in Iraq as of the date of the enactment of this Act to the armed forces of the Governments of Lebanon and Jordan in a manner that is appropriate with the drawdown of forces in Iraq.

SA 1669. Mrs. BOXER (for herself, Mr. BOND, Ms. LANDRIEU, Ms. MURKOWSKI, Mrs. LINCOLN, Mrs. GILLIBRAND, Mr. WYDEN, Mr. BURRIS, and Mr. SCHUMER) submitted an amendment intended to be proposed by her to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for the 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, insert the following:

SEC. 713. REDUCTION OF MINIMUM DISTANCE OF TRAVEL FOR REIMBURSEMENT OF COVERED BENEFICIARIES OF THE MILITARY HEALTH CARE SYSTEM 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 the date that is 90 days after the date of the

enactment of this Act, and shall apply with respect to referrals for specialty health care made on or after such effective date.

(c) OFFSET.—The amount authorized to be appropriated by section 301(a)(4) for operation and maintenance for the Air Force is hereby decreased by $25,000,000, with the amount of the decrease to be derived from amounts available for line item # 320 in the table in section 4301 for advertising.

SA 1670. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for the 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 435, between lines 14 and 15, insert the following:

SEC. 1083. PAYMENT BY SECRETARY OF VETERANS AFFAIRS OF PLOT ALLOWANCE FOR SPOUSES AND CHILDREN OF CERTAIN VETERANS WHO ARE BURIED IN STATE CEMETERIES.

(a) PLOT ALLOWANCE.—Section 2303 of title 38, United States Code, is amended by adding at the end the following new subsection:

''(c)(1) In the case of an individual described in paragraph (2) who is buried in a cemetery that is owned by a State or by an agency or political subdivision of a State, the Secretary shall pay to such State, agency, or political subdivision the sum of $300 as a plot or interment allowance for such individual.

''(2) An individual described in this paragraph is a spouse, surviving spouse (which for purposes of this chapter includes a surviving spouse who had a subsequent remarriage), minor child (which for purposes of this chapter includes a child under 21 years of age, or under 23 years of age if pursuing a course of instruction at an approved educational institution), or, in the discretion of the Secretary, unmarried adult child of any of person described in paragraph (1), (2), (3), (4), or (7) of section 2402 of this title.''.

(b) EFFECTIVE DATE.—Subsection (c) of section 2303 of title 38, United States Code, as added by subsection (a), shall apply with respect to an individual who dies on or after the date of the enactment of this Act.

SA 1671. Mr. KYL (for himself, Mr. DEMINT, Mr. INHOFE, and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for the 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:

SEC. 1232. SENSE OF THE SENATE ON NON-STRATEGIC NUCLEAR FORCES OF THE RUSSIAN FEDERATION.

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

(1) The Congressional Commission on the Strategic Posture of the United States, chaired by former Secretaries of Defense William Perry and James Schlesinger, recently concluded that there is significant asymmetry between the tactical nuclear weapons arsenals of the Russian Federation and the United States.

(2) The Commission also determined that ''[a]s part of its strategy to assure its allies, the United States should not abandon strategic equivalency with Russia. Overall equivalence is important to many U.S. allies in Europe. The United States should not cede to Russia a posture of superiority in the name of deemphasizing nuclear weapons in U.S. military strategy. There seems no near-term prospect of such a result in the balance of operationally deployed strategic nuclear weapons.''

(3) The Commission continued, ''But that balance does not exist in non-strategic nuclear forces, where Russia enjoys a sizeable numerical advantage. As noted above, it stores thousands of these weapons in apparent support of possible military operations west of the Urals. The United States deploys a small fraction of that number in support of nuclear sharing agreements in NATO. Precise numbers for the U.S. deployments are classified but their total is only about five percent of the total at the height of the Cold War. Strict U.S.-Russian equivalence in NSNF numbers is unnecessary. But the current imbalance is stark and worrisome to some U.S. allies in Central Europe. If and as reductions continue in the number of operationally deployed strategic nuclear weapons, this imbalance will become more apparent and allies less assured.''

(4) The Commission stated, ''Some U.S. allies located closer to Russia, however, are fearful of Russia and its tactical nuclear forces. The imbalance in non-strategic nuclear weapons, which greatly favors Russia, is of rising concern and an illustration of the new challenges of strategic stability as reductions in strategic weapons proceed.''

(5) The Commission also stated, ''The combination of new warhead designs, the estimated production capability for new nuclear warheads, and precision delivery systems such as the Iskander short-range tactical ballistic missile (known as the SS-26 in the West), open up new possibilities for Russian efforts to threaten to use nuclear weapons to influence regional conflicts.''

(b) SENSE OF THE SENATE.—The Senate strongly urges the President—

(1) to make it a priority in all United States arms control negotiations with Russia to gain a verifiable accounting of the tactical nuclear weapons of Russia, including the types, current deployments, and security from theft of the same;

(2) to ensure that reductions in the tactical nuclear weapons of Russia are a top priority in any arms control negotiation with the Russian Federation; and

(3) to assure United States allies that they are protected from any use or threatened use of tactical nuclear weapons from Russia.

SA 1672. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 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 68, between lines 12 and 13, insert the following:

(6) A description of current and past sales, or contracts for the sale, by the Russian Federation of technology, materials, components, or services related to nuclear weapons or nuclear energy, ballistic missile or space launch capabilities, or advanced conventional weapons systems.

SA 1673. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 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 424, between lines 7 and 8, insert the following:

SEC. 1059. CERTIFICATION REQUIREMENT REGARDING THE REFURBISHMENT, REUSE, OR REPLACEMENT OF THE UNITED STATES NUCLEAR WEAPONS STOCKPILE.

