The Senate met at 9:30 a.m. and was called to order by the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire.

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

Let us pray.

Eternal Father, who cares for us all, we praise You for Your wisdom and might. Thank You for Your word that guides us, for Your creation that sustains us and for Your redemption that saves us.

Place us on the paths that lead to abundant living. Today, strengthen and inspire our lawmakers. Empower them to dedicate their lives to Your service. Enlist them in the ranks of those who love You without ceasing and serve You without fail. Give them the wisdom to change the bad to good and the good to better.

Help us all to be grateful for the blessings and benefits You benevolently bestow upon us.

We pray in Your marvelous Name. Amen.

PLEDGE OF ALLEGIANCE
The Honorable John E. Sununu led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE
The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. Stevens).

The legislative clerk read the following letter:

U.S. Senate, President pro tempore, Washington, DC, August 3, 2006.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable John E. Sununu, a Senator from the State of New Hampshire, to perform the duties of the Chair.

Ted Stevens, President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER
The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE
Mr. Frist. Mr. President, in a few minutes, we will return to the Department of Defense appropriations bill. We have several votes on amendments and the two managers were able to work out language on a number of other amendments that were agreed to by consent. I expect another full day on the Defense bill, with votes on amendments, as necessary. We will remain in session later into the evening to finish the appropriations bill tonight. That is the goal. The two managers have patiently waited for Senators to bring their amendments forward. I would counsel them to bring the bill to a close if Senators are not prepared to come down and offer their amendments. Again, the managers are doing a superb job. We need to get Members to move ahead with their amendments and make sure they are appropriately offered.

Last night I filed a cloture motion on the motion to proceed to the Family Prosperity Act, which is the death tax, the minimum wage, and the extenders package. That vote will occur tomorrow morning, unless we can finish the Defense bill earlier and we can get an agreement to change the timing of that cloture vote.

Therefore, I encourage Members to remain available for the next 24 to 48 hours as we consider these two important measures, along with a very important pension bill which we must act upon before we leave.

Let me turn to the Democratic leader briefly. Scheduling-wise, we have a busy day, a lot today and tomorrow. I have a couple of things I want to discuss, including commenting on the bill for tomorrow morning and also trying to go to the child custody protection.

Anything else on the schedule to address?

Mr. Reid. No.

UNANIMOUS CONSENT REQUEST—H.R. 748
Mr. Frist. Mr. President, let me go to the Child Custody Protection Act. This is a bill that earlier this week I asked unanimous consent to go to conference on, a bill we passed last week with strong bipartisan support, 63 to 34. The assistant Democratic leader objected to this request on the grounds
that he wanted assurance that language offered in an amendment by Senator BOXER would be retained. He was referring to the Senate agreement to on that bill. This amendment clarifies that a father who victimized his daughter by incest would not be able to transport her across State lines for an abortion or to sue anyone who did. This amendment offered by Senator BOXER and cosponsored by Senator FEINSTEIN passed the Senate 98 to 0. I obviously voted for it. It improved the bill. I fully support the amendment.

To accommodate the concern that was expressed, I pledged I will not support a conference report or any consideration I support it. However, there are Senators on this side of the aisle who do not. Senator BOXER appreciates the assurance that has been given to her through the public statement of the leader. She has heard from others that does not have the time to go through all the procedural methods that can be taken. She request will be met. I trust that by addressing his stated concern we will be able to move forward.

If now ask for unanimous consent the Senate proceed to consideration of H.R. 748, provided that all after the enacting clause be stricken, and the text of S. 403 be inserted in lieu thereof, the bill then be read the third time and passed, the Senate insist on its amendment a conference with the House, and the chair be authorized to appoint conferences with the ratio of 3 to 2.

Mr. REID. Reserving the right to object, first of all, I voted for this legislation. I support it. However, there are Senators on this side of the aisle who do not. Senator BOXER appreciates the assurance that has been given to her through the public statement of the leader. She has heard from others that does not have the time to go through all the procedural methods that can be taken. She request will be met. I trust that by addressing his stated concern we will be able to move forward.

Mr. ENSIGN. Mr. President, the Child Custody Protection Act is an important piece of legislation. During the debate, we heard from people from around the country that this is an important piece of legislation, and they want to see it move forward. We had heard that neither side of the aisle would cooperate with the other side. During the child custody debate, we cooperated. There was an agreement between the leaders. We had a certain number of amendments. The debate, which was on a very emotional issue, was cooperative. Even though we disagreed on the issue, there was cooperation. I worked with Senator BOXER on the amendment. We had several amendments. We ended up getting it down to basically a Boxer-Ensinger amendment that strongly improved the bill. I asked her if she wanted a voice vote on the bill. She said no, she wanted a recorded vote to make sure it stayed in conference. I told her, that is great, we will have a recorded vote. She wanted that recorded vote to stay in conference indicated to me that there would be cooperation to go to conference. We had a recorded vote. It is an amendment I feel strongly about and want to see it stay in the bill in conference. To now block, via a parliamentary move, an important piece of legislation simply because we are at the end of a session and the other side knows we do not have the time to go through all the procedures is outrageous, especially because this Senate operates with some kind of collegiality. When you are cooperating, you should cooperate.

There were accusations made that we should not bring up this legislation because we do not have the time and we should be talking about more important issues. What is the other side is doing, by some Senators blocking this, is saying you should spend more time on this issue. If they were truly genuine in what they were saying, that we should not spend too much time on this issue, then let’s go to it. It is a simple unanimous consent agreement that does not take any more floor time. It is done, it is done. We are done with this bill, and we can go to conference and work out the differences. We will strongly support the Senate side the way the bill came out of the Senate. There may be some small changes that we make in conference, but the bottom line is we should move forward with this legislation.

The instructions being put out by the other side are wrong. I hope the American people can get involved and let their Senators know they are unhappy about it. I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, one final issue to address is with regard to tomorrow’s vote on the Family Prosperity Act. Tomorrow, we will be voting on whether to proceed to the consideration of the Family Prosperity Act, which is the compromise—I emphasize compromise—permanent solution to the death tax; second, extending important tax provisions such as college tuition deductions, research and development, sales tax deductibility; and, third, raising the minimum wage with a 40-percent increase.

This Senate will decide tomorrow whether these issues are sufficiently important to move across this country, are paying attention or whether they are not sufficiently important to bring to the Senate. That is what this vote is all about.

A “yes” vote tomorrow morning is an important vote. I made it very clear that I will not support it. I made it clear this is a package and we will move to proceed to them as such. Each Senator will, of course, be accountable to their constituents over the recess for how they vote, either with the American family or against the American family.

Earlier this week, one of my distinguished colleagues came to the Senate and quoted President Truman and his whistletstop campaign and the “do nothing Congress.” Why? Because my colleague does not believe the issues addressed in this particular bill, the Family Prosperity Act, are matters of importance to the American people. Some do not believe eliminating the death tax is important to the American people, some do not believe extending tax relief is important to the American people, and some do not believe raising the minimum wage is important to the American people.

Yet the majority of the American people believe each one of these issues is important and does deserve consideration. If you look at the permanent death tax, roughly 70 percent of Americans support repeal of the death tax. This is not repeal. We thought that to the floor and we got 55 votes, so we are moving in that direction, but that is not sufficient. So we have a compromise permanent solution. This is an issue that touches the lives and livelihoods of Americans from Washington, DC, to Washington State.

Back home in Tennessee, Ann Bennett’s family has farmed the same piece of land in Kingsport for the past 70 years for one generation and the other. Those generations make it a total of 130 years. Already, they have paid over $100,000 in death taxes so her father could inherit the farm from his father. When Ann’s father passes on, Ann...
and her sisters have to come up with $2 million just to hold on to that family farm.

At its core, the death tax is a cruel and unfair burden inflicted on America’s small businesses, on farmers, and on families like the family in my story. It is a time of earning and pain. It punishes everyday Americans such as Bennett by forcing them to give up businesses that their loved ones worked their entire lives to build and to pass on.

While they are farming or ranching or construction, they are all capital intensive, they are all labor intensive. But the cost of passing these enterprises on to future generations in one piece is often prohibitive.

Partly as a result of the death tax, about 90 percent of family businesses don’t survive for a third generation.

Even those who manage to pass their family business on are adversely affected. Instead of spending money to innovate—to grow their businesses or to invest in new jobs that help our economy—they pay the Federal Government.

We have allowed time to address many pressing issues already this Congress. We have acted. We have done something.

And now it is time for us to do something about the death tax. It was imposed as a temporary measure during World War I. But since then it’s managed to wedge its way tightly into our Tax Code.