(a) IN GENERAL.—The Secretary of Defense may not carry out any program for the refurbishment, reuse, or replacement of the United States nuclear weapons stockpile unless the Director of the Sandia National Laboratory, the Director of the Los Alamos National Laboratory, the Director of the Lawrence Livermore National Laboratory, and JASON certify to the congressional defense committees that the program—

(1) may be carried out without the need for any testing;

(2) will preserve the core intellectual and technical competencies of the United States in nuclear weapons, including weapons design, system integration, manufacturing, security, use control, reliability assessment, and certification; and

(3) will provide for the long-term safety, security, reliability, and credibility of the United States nuclear deterrent and extended deterrent.

(b) DEFINITIONS.—In this section:

(1) The term ''refurbishment'' means a strategy of, or similar to, the lifetime extension program, whereby individual warhead components are replaced before they degrade with components of nearly identical design or that meet the same form, fit, and function.

(2) The term ''reuse'' means a strategy of using surplus pits or secondaries from other warhead types or, in certain cases, a strategy involving the new manufacture of these components.

(3) The term ''replacement'' means a strategy that permits replacing nuclear components with modern designs.

SA 1674. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 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, insert the following:

SEC. 1073. REPORT ON STATUS OF UNITED STATES NUCLEAR WEAPONS COMPLEX.

(a) FINDINGS.—Congress makes the following findings:

(1) The Commission on the Strategic Posture of the United States found that ''the physical infrastructure'' of the United States nuclear weapons complex ''is in serious need of transformation.''

(2) The Commission on the Strategic Posture of the United States also found that ''the intellectual infrastructure is also in serious trouble. A major cause is the recent (and projected) decline in resources.''

(3) The Commission on the Strategic Posture of the United States stated, ''Once core capabilities are established, the Congress should require that annual NNSA budget submissions include an assessment of whether the budget as proposed will maintain these capabilities. To monitor progress, the NNSA and the White House Office of Management and Budget (OMB) should establish a formal mechanism for tracking funding sources for the weapons laboratories, without additional administrative burden on the laboratories.''

(4) The Commission on the Strategic Posture of the United States recommended, ''The NNSA should conduct a study of the core competencies needed in the weapons complex, and the Congress and Office of Management and Budget should use these as a tool for determining how to fund the NNSA.''

(b) ANNUAL REPORT.—The Secretary of Defense shall, in consultation with the directors of the national nuclear weapons laboratories and nuclear weapons production facilities and as part of the budget justification materials submitted to Congress in support of the Department of Defense budget for each fiscal year (as submitted with the budget of the President under section 1105(a) of title 31, United States Code), submit a report on the condition and status of the nuclear weapons complex of the United States. The report shall include the following elements:

(1) An assessment of whether the budget is sufficient to preserve the core intellectual and technical competencies of the United States in nuclear weapons, including weapons design, system integration, manufacturing, security, use control, reliability assessment, and certification.

(2) A description of the demographics and experience of the nuclear weapons workforce, including the number of individuals who have ever participated in an underground nuclear test.

(3) A plan for enabling the design laboratories to grow the required expertise and sustain it over the long term.

(4) An assessment of the condition and status of the national nuclear weapons laboratories and nuclear weapons production facilities.

(5) A plan to provide for the long-term safety, security, reliability, and credibility of the United States nuclear deterrent and extended deterrent.

(6) An assessment of the condition and status of the nuclear weapons production complex and the ability of the complex to sustain and modernize the nuclear deterrent.

(c) DEFINITIONS.—In this Act:

(1) The term ''national nuclear weapons laboratories'' includes Sandia National Laboratory, Los Alamos National Laboratory, and Lawrence Livermore National Laboratory.

(2) The term ''nuclear weapons production facilities'' means the Y-12 complex at Oak Ridge National Laboratory, the Savannah River Site, the Pantex Plant, the Nevada Test Site, and the Kansas City Plant.

SA 1675. Mr. FEINGOLD (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 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. 652. CONTINUATION ON ACTIVE DUTY OF RESERVE COMPONENT MEMBERS DURING PHYSICAL DISABILITY EVALUATION FOLLOWING MOBILIZATION AND DEPLOYMENT.

Section 1218 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(d)(1) The Secretary of a military department shall ensure that each member of a reserve component under the jurisdiction of the Secretary who is determined, after a mobilization and deployment to an area in which imminent danger pay is authorized under section 310 of title 37, to require evaluation for a physical or mental disability which could result in separation or retirement for disability under this chapter or placement on the temporary disability retired list or inactive status list under this chapter is retained on active duty during the disability evaluation process until such time as such member is—

''(A) cleared by appropriate authorities for continuation on active duty; or

''(B) separated, retired, or placed on the temporary disability retired list or inactive status list.

''(2)(A) A member described in paragraph (1) may request termination of active duty under such paragraph at any time during the demobilization or disability evaluation process of such member.

''(B) Upon a request under subparagraph (A), a member described in paragraph (1) shall only be released from active duty after the member receives counseling about the consequences of termination of active duty.

''(C) Each release from active duty under subparagraph (B) shall be thoroughly documented.

''(3) The requirements in paragraph (1) shall expire on the date that is five years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2010.''.

SEC. 653. USE OF LOCAL RESIDENCES FOR COMMUNITY-BASED CARE FOR CERTAIN RESERVE COMPONENT MEMBERS.

Section 1222 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(d) USE OF LOCAL RESIDENCES FOR CERTAIN RESERVE COMPONENT MEMBERS.—(1)(A) A member of a reserve component described by subparagraph (B) may be assigned to the community-based warrior transition unit located nearest to the member's permanent place of residence if residing at that location is—

''(i) medically feasible, as determined by a licensed military health care provider; and

''(ii) consistent with—

''(I) the needs of the armed forces; and

''(II) the optimal course of medical treatment of the member.

''(B) A member of a reserve component described by this subparagraph is any member remaining on active duty under section 1218(d) of this title during the period the member is on active duty under such subsection.

''(2) Nothing in this subsection shall be construed as terminating, altering, or otherwise affecting the authority of the commander of a member described in paragraph (1)(B) to order the member to perform duties consistent with the member's fitness for duty.