Americans have waited long enough for Congress to take the death tax burden off their backs with a permanent solution that’s fair and efficient.

Similarly, for nearly 20 years Tennesseans waited for Congress to restore State sales tax deductibility. It is one of the provisions in the so-called “tax extender” that Congress and President Bush acted in 2004 to restore the State sales tax deductibility. It is one of the provisions in the so-called “tax extender” that Congress and President Bush acted in 2004 to restore the State sales tax deductibility—and to restore fairness to Federal tax policy.

But the provision expired last year—and more than 640,000 Tennessee families will suffer if the tax relief isn’t extended. That is unacceptable.

The State and local sales tax deduction is just 1 of more than 20 tax policy extensions included in the Family Prosperity Act.

These extensions will keep taxes low, helping Americans find and keep work. They help families tackle the increasing cost of living. And they strengthen the economy by keeping the spirit of hardworking Americans everywhere.

To me, that is important.

The final piece of the Family Prosperity Act increases the minimum wage. Specifically, it raises the minimum wage rate $2.10 over 36 months in three increments of 70 cents. That is a 40 percent increase in the minimum wage.

It includes a tip credit provision that protects employees wages at their current level. In the seven States where there is no tip credit, this bill would allow the credit to apply only against future State increases in the minimum wage.

It would not result in any workers’ wages being lowered. Some have said otherwise, but that is simply not the case—and colleagues should not be misled by opponents of this bill into believing something that is simply not true.

For young workers entering the job market for the first time—the minimum wage hike is welcome news. We’re helping them meet the increasing cost of day-to-day living.

As I said earlier this week, this—the Family Prosperity Act—is the last chance—the last chance—the Senate will have during the 109th Congress to give these workers a boost.

There will always be new, emerging challenges to address here on the Senate floor. And it is our responsibility to address them—to deliver effective solutions in a timely manner.

But it is also our responsibility to address those challenges that compound over time—the challenges and burdens that develop slowly and affect Americans with latent urgency.

The death tax is one of those issues, So are tax relief extenders and raising the minimum wage.

That is why we are taking up the death tax once again. That is why we are extending key tax relief provisions for other 2 years. And that is why we are raising the minimum wage.

We are not “doing nothing.” We are doing something—about issues that concern hardworking Americans across the Nation.

Mr. REID. Mr. President, I try to read the newspapers very well every day. I am one who reads the editorials. I read people such as E.J. Dionne, who represents important, progressive viewpoints. But I also read Robert Novak. That may surprise someone, but I read Robert Novak’s column whenever it appears. It may also surprise people to know that I am a friend of Robert Novak. I don’t agree with him much of the time, but some of the time I do.

I want to start my presentation this morning following the suggestion made by the majority leader. In papers today all over the country is the column of Robert Novak. Among other things, he said—and I quoted these proposals we have before us that the leader says is our last chance—because of this ‘Republicans cast doubt on what they really believe.’

He goes on to say, among other things, that I am one of the subcommittee chairman—we all know that is Chairman Thomas—’overpowering Congress connotes weak leadership in both the House and the Senate and a President detached from legislative activity.’

I could say it better myself. I give that to Bob Novak.

He goes on to say that Thomas, last week, combined them with the extenders bill—minimum wage and estate tax legislation.

He went on to say: Arrogant, acerbic and authoritarian, the chairman was going out with a bravura performance (refusing to walk across the Capitol to meet with Senator Paul Wellstone).

He refused to come to the Dirksen building.

He said further:

Last week Senators cooled their heels for hours while waiting for Thomas and other House Members to attend a meeting.

And among other things, he said, ‘But Grassley’—Chairman of the Finance Committee here in the Senate—‘was undercut by Senate Majority Leader Bill Frist’s support of the Thomson plan.’

As a young man I had my first trip to New York City. That is a long way from Searchlight. But I was there among the great big buildings. I was fascinated by some people on the street. They had little containers on a table there. They were asking people for a few cents to find out where the money was. I watched that. I watched people come up and give them money. It was magic. It was a shell game. I had never seen one before. The guy in the shell game never let me know how he did it. He would move those things around right in front of us. And when you picked it up, it wasn’t there.