''(3) The Secretary concerned shall pay any reasonable expenses of transportation, lodging, and meals incurred by a member residing at the member's permanent place of residence under this subsection in connection with travel from the member's permanent place of residence to a medical facility during the period in which the member is covered by this subsection.''.

SEC. 654. ASSISTANCE WITH TRANSITIONAL BENEFITS.

(a) IN GENERAL.—Chapter 61 of title 10, United States Code, is amended by inserting after section 1218 the following new section:

''§ 1218a. Discharge or release from active duty: transition assistance

''The Secretary of a military department shall provide to a member of a reserve component under the jurisdiction of the Secretary who is injured while on active duty in the armed forces the following before such member is demobilized or separated from the armed forces:

''(1) Information on the availability of care and administrative processing through community based warrior transition units.

''(2) The location of the community based warrior transition unit located nearest to the member's permanent place of residence.

''(3) An opportunity to consult with a member of the applicable judge advocate general's corps, or other qualified legal assistance attorney, regarding the member's eligibility for compensation, disability, or other transitional benefits.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 61 of such title is amended by inserting after the item relating to section 1218 the following new item:

''1218a. Discharge or release from active duty: transition assistance.''.

SA 1676. Mr. BEGICH (for himself, Mr. SESSIONS, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 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 66, between lines 19 and 20, insert the following:

(e) COMPTROLLER GENERAL REVIEW.—The Comptroller General of the United States shall—

(1) review the assessment required by subsection (b) and the plan required by subsection (c); and

(2) not later than 120 days after receiving the assessment and the plan, provide to the congressional defense committees the results of the review.

SA 1677. Mr. BEGICH (for himself, Mr. SESSIONS, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 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 II, add the following:

SEC. 245. CONTINUED PRODUCTION OF GROUND-BASED INTERCEPTOR MISSILE AND OPERATION OF MISSILE FIELD 1 AT FORT GREELY, ALASKA.

(a) LIMITATION ON BREAK IN PRODUCTION.—The Secretary of Defense shall ensure that the Missile Defense Agency does not allow a break in production of the Ground-based Interceptor missile until the Department of Defense has—

(1) completed the Ballistic Missile Defense Review; and

(2) made a determination with respect to the number of Ground-based Interceptor missiles that will be necessary to support the service life of the Ground-based Midcourse Defense element of the Ballistic Missile Defense System.

(b) LIMITATION ON DECOMMISSIONING OF MISSILE FIELD 1.—The Secretary of Defense shall ensure that Missile Field 1 at Fort Greely, Alaska, does not complete decommissioning until seven silos have been emplaced at Missile Field 2 at Fort Greely.

(2) LIMITATION WITH RESPECT TO DISPOSITION OF SILOS AT MISSILE FIELD 2.—The Secretary of Defense shall ensure that no irreversible decision is made with respect to the disposition of operational silos at Missile Field 2 at Fort Greely, Alaska, until that date that is 60 days after the date on which the reports required by subsections (b)(3) and (c)(3) of section 243 are submitted to the congressional defense committees.

SA 1678. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 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 321, strike line 18 and all that follows through page 394, line 8 and insert the following:

SEC. 1031. REPEAL OF MILITARY COMMISSIONS.

(a) REPEAL.—

(1) IN GENERAL.—Chapter 47A of title 10, United States Code, is repealed.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters for title 10, United States Code, is amended by striking the item relating to chapter 47A.

(b) TRANSITION PROCEDURES.—

(1) DEFINITION.—In this subsection, the term ''covered matter'' means a matter—

(A) brought before a military commission convened under chapter 47A of title 10, United States Code, as in effect on the day before the date of enactment of this Act; and

(B) in which final judgment has not been entered, or the matter has not otherwise become final, on the date of enactment of this Act.

(2) DISMISSAL.—Any covered matter shall be dismissed without prejudice.

(3) STATUTE OF LIMITATIONS.—For any offense charged in a covered matter dismissed under paragraph (2), the running of the statute of limitations for that offense shall be tolled during the period beginning on the date on which charges relating to the offense were filed with a military commission convened under chapter 47A of title 10, United States Code, as in effect on the day before the date of enactment of this Act, and ending on the date of enactment of this Act.

SA 1679. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 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 435, between line 14 and 15, insert the following:

SEC. 1083. INVESTIGATIONS, AUDITS, INSPECTIONS, EVALUATIONS, AND REVIEWS CONDUCTED BY INSPECTORS GENERAL.

Section 3518(c) of title 44, United States Code, is amended—

(1) in paragraph (1), by striking ''paragraph (2)'' and inserting ''paragraph (3)'';

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following:

''(2) Notwithstanding paragraph (3), this subchapter shall not apply to the collection of information during the conduct of any investigation, audit, inspection, evaluation, or other review conducted by—

''(A) any Federal office of Inspector General, including—

''(i) any office of Inspector General of any establishment, Federal entity, or designated Federal entity as those terms are defined under sections 12(2), 8G(a)(1), and 8G(a)(2) of the Inspector General Act of 1978 (5 U.S.C. App.), respectively; or

''(ii) any office of Special Inspector General established by statute;

''(B) the Council of the Inspectors General on Integrity and Efficiency established under section 11 of the Inspector General Act of 1978 (5 U.S.C. App.); or

''(C) the Recovery Accountability and Transparency Board established under section 1521 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 289).''.

SA 1680. Mr. VOINOVICH (for himself, Mr. LEAHY, Mr. BOND, Mr. BEGICH, Mr. BENNETT, Mr. BYRD, Mr. CASEY, Mr. COCHRAN, Mr. CRAPO, Mr. DORGAN, Mrs. LINCOLN, Ms. MURKOWSKI, Mr. RISCH, Mr. ROCKEFELLER, and Mrs. SHAHEEN) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 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 XII, add the following:

SEC. 1211. AVAILABILITY OF APPROPRIATED FUNDS FOR THE STATE PARTNERSHIP PROGRAM.

(a) AVAILABILITY OF APPROPRIATED FUNDS.—The Secretary of Defense may, under regulations prescribed by the Secretary, use funds appropriated to the Department of Defense for fiscal year 2010 to pay the costs incurred by the National Guard (including the costs of pay and allowances of members of the National Guard) in conducting activities under the State Partnership Program—

(1) to support the objectives of the commander of the combatant command for the theater of operations in which such activities are conducted; or

(2) to build international civil-military partnerships and capacity on matters relating to defense and security.

(b) LIMITATIONS.—

(1) APPROVAL BY COMMANDER OF COMBATANT COMMAND AND CHIEF OF MISSION.—Funds shall not be available under subsection (a) for activities conducted under the State Partnership Program in a foreign country unless such activities are jointly approved by the commander of the combatant command concerned and the chief of mission concerned.

(2) PARTICIPATION BY MEMBERS.—Funds shall not be available under subsection (a) for the participation of a member of the National Guard in activities conducted under the State Partnership Program 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 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 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.

SA 1681. Mrs. LINCOLN (for herself, Ms. LANDRIEU, Mr. TESTER, and Mr. WYDEN) submitted an amendment intended to be proposed by her to the bill S. 1390, to authorize appropriations for fiscal year 2010 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 insert the following:

SEC. 635. TRAVEL AND TRANSPORTATION ALLOWANCES FOR MEMBERS OF THE RESERVE COMPONENTS FOR LONG DISTANCE AND CERTAIN OTHER TRAVEL TO INACTIVE DUTY TRAINING.

Section 408a(c) of title 37, United States Code, is amended by inserting after the first sentence the following: ''The regulations may not, for purposes of subsection (a), define normal commuting distance as any distance greater then 100 miles.''.

SA 1682. Mr. CONRAD (for himself, Mr. ENZI, Mr. HATCH, Mr. TESTER, Mr. BENNETT, Mr. BAUCUS, Mr. BARRASSO, and Mr. DORGAN) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 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 H of title X, add the following:

SEC. 1083. SENSE OF CONGRESS ON THE STRATEGIC IMPORTANCE OF THE INTERCONTINENTAL BALLISTIC MISSILE.

(a) FINDINGS.—Congress makes the following findings:

(1) President Barack Obama stated in his speech on April 4, 2009, in Prague, Czech Republic, on working toward a world without nuclear weapons, ''as long as these weapons exist, we will maintain a safe, secure and effective arsenal to deter any adversary, and guarantee that defense to our allies''.

(2) The Congressional Commission on the Strategic Posture of the United States

found, in the Commission's final report, that preserving the triad of strategic nuclear delivery systems is essential to ensuring the reliability and credibility of the nuclear force, and that the nuclear triad becomes even more important as the size of the nuclear force of the United States is reduced.

(3) The stabilizing, reliable, and cost-effective Minuteman III intercontinental ballistic missile is a critically important component of the nuclear triad, essential for the United States to deter its enemies, assure its allies, and dissuade potential future adversaries.

(4) The current 450-missile force, with its inherent broad dispersion, low warhead loading, and high readiness and reliability, makes a successful disarming attack nearly impossible and eliminates pressure to maintain a launch-on-warning posture.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) as the United States and Russia negotiate further reductions in strategic offensive arsenals, the United States must be certain that the long-term vitality of the triad of strategic nuclear delivery systems is not threatened;

(2) the land-based nuclear force is the most stabilizing portion of the nuclear arsenal of the United States and it becomes even more so as the total number of weapons in the arsenal shrinks; and

(3) a robust intercontinental ballistic missile force is an essential component of the nuclear triad and must be retained to advance the Nation's nuclear strategy of deterrence, assurance, and dissuasion.

SA 1683. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 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 X, add the following:

Subtitle I—Quadrennial Defense Review Matters

SEC. 1091. NATIONAL DEFENSE PANEL.

(a) ESTABLISHMENT.—There is established a bipartisan, independent panel to be known as the National Defense Panel (in this section referred to as the ''Panel'').

(b) MEMBERSHIP.—The Panel shall be composed of twelve members who are recognized experts in matters relating to the national security of the United States. The members shall be appointed as follows:

(1) Three by the chairman of the Committee on Armed Services of the House of Representatives.

(2) Three by the chairman of the Committee on Armed Services of the Senate.

(3) Three by the ranking member of the Committee on Armed Services of the House of Representatives.

(4) Three by the ranking member of the Committee on Armed Services of the Senate.

(c) CO-CHAIRS OF THE PANEL.—The chairman of the Committee on Armed Services of the House of Representatives and the chairman of the Committee of Armed Services of the Senate shall each designate one of their appointees under subsection (b) to serve as co-chair of the panel.

(d) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Panel. Any vacancy in the Panel shall be filled in the same manner as the original appointment.

(e) DUTIES.—The Panel shall—

(1) review the national defense strategy, the national military strategy, the Secretary of Defense's terms of reference, and any other materials providing the basis for, or substantial inputs to, the work of the Department of Defense on the 2009 quadrennial defense review under section 118 of title 10, United States Code (in this subsection referred to as the ''2009 QDR''), as well as the 2009 QDR itself;

(2) conduct an assessment of the assumptions, strategy, findings, costs, and risks in the report of the 2009 QDR under subsection (d) of such section, with particular attention paid to the risks described in that report;

(3) submit to the Committees on Armed Services of the Senate and House of Representatives and the Secretary an independent assessment of a variety of possible force structures of the Armed Forces, including the force structure identified in the report of the 2009 QDR, suitable to meet the requirements identified in the review required in paragraph (1);

(4) to the extent practicable, estimate the funding required by fiscal year, in constant fiscal year 2010 dollars, to organize, equip, and support the forces contemplated under the force structures included in the assessment under paragraph (3); and

(5) provide to the Committees on Armed Services of the Senate and House of Representatives and the Secretary of Defense, through the reports under subsection (g), any recommendations it considers appropriate for their consideration.

(f) FIRST MEETING.—The Panel shall hold its first meeting not later than 30 days after the date on which all appointments to the Panel under paragraphs (1), (2), (3), and (4) of subsection (b) have been made.