That is what we have going on here. This is a shell game with fancy names such as the Family Prosperity Act’—Is that something similar to the Clear Skies initiative that pollutes our skies? Is that something similar to Leave No Child Behind but leaves all of our children behind? Is that something similar to the budget deficit reduction plan which increased the deficit? This is a shell game. I am going to have a more complete statement before we vote on this.

I wish to make a couple of comments regarding my distinguished colleague’s argument. He gives the name of somebody on a farm.

One of the sitting Senators from the State of California, with 35 million people—California feeds most of America and other parts of the world. It is the agricultural capital of the world, the great Imperial Valley and other places in California that produce wonderful fruits and vegetables.

The Farm Bureau, which supports passage of the renewal of the estate tax for reasons no one can understand because the California Senator asked the head of National Farm Bureau: During the past 10 years, give me the name of a farmer or farmers or ranchers who lost their farms as a result of the estate tax. Zero. Not one. Why? Because I will bet every Democratic Senator thinks we should do something to change the estate tax a little bit.

When I was in law school, the ceiling was $60,000. It is now $2.5 million—wha? It is, an escalating level, but it is a lot more than it was then.

I am terribly disappointed with the situation we have in the Senate today.
This should have been the day we were doing our victory laps prior to going home for the August recess. We should have felt good. I felt good. We were finally going to be able to do something about coastal erosion, to restore the coasts, especially around New Orleans. I have been about this, and Senator Stevens, our twice chairman of the Environment and Public Works Committee. We finally had an opportunity, and what do we do? We should be leaving feeling good. We should feel good today about what we have done. We have the pension bill, which directly affects 45 million people and indirectly affects 145 million Americans. It was done. It was signed.

That is what Robert Novak is talking about. It was done—the pension bill was done. It had the extender on it.

That is when Chairman Thomas, as indicated here, showed that he could outsmart the House leadership and the Senate leadership. And as indicated here, Grassley was undercut by Senate Majority Leader Bill Frist in supporting the Thomas plan.

It was all done. It would have taken an hour here. The extender would have been done, and the pension bill would have been completed. It was done, agreed upon by the House and Senate conference.

We should have been leaving today feeling so good about that. We should be leaving today feeling good about having given the money to our beleaguered troops, which is so badly needed.

We learned this week that a month ago the President got a message from his generals that the war machine was worn out. They wanted $17 billion—yesterday—to refurbish the fighting forces we have. Our valiant soldiers are fighting, but they are doing it with equipment that needs repair.

We received a day later from the head of the National Guard that they are underfunded by $34 billion. The Nevada National Guard followed up by saying, as a number of our Guard around the country said—a lot of our equipment is still in Iraq.

We should have left feeling that we had completed work on the Military Construction bill and the Defense appropriations bill. But no; we have been jammed into this situation that we have here today.

Of course, we should have felt good about these extenders that now we have been threatened: We are not going to do them all—which we know we will do before we leave. We are going to do the—

"This should not be called the ‘trifecta’ bill—as it has been referred to too often by my friends in the majority—but the ‘defecta’ bill. The minimum wage issue is absolutely so hard to comprehend. The knowing Robert Novak talks about it, the Republicans hate the minimum wage. He is the mouth of the conservatives. He says Republicans hate the minimum wage. And they give us a bill so they can say ‘minimum wage’—but it is a pay cut for people in seven States. Then it is spread out over 3 years. They couldn’t bring themselves to do a pay increase right away.

The very word ‘defecta’ used to be a psychological word. It was used to describe this man in the world is named Warren Buffett. He has more money than all of the Saudi princes. He has $34 billion in the bank, cash money. He is opposed to repealing the estate tax.

Bill Gates of Microsoft—he and his father are opposed to repealing the estate tax.

What I say about the ‘defecta’ bill is that let us vote on the motion to proceed right now—right now. Set it up and make it so each side will have half an hour of debate on it. Let us vote on the motion to proceed right now. We don’t need to wait until tomorrow morning. We are ready to do it right now, so that we can get to work on the Defense bill, so that we can do the extenders; otherwise, we are just churning time. Let us vote on it.

The Family Prosperity Act is for 8,100 in this country. It really is. That is how many this applies to with repeal of the estate tax—8,100 of the richest of the rich.

It is time to put the charade to bed. We are ready to end this circus. Let us have the cloture vote now so we can get on with the business of the American people. The Senate has already spent far too much time on the No. 1 priority of the Republicans. The road to ‘legislative heaven’ of the Republicans is the estate tax repeal.