(g) REPORTS.—

(1) INTERIM REPORT OF PANEL.—Not later than February 15, 2010, the Panel shall submit an interim report on its findings to the Committees on Armed Services of the Senate and House of Representatives and to the Secretary of Defense.

(2) FINAL REPORT OF PANEL.—Not later than January 15, 2011, the Panel shall submit its final report, together with any recommendations, to the Committees on Armed Services of the Senate and House of Representatives and to the Secretary of Defense.

(3) REPORT OF SECRETARY OF DEFENSE.—Not later than February 15, 2011, the Secretary of Defense, after consultation with the Chairman of the Joint Chiefs of Staff, shall submit to the Committees on Armed Services of the Senate and House of Representatives the Secretary's comments on the Panel's final report under paragraph (2).

(h) INFORMATION FROM FEDERAL AGENCIES.—The Panel may secure directly from the Department of Defense and any of components of the Department such information as the Panel considers necessary to carry out its duties under this section. The Secretary of Defense and the head of the component concerned shall ensure that information requested by the Panel under this subsection is promptly provided.

(i) FFRDC SUPPORT.—Upon the request of the co-chairs of the Panel, the Secretary of Defense shall make available to the Panel the services of any federally funded research and development center that is covered by a sponsoring agreement of the Department of Defense.

(j) PERSONNEL MATTERS.—The Panel shall have the authorities provided in section 3161 of title 5, United States Code, and shall be subject to the conditions set forth in such section.

(k) PAYMENT OF PANEL EXPENSES.—Funds for activities of the Panel shall be provided from unobligated amounts available to the Department of Defense.

(l) TERMINATION.—The Panel shall terminate 45 days after the date on which the Panel submits its final report under subsection (g)(2).

SEC. 1092. REPORTS ON STATUTORY COMPLIANCE OF THE REPORT ON THE 2009 QUADRENNIAL DEFENSE REVIEW.

(a) COMPTROLLER GENERAL REPORT.—Not later than 90 days after the Secretary of Defense submits the report required by subsection (d) of section 118 of title 10, United States Code, on the 2009 quadrennial defense review required by subsection (a) of that section, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and House of Representatives and to the Secretary of Defense a report on the degree to which the report on the 2009 quadrennial defense review complies with the requirements of such subsection (d).

(b) SECRETARY OF DEFENSE REPORT.—If the Comptroller General determines that the report on the 2009 quadrennial defense review deviates significantly from the requirements of subsection (d) of section 118 of title 10, United States Code, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report addressing the areas of deviation not later than 30 days after the submittal of the report by the Comptroller General required by subsection (a).

SEC. 1093. REPORT ON THE FORCE STRUCTURE FINDINGS OF THE 2009 QUADRENNIAL DEFENSE REVIEW.

(a) IN GENERAL.—Concurrent with the delivery of the report on the 2009 quadrennial defense review required by section 118(d) of title 10, United States Code, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report with a classified annex containing—

(1) the analyses used to determine and support the findings on force structure required by such section; and

(2) a description of any changes from the 2006 quadrennial defense review to the minimum military requirements for major military capabilities.

(b) MAJOR MILITARY CAPABILITIES DEFINED.—In this section, the term ''major military capabilities'' includes any capability the Secretary determines to be a major military capability, any capability discussed in the report of the 2006 quadrennial defense review, and any capability described in paragraph (9) or (10) of section 118(d) of title 10, United States Code.

SA 1684. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 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 X, add the following:

Subtitle I—Quadrennial Defense Review Matters

SEC. 1091. NATIONAL DEFENSE PANEL.

(a) ESTABLISHMENT.—There is established a bipartisan, independent panel to be known as the National Defense Panel (in this section referred to as the ''Panel'').

(b) MEMBERSHIP.—The Panel shall be composed of twelve members who are recognized experts in matters relating to the national security of the United States. The members shall be appointed as follows:

(1) Three by the chairman of the Committee on Armed Services of the House of Representatives.

(2) Three by the chairman of the Committee on Armed Services of the Senate.

(3) Three by the ranking member of the Committee on Armed Services of the House of Representatives.

(4) Three by the ranking member of the Committee on Armed Services of the Senate.

(c) CO-CHAIRS OF THE PANEL.—The chairman of the Committee on Armed Services of the House of Representatives and the chairman of the Committee of Armed Services of the Senate shall each designate one of their appointees under subsection (b) to serve as co-chair of the panel.

(d) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Panel. Any vacancy in the Panel shall be filled in the same manner as the original appointment.

(e) DUTIES.—The Panel shall—

(1) review the national defense strategy, the national military strategy, the Secretary of Defense's terms of reference, and any other materials providing the basis for, or substantial inputs to, the work of the Department of Defense on the 2009 quadrennial defense review under section 118 of title 10, United States Code (in this subsection referred to as the ''2009 QDR''), as well as the 2009 QDR itself;

(2) conduct an assessment of the assumptions, strategy, findings, costs, and risks in the report of the 2009 QDR under subsection (d) of such section, with particular attention paid to the risks described in that report;

(3) submit to the Committees on Armed Services of the Senate and House of Representatives and the Secretary an independent assessment of a variety of possible force structures of the Armed Forces, including the force structure identified in the report of the 2009 QDR, suitable to meet the requirements identified in the review required in paragraph (1);

(4) to the extent practicable, estimate the funding required by fiscal year, in constant fiscal year 2010 dollars, to organize, equip, and support the forces contemplated under the force structures included in the assessment under paragraph (3); and

(5) provide to the Committees on Armed Services of the Senate and House of Representatives and the Secretary of Defense, through the reports under subsection (g), any recommendations it considers appropriate for their consideration.

(f) FIRST MEETING.—The Panel shall hold its first meeting not later than 30 days after the date on which all appointments to the Panel under paragraphs (1), (2), (3), and (4) of subsection (b) have been made.