We have spent more time on this issue in this do-nothing Congress than anything else—even more time than we have spent on our troops in Iraq—on 8,100 families. Is this the legacy of the Republican majority, to spend all of our time on repealing the estate tax and threatening—threatening—Democratic Senators, Republican Senators, and the American people: Either do it with the ‘defecta’ bill or we are not going to do anything?

We need to vote. We need a new direction in this country, and it should start right now.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll. The legislative clerk proceeded to call the roll.

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

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

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.
the heading “RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY”, up to $8,000,000 may be available for the Advanced Tank Armament System.

**AMENDMENT NO. 4977**

(Purpose: To make available from Research, Development, Test and Evaluation, Army, up to $1,000,000 for the development of a Lightweight All Terrain Vehicle) At the end of title VIII, add the following:

S 809. Of the amount appropriated or otherwise made available by title IV under the heading “RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY”, up to $1,000,000 may be available for the development of a Lightweight All Terrain Vehicle (LATV).

At the end of title VIII, add the following:

S 8109. Of the amount appropriated or otherwise made available by title VI under the heading “DEFENSE HEALTH PROGRAM”, up to $500,000 may be available for a pilot program on troops to nurse teachers.

**AMENDMENT NO. 4981**

(Purpose: To clarify the treatment of Committee report guidance on certain projects) On page 180, beginning on line 2, strike “, and” and add all that follows through line 4 and insert a period.

Mr. STEVENS. Madam President, we have a long day ahead of us. I again want to state that the Parliamentarian has submitted an opinion regarding the application of rule XVI to quite a few amendments. In order to not be discriminatory, it is my intention to raise rule XVI in any instance in which the Parliamentarian says it would apply, and I think Senators ought to be on notice to that effect.

There is a whole series of amendments that are being presented today. I believe we will have a considerable number of votes today. I wish to point out to the Senate that Senator INOUYE and I have now reproduced a trillion from various projects and equipment accounts that we have already approved for the Department of Defense for this fiscal year. Those requests were made to obtain more money to cover the costs of the military pay and allowances and the costs associated with rotation of our military force in and out of Iraq and Afghanistan.

That means within the next few weeks there is going to be a shutdown on many contracts throughout the United States. I am very close to the occupant of the chair, the distinguished Senator from the same State I represent, we had that happen at Fort Greely when the supplemental was not approved in time, with considerable disruption to the working people who were working on projects at Fort Greely. Some of them have been resumed, but the tempo that was in place could not be picked up because of the problem of financing the Department of Defense during this period. So I want Members to be on notice. If this bill is not completed and signed by the President and delivered to the Secretary of Defense before September 30, there will be even more of these notices of delay, which lead to unemployment, lead to considerable increase in costs.

There is no reason this bill should be delayed. This bill has to be sent to the President before the end of the fiscal year and timed, as a matter of fact, so the Secretary of Defense has the authority to release the money immediately on the first of October. I urge the Senate to consider the welfare of these people and women who represent us now in 120 countries throughout the world. We have men and women in uniform who depend upon this.

As delays occur—we know what has just happened to the Stryker Brigade from our State. They were ready to come back. Two days from the time they were scheduled to come back, they were delayed. Their personal equipment had been sent home. Their families had bought tickets to go meet their loved ones as they came into the depot. They planned vacations and some time off with their families. Reservations were made. The Department has said they are going to try to compensate those people to the extent possible, but all of those are delays which were caused by lack of funding.

Now, I think the Senate cannot be in the position of not passing this bill before we go home. If we do so, I can tell Members of the Senate, they are going to get the kind of complaints Senator MURkowski and I have gotten from the families of the Stryker Brigade. And they are legitimate complaints. The problem is, there is nothing we can do about it.

I do think it is incumbent upon us to concentrate on this bill today and again, I serve notice that rule XVI will be applied to any amendment the Parliamentarian says violates that rule.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Madam President, is there an amendment pending at this time?

The PRESIDING OFFICER. The Kennedy amendment is pending.

Mr. COBURN. Madam President, I ask unanimous consent that amendment be set aside.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

**AMENDMENT NO. 4787**

Mr. COBURN. Madam President, I call up amendment No. 4787.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 4787.