(g) REPORTS.—

(1) INTERIM REPORT OF PANEL.—Not later than February 15, 2010, the Panel shall submit an interim report on its findings to the Committees on Armed Services of the Senate and House of Representatives and to the Secretary of Defense.

(2) FINAL REPORT OF PANEL.—Not later than January 15, 2011, the Panel shall submit its final report, together with any recommendations, to the Committees on Armed Services of the Senate and House of Representatives and to the Secretary of Defense.

(3) REPORT OF SECRETARY OF DEFENSE.—Not later than February 15, 2011, the Secretary of Defense, after consultation with the Chairman of the Joint Chiefs of Staff, shall submit to the Committees on Armed Services of the Senate and House of Representatives the Secretary's comments on the Panel's final report under paragraph (2).

(h) INFORMATION FROM FEDERAL AGENCIES.—The Panel may secure directly from the Department of Defense and any of components of the Department such information as the Panel considers necessary to carry out its duties under this section. The Secretary of Defense and the head of the component concerned shall ensure that information requested by the Panel under this subsection is promptly provided.

(i) FFRDC SUPPORT.—Upon the request of the co-chairs of the Panel, the Secretary of Defense shall make available to the Panel the services of any federally funded research and development center that is covered by a sponsoring agreement of the Department of Defense.

(j) PERSONNEL MATTERS.—The Panel shall have the authorities provided in section 3161 of title 5, United States Code, and shall be subject to the conditions set forth in such section.

(k) PAYMENT OF PANEL EXPENSES.—Funds for activities of the Panel shall be provided from unobligated amounts available to the Department of Defense.

(l) TERMINATION.—The Panel shall terminate 45 days after the date on which the Panel submits its final report under subsection (g)(2).

SEC. 1092. REPORTS ON STATUTORY COMPLIANCE OF THE REPORT ON THE 2009 QUADRENNIAL DEFENSE REVIEW.

(a) COMPTROLLER GENERAL REPORT.—Not later than 90 days after the Secretary of Defense submits the report required by subsection (d) of section 118 of title 10, United States Code, on the 2009 quadrennial defense review required by subsection (a) of that section, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and House of Representatives and to the Secretary of Defense a report on the degree to which the report on the 2009 quadrennial defense review complies with the requirements of such subsection (d).

(b) SECRETARY OF DEFENSE REPORT.—If the Comptroller General determines that the report on the 2009 quadrennial defense review deviates significantly from the requirements of subsection (d) of section 118 of title 10, United States Code, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report addressing the areas of deviation not later than 30 days after the submittal of the report by the Comptroller General required by subsection (a).

SEC. 1093. REPORT ON THE FORCE STRUCTURE FINDINGS OF THE 2009 QUADRENNIAL DEFENSE REVIEW.

(a) IN GENERAL.—Concurrent with the delivery of the report on the 2009 quadrennial defense review required by section 118(d) of title 10, United States Code, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report with a classified annex containing—

(1) the analyses used to determine and support the findings on force structure required by such section; and

(2) a description of any changes from the 2006 quadrennial defense review to the minimum military requirements for major military capabilities.

(b) MAJOR MILITARY CAPABILITIES DEFINED.—In this section, the term ''major military capabilities'' includes any capability the Secretary determines to be a major military capability, any capability discussed in the report of the 2006 quadrennial defense review, and any capability described in paragraph (9) or (10) of section 118(d) of title 10, United States Code.

SA 1685. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 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 appropriate place, insert the following:

SEC. _____. HATE CRIMES.

(a) FINDINGS.—Notwithstanding any other provision of this Act, any finding by Congress in division _____ of this Act relating to actual or perceived gender identity shall have no force or effect and shall be null and void.

(b) SUPPORT FOR CRIMINAL INVESTIGATIONS AND PROSECUTIONS.—Notwithstanding any other provision of this Act, the Attorney General may not provide assistance to a State, local, or tribal law enforcement agency under section ___04 of this Act based on actual or perceived gender identity.

(c) FEDERAL OFFENSE.—Notwithstanding any other provision of this Act, section 924 of title 18, United States Code, as added by section ___07 of this Act, is amended—

(1) in subsection (a)(2)—

(A) in the paragraph heading, by striking ''GENDER IDENTITY,''; and

(B) in subparagraph (A), by striking ''gender identity''; and

(2) in subsection (c)—

(A) in paragraph (2), by adding ''and'' at the end;

(B) in paragraph (3), by striking ''; and'' and inserting a period; and

(C) by striking paragraph (4).

(d) STATISTICS.—Notwithstanding any other provision of this Act, subsection (b)(1) of the first section of the Hate Crime Statistics Act (28 U.S.C. 534 note), as amended by section ___08 of this Act, is amended by striking ''and gender identity''.

(e) RULE OF CONSTRUCTION.—Notwithstanding any other provision of this Act, division ____ of this Act (relating to hate crimes), and the amendments made by that division, shall not apply to actual or perceived gender identity.

SA 1686. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 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 appropriate place, insert the following:

SEC. ___. AUDIT REFORM AND TRANSPARENCY FOR THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

(a) IN GENERAL.—Subsection (b) of section 714 of title 31, United States Code, is amended by striking all after ''shall audit an agency'' and inserting a period.

(b) AUDIT.—Section 714 of title 31, United States Code, is amended by adding at the end the following new subsection:

''(e) AUDIT AND REPORT OF THE FEDERAL RESERVE SYSTEM.—

''(1) IN GENERAL.—The audit of the Board of Governors of the Federal Reserve System and the Federal reserve banks under subsection (b) shall be completed before the end of 2010.

''(2) REPORT.—

''(A) REQUIRED.—A report on the audit referred to in paragraph (1) shall be submitted by the Comptroller General to the Congress before the end of the 90-day period beginning on the date on which such audit is completed

and made available to the Speaker of the House, the majority and minority leaders of the House of Representatives, the majority and minority leaders of the Senate, the Chairman and Ranking Member of the committee and each subcommittee of jurisdiction in the House of Representatives and the Senate, and any other Member of Congress who requests it.

''(B) CONTENTS.—The report under subparagraph (A) shall include a detailed description of the findings and conclusion of the Comptroller General with respect to the audit that is the subject of the report, together with such recommendations for legislative or administrative action as the Comptroller General may determine to be appropriate.''.

SA 1687. Mr. MENENDEZ (for himself and Mr. CORKER) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 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 475, between lines 2 and 3, insert the following:

SEC. 1211. CERTIFICATION REQUIREMENT FOR COALITION SUPPORT FUND REIMBURSEMENTS.

Section 1232(b) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 392), as amended by section 1217 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4634), is amended—

(1) in paragraph (1)(A), by striking ''the Secretary of Defense shall submit'' and inserting ''the Secretary of Defense, after consultation with the Secretary of State, shall submit''; and

(2) in paragraph (2)—

(A) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively, and indenting each clause, as so redesignated, 6 ems from the left margin;

(B) by striking ''shall include an itemized description'' and inserting the following: ''shall include the following:

''(A) An itemized description''; and

(C) by adding at the end the following new subparagraph:

''(B) A certification that the reimbursement—

''(i) is consistent with the national security interests of the United States; and

''(ii) will not adversely impact the balance of power in the region.''.

SA 1688. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 1390, to authorize appropriations for fiscal year 2010 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 H of title X, add the following:

SEC. 1083. CONTRACTING IMPROVEMENTS.

(a) DEFINITIONS.—In this section—

(1) the terms ''Administration'' and ''Administrator'' mean the Small Business Administration and the Administrator thereof, respectively; and

(2) the terms ''HUBZone small business concern'', ''small business concern'', ''small business concern owned and controlled by service-disabled veterans'', and ''small business concern owned and controlled by women'' have the same meanings as in section 3 of the Small Business Act (15 U.S.C. 632).

(b) CONTRACTING OPPORTUNITIES.—Section 31(b)(2)(B) of the Small Business Act (15 U.S.C. 657a(b)(2)(B)) is amended by striking ''shall'' and inserting ''may''.

(c) CONTRACTING GOALS.—Section 15(g)(1) of the Small Business Act (15 U.S.C. 644(g)(1)) is amended in the fourth sentence by inserting ''and subcontract'' after ''not less than 3 percent of the total value of all prime contract''.

(d) MENTOR-PROTEGE PROGRAMS.—The Administrator may establish mentor-protege programs for small business concerns owned and controlled by service-disabled veterans, small business concerns owned and controlled by women, and HUBZone small business concerns modeled on the mentor-protege program of the Administration for small business concerns participating in programs under section 8(a) of the Small Business Act (15 U.S.C. 637(a)).

SA 1689. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 1390, to authorize appropriations for fiscal year 2010 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. 1073. REPORT ON DOCUMENTATION OF SUPPORT PROVIDED BY MEMBERS OF THE ARMED FORCES OUTSIDE THE REQUIREMENTS OF THEIR MILITARY OCCUPATIONS.

(a) IN GENERAL.—Not later than March 31, 2010, 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 documentation of the support provided by members of the Armed Forces while deployed in support of contingency operations that is provided—

(1) as a result of operational requirements; and

(2) outside of the requirements of their military occupations.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An assessment of the mechanisms used by the Secretary, if any, to document the support provided by members of the Armed Forces while deployed in support of contingency operations that is provided as a result of operational requirements and outside of the requirements of their military occupations, including documentation of participation in operational missions that involve combat experience.

(2) Recommendations for the improvement or creation of mechanisms described in paragraph (1).

(3) An assessment of the feasibility and advisability of creating and implementing an experience, service, or skill identifier to identify the support described in paragraph (1).

(4) An assessment of whether such identifier could be used effectively and efficiently for the provision of training and assignment matching.

(5) An assessment of whether the current chain of command construct allows members described in paragraph (1) who provide support described in such paragraph sufficient opportunity to obtain recognition for their service.

(6) An identification of the differences between service in the reserve components of the Armed Forces and service in the regular components of the Armed Forces and how those differences affect the matters described in paragraphs (1) through (5).

(7) An assessment of how a mechanism described in paragraph (1) could be used to improve determinations of whether a member of the Armed Forces has, for purposes of establishing service-connection for a disease or injury under section 1154(b) of title 38, United States Code, engaged in combat with the enemy in active service with a military, naval, or air organization of the United States during a period of war, campaign, or expedition.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the Public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Tuesday, July 28, 2009, at 10 a.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to consider the nominations of James J. Markowsky, to be an Assistant Secretary of Energy (Fossil Energy), Warren F. Miller, Jr., to be an Assistant Secretary of Energy (Nuclear Energy) and Director of the Office of Civilian Radioactive Waste, Anthony M. Babauta, to be an Assistant Secretary of the Interior (Insular Areas), and Jonathan B. Jarvis, to be the Director of the National Park Service.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by e-mail to *Amanda*_kelly@energy.senate.gov.

For further information, please contact Sam Fowler at (202) 224–7571 or Amanda Kelly at (202) 224–6836.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a business meeting has been scheduled before Committee on Energy and Natural Resources. The business meeting will be held on Tuesday, July 28, 2009, at 10 a.m., in room SD–366 of the Dirksen Senate Office Building, immediately preceding the hearing on other nominations.

The purpose of the business meeting is to consider pending nominations.

For further information, please contact Sam Fowler at (202) 224–7571 or Amanda Kelly at (202) 224–6836.

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 Tuesday, July 21, 2009, in Russell 253, at 2:30 p.m.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate to conduct a hearing on Tuesday, July 21, at 10 a.m., in room SD–366 of the Dirksen Senate Office Building.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS AND SUBCOMMITTEE ON GREEN JOBS AND THE NEW ECONOMY

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works and the Subcommittee on Green Jobs and the New Economy be authorized to meet during the session of the Senate on Tuesday, July 21, 2009, at 10 a.m., in room SD–406 of the 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 Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, July 21, 2009, at 10:15 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 Tuesday, July 21, 2009, at 2:15 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 Tuesday, July 21, 2009, to hold a hearing entitled ''The National Security Implications of Climate Change.''