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

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

The amendment is as follows:

(Purpose: To limit the funds available to the Department of Defense for expenses relating to conferences) At the appropriate place, insert the following:

SEC. 807. The aggregate amount available in this Act for expenses of the Department of Defense relating to conferences in fiscal year 2007, including expenses relating to conference programs, staff, travel costs, and other conference matters, may not exceed $700,000.

Mr. COBURN. Madam President, this is a fairly straightforward amendment. One of the things that is happening is that we are borrowing a lot of money every year from our kids and our grandkids. What we have done in my Subcommittee on Federal Financial Management is noted that we spend, at minimum, a half a billion dollars a year on conferences.

The Defense Department spends more on conferences than anybody. These conferences are sometimes very needed—which I will not object to—but also many are not needed. One of the things I think we need to look at is, can we do it better? Can we become more efficient?

The chairman and ranking member on the Appropriations Defense Subcommittee, as well as Chairman WARRER on the Defense authorization committee, understand the things we need to do to fund our military, such as the Senator just talked about the timeliness of this bill. But the fact is, the Pentagon, last year, spent $77 million on conferences.

Madam President, 36,000 military and civilian employees went to 6,600 conferences worldwide last year, at an average cost of $2,200 per person. Of interest is that of those 6,600 conferences, 663 were held in Florida in the middle of the winter, 224 were held in Las Vegas, and 98 in Hawaii. The cost of these conferences and the per cost of those travels for individuals far exceeded the average. DOD spent more on conferences than the Departments of Agriculture, Commerce, Education, Energy, Housing and Urban Development, Labor, Transportation, Treasury, and EPA combined.

The question is, Are there not some benefits? There are some benefits to some of these conferences. If the conferences could have been conducted under what we call now digital video conferencing. So we have the technology to save money. We are in a war. We are having trouble funding the war. We are borrowing the money to fund that war from our kids. We are at $8.6 trillion debt. We have unending debts facing us in the future, secondary to Medicare and Social Security. It is the way we prioritize.

All this amendment does is it sets a ceiling for the Department of Defense. It does not tell them where they can go, who can go, or anything else. It just says they will not spend more than $70 million. $70 million will be more than all those agencies combined. And all it takes is a little thoughtful planning to say: Maybe this is one we should not go to. Maybe we should not be traveling to Florida in the middle of the winter for a conference. Maybe we can do it on video conferencing.

The fact is, there are hard choices before us. Should we limit how much
money we spend on conferences? And can we use that money to take care of our troops, to upgrade a humvee, to pay for the things we are having trouble paying for today?

I think this is a common sense amendment. It was added to the HUD bill by Senator Coats. I plan on adding to almost every appropriations bill that comes through. It is something I think we ought to consider.

For example, for $159,000, we can up-arm an M1151. For $152,000, we can up-arm an M1152. For $189,000, we can up-arm an M1152 ambulance. There are a lot of things we can do if we limit the amount of money spent on travel and conferences in the Department of Defense.

So all this says is: Can't you do it better? Won't you do it better? Won't you use the technology that is available to us today? And won't you put $70 million, this next year, into our troops instead of conferences?

I had hoped to work with the chairman on getting this accepted and held in conference. I understand he cannot guarantee that. Therefore, I am going to be asking for a vote so that the Senate is on record that we think we ought to be able to do some of the saving of the money so we can put the money where our troops need it.

I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. STEVENS. Madam President, I wish to speak on the amendment.

The PRESIDING OFFICER. At this moment, there is not a sufficient second.

The Senator from Alaska.

Mr. STEVENS. Madam President, the Senator's amendment is very difficult to vote against, except that it applies to all members of the Department of Defense, civilian and military. About 1 percent of the people in the Department of Defense, civilian and military, go to a conference each year. I personally know that when we travel abroad, we ask for members of the Department of Defense from Germany and from Italy to come meet with us in France. We have conferences with them concerning NATO. We did the same thing recently in terms of the Middle East. We had people come from three different countries to meet with us when we were in Kuwait. That involved probably 14 people traveling in each instance to come see us. It is essential that we have conferences and not have to depend upon video conferences to deal with issues. That applies throughout the Department of Defense.

The Senator is correct. We offered to take it to conference, and in conference we might be able to find a reasonable figure that would be a limitation. Seventy million is not a reasonable limitation. There is no reason for us to try to be unreasonable with the Department of Defense. We are the last superpower in the world. People depend upon us, and we go visit the places, 120 different countries, where we have military people in uniform. It costs money. The cost of traveling is going up all the time.