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

COMMITTEE ON THE JUDICIARY

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on July 21, 2009, at 10 a.m., in SH–216 of the Hart Senate Office Building.

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

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Tuesday, July 21, at 2:30 p.m., to conduct a hearing entitled, ''Excessive Speculation in the Wheat Market.''

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. LEVIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on July 21, 2009, at 2:30 p.m.

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

SUBCOMMITTEE ON IMMIGRATION, REFUGEES, AND BORDER SECURITY

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Immigration, Refugees, and Border Security, be authorized to meet during the session of the Senate, on July 21, 2009, at 2:15 pm, in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Ensuring a Legal Workforce: What Changes Should be Made to Our Current Employment Verification System?''

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

PRIVILEGES OF THE FLOOR

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the Army fellow in my office, David Evans, be granted the privileges of the floor during consideration of this bill.

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

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that Lea Shanley, a congressional science fellow in my office, be granted the privilege of the floor for the duration of my statement.

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

COURT OF IMPEACHMENT FLOOR PRIVILEGES

Mr. BROWN. Mr. President, I ask unanimous consent that when the Senate convenes as a Court of Impeachment with regard to the case of Samuel B. Kent, the following list of staff from the House of Representatives be provided floor privileges during those proceedings.

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

Mr. BROWN. I send the list to the desk.

The list is as follows:

Phil Tahtakran, Branden Ritchie, Ryan Clough, Michael Lenn, Danielle Brown, Alan Baron, Allison Halataei, Jessica Klein, and Kirsten Konar.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, pursuant to Public Law 111–25, announces the appointment of the following individuals to serve as members of the Ronald Reagan Centennial Commission: Sig Rogich of Nevada and Frank Fahrenkoph of Nevada.

MAKING MINORITY PARTY APPOINTMENTS

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 218, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 218) making minority party appointments to the 111th Congress.

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

Mr. BROWN. Mr. President, I ask unanimous consent that the resolution 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. 218) was agreed to, as follows:

S. RES. 218

Resolved, That the following be the minority membership on the following committees for the remainder of the 111th Congress, or until their successors ar appointed:

COMMITTEE ON AGRICULTURE NUTRITION AND FORESTRY: Mr. Chambliss, Mr. Lugar, Mr. Cochran, Mr. McConnell, Mr. Roberts, Mr. Johanns, Mr. Grassley, Mr. Thune, and Mr. Cornyn.

COMMITTEE ON FOREIGN RELATIONS: Mr. Lugar, Mr. Corker, Mr. Isakson, Mr. Risch, Mr. DeMint, Mr. Barrasso, Mr. Wicker, and Mr. Inhofe.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS: Ms. Collins, Mr. Coburn, Mr. McCain, Mr. Voinovich, Mr. Ensign, Mr. Graham, and Mr. Bennett.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP: Ms. Snowe, Mr. Bond, Mr. Vitter, Mr. Thune, Mr. Enzi, Mr. Isakson, Mr. Wicker, and Mr. Risch.

SPECIAL COMMITTEE ON AGING: Mr. Martinez, Mr. Shelby, Ms. Collins, Mr. Corker, Mr. Hatch, Mr. Brownback, Mr. Graham, and Mr. Chambliss.

40TH ANNIVERSARY OF THE FOOD AND NUTRITION SERVICE

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 164, at the desk and just received from the House.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 164) recognizing the 40th anniversary of the Food and Nutrition Service of the Department of Agriculture.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. BROWN. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, and that any statements relating to the concurrent resolution be printed in the RECORD, without intervening action or debate.

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

The concurrent resolution (H. Con. Res. 164) was agreed to.

The preamble was agreed to.

S. 1390 AMENDMENT FILING DEADLINE

Mr. BROWN. Mr. President, for the information of the Senate, the managers of the Department of Defense authorization measure have asked for a filing deadline of first-degree amendments to the bill. While no consent will be granted tonight, it is expected that tomorrow morning unanimous consent will be requested for a filing deadline of 11 a.m., Wednesday, July 22.

NEW FRONTIER CONGRESSIONAL GOLD MEDAL ACT

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2245, which was received from the House.

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

The legislative clerk read as follows:

A bill (H.R. 2245) to authorize the President, in conjunction with the 40th anniversary of the historic and first lunar landing by humans in 1969, to award gold medals on behalf of the United States Congress to Neil A. Armstrong, the first human to walk on the moon; Edwin E. ''Buzz'' Aldrin, Jr., the pilot of the lunar module and second person to walk on the moon; Michael Collins, the pilot of their Apollo 11 mission's command module; and, the first American to orbit the Earth, John Herschel Glenn, Jr.

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

Mr. BROWN. Mr. President, I would note that of the four names the clerk read—those four national heroes—two of them are from Ohio, Neil Armstrong and John Glenn.

Mr. BROWN. Mr. President, I ask unanimous consent that the bill be read three times, passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

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

The bill (H.R. 2245) was ordered to a third reading, was read the third time, and passed.

ORDERS FOR WEDNESDAY, JULY 22, 2009

Mr. BROWN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. tomorrow, Wednesday, July 22; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of Calendar No. 89, S. 1390, the Department of Defense authorization bill, as provided for under the previous order.

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

PROGRAM

Mr. BROWN. Mr. President, under the previous order, the time until 12 o'clock will be equally divided and controlled between Senators THUNE and DURBIN or their designees. At 12 o'clock, the Senate will proceed to a rollcall vote in relation to the Thune amendment. Additional rollcall votes are expected throughout the day.

As a reminder, at 2 p.m. tomorrow, there will be a live quorum with respect to the Court of Impeachment of Samuel B. Kent.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BROWN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:40 p.m., adjourned until Wednesday, July 22, 2009, at 9:30 a.m.