I did offer to take the amendment to conference and try to work out with the House a reasonable limitation. The Senator is going to do that.

Therefore, I move to table the Senator's amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yea and nays were ordered.

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

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 4784

Mr. COBURN. Madam President, in concurrence with the other amendment being set aside, I ask that amendment No. 4784 be considered.

The PRESIDING OFFICER. The amendment is as follows:

The Senator from Oklahoma [Mr. COBURN], for himself and Mr. OBAMA, proposes an amendment numbered 4784.

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

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

The amendment is as follows:

(Purpose: To require the posting of certain reports of the Department of Defense on the Internet website of the Department of Defense.)

At the appropriate place, insert the following:

SEC. ___ (a) POSTING OF CERTAIN REPORTS ON DEPARTMENT OF DEFENSE INTERNET WEBSITE

Par. (a) shall be posted on the Internet website of the Department of Defense for the public not later than 48 hours after the submittal of such report to Congress.

(b) COVERED REPORTS.—The reports described in this subsection are the reports as follows:

(1) Each report required by a provision of this Act to be submitted by the Department of Defense to the Committees on Appropriations of the Senate and the House of Representatives.

(2) Any report required to be submitted by the Department of Defense to Congress in support of the budget of the President for fiscal year 2008 or a report submitted in support of such budget or section 1105 of title 31, United States Code (for the Department of Defense, including any budget justification documents in support of such budget for the Department of Defense).

(c) REDUCTION OF CERTAIN INFORMATION.—In posting a report on the Internet website of the Department under subsection (a), the Secretary of Defense may redact any information whose release to the public would, as determined by the President, compromise the national security of the United States.

Mr. COBURN. This amendment is all about common sense, about saving money.

I wish to make a couple of corrections with regard to the last amendment. The expenses related to the military meeting with Members of Congress are not in the $79 million that was spent last year. It is not included in that figure. This is domestic conferencing. It doesn't have anything to do with international travel. The fact is, we have to do better when it comes to the things we can control in terms of variable expenses.
to do what is in the best interest of our country. Not only should the American public know it, the media should have availability to it so that information can be spread.

Every Department annually provides budget requests to the Appropriations Committee. That is not in question. The question is, Do they provide justifications to the American public? That is the question. That is a question the American public is asking now.

As Senator Greg said yesterday, $55 billion on defense this year, including the war, upgrading defense, and there is no question, as the chairman said, that the lone superpower. There is great responsibility that comes with that. But in fact, as the Secretary of Defense said on September 10, 2001, every penny counts. It ought to be tracked, checked, and open for scrutiny.

This amendment says that a communication, if in fact it has no risk, no security-sensitive information out there, the American public ought to see it. The only reason, a logical person could assume, other than a national security issue, that we would not want the American public to see these things is because the government of the people, by the people, for the people, then routine operations of the Government must no longer be concealed or hidden from the people of this country. What this amendment does is assure greater transparency and accountability of taxpayer funds. It lets the American people know what we are doing, why we are doing it, and how.

This amendment is endorsed by over 50 organizations. Here is what they say:

As advocates from diverse political perspectives, both on the far right and far left and in the middle, we concur that government transparency is vital to the health of our political system. Regardless of our views on the appropriate role of the federal government, we believe government policy must disclose its spending decisions and the rationale behind them. Such disclosure will help encourage a more active, engaged citizenry and a more effective and efficient government.

American taxpayers should not be kept in the dark about any decision, unless it is for national security, and yet there are obstacles for this information at every turn. It is important, with the revelations of what has happened in Defense contracting, that the American public have their confidence reestablished that what we are doing is correct, right, and straightforward.

This is straightforward. We have from the committee the list of reports that are directed to be prepared: Reserve component budget structure, legal assistance, personnel reductions, National Guard procurement, alternative diesel fuel, MTF efficiency wedge, impact of nursing shortage on military health care delivery system, postdoctoral education, alcoholism research, Commander’s Emergency Response Program, to name a few. Where it does not compromise national security, the American public ought to know it. This says that if they have it, the Department of Defense puts it on the Web site with the proviso that anything that is of national security be extracted or withheld. It is a reasonable amendment. It is straightforward.

The Senate ought to vote on it to say that they want sunshine, that they want the American people to know what they are doing to do.

I yield the floor.

The PRESIDENT OFFICER. The Senator from Alaska.

Mr. STEVENS. Madam President, this amendment violates rule XVI in terms of the second portion of the amendment, part (b)(2), page 2. If it applied just to the reports delivered to the Appropriations Committee, it would not, in my opinion. I have already said I am going to raise rule XVI on any amendment that is determined by the Parliamentarian to apply to a particular amendment.

In regard to the basic concept, we have no problem with having all of the items that are submitted to the Appropriations Committee put on the Web. Almost all of them are anyway. But there are some reports that are submitted to Congress pursuant to section 1105, as I understand it, which are documents that go to other committees and are for other purposes. I don’t know what their policies are with regard to disclosure.

All of the items that come to us are on the Web, and we welcome them being on the Web. We don’t have any problem with every report required by the provisions of this act, submitted pursuant to this act, or, as a matter of fact, in terms of existing law, but I do think we should not have a violation of the Web. The Senate, if he is willing to limit paragraph (2) to any report required by the Department of Defense to be submitted to the Appropriations Committee in support of the budget of the President which does not violate rule XVI? The Senator said that is what it is about, but it goes further. It applies to any report going to any committee or to the Congress itself with regard to this budget. These are other justifications submitted to other committees. What their policies are, I don’t know.

Mr. COBURN. Madam President, we spent some time last evening with the Parliamentarian on it. We believe we have a defense of germaneness based on the part of the House bill is that we would stand by the idea that this is already relating to and attached to requirements from the House bill. We do not believe it violates rule XVI. I ask for a ruling from the chair.

Mr. STEVENS. The Senator from Alaska.

I raise a point of order under rule XVI that this amendment violates rule XVI. What is the ruling of the Chair?
Mr. COLEMAN. This letter says that absolutely the Fair Labor Standards Act prohibits employers from paying less than the current minimum wage. That is to be taken into consideration in terms of what the Senate is doing with the minimum wage tip credit provision.

That letter from the Department of Labor is very clear. If my colleagues have any question, this is now part of the RECORD; I have asked that it be printed in the RECORD. It lays it out very clearly.

Again, the letter states that if the tip credit becomes law, the Labor Department reads it “as protecting the current minimum wages of the tipped employees in the seven States that now exclude a tipped employee’s tips from being considered as wages because to do otherwise would be inconsistent with what we understand to be the intent of Congress and the Fair Labor Standards Act.”

In my view, the minimum wage is $6.15. Our employee wages are not going to be decreased if this tip provision comes in. If there is an increase above that, then of that amount of the increase, you could use tip credits to compensate for that, with no decrease in the minimum wage.

This is nothing more than an effort by my colleagues on the other side to steal defeat from the jaws of victory as we move to the opportunity to pass an increase in the national minimum wage. Let’s not miss that opportunity. Let’s support this bill and get this done on Friday.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Madam President, regarding amendment No. 4784, I ask unanimous consent that on page 2, section 2 be deleted.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 4784), as modified, is as follows:

At the appropriate place, insert the following:

SEC. 2. (a) POSTING OF CERTAIN REPORTS ON DEPARTMENT OF DEFENSE INTERNET WEBSITE. — Each report described in subsection (b) shall be posted on the Internet website of the Department of Defense for the public not later than 48 hours after the submission of such report to Congress.

(b) COVERED REPORTS. — The reports described in this subsection are the reports as follows:

(1) Each report required by a provision of this Act to be submitted by the Department of Defense to the Committees on Appropriations of the Senate and the House of Representatives.

(2) Each report required by an amendment to this Act as modified by an amendment No. 4784.

(3) Each report required by a provision of this Act to be submitted by the Department of Defense to the Committees on Appropriations of the Senate and the House of Representatives.

(c) REDUCTION OF CERTAIN INFORMATION. — In posting a report on the Internet website of the Department of Defense under subsection (a), the Secretary of Defense may redact any information whose release to the public would, as determined by the Secretary, compromise the national security of the United States.

Mr. STEVENS. I ask unanimous consent that I be permitted to withdraw amendment No. 4785.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To ensure the fiscal integrity of travel payments made by the Department of Defense)

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

S. 8108. Not later than 90 days after the date of enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives a report —

(1) describing risk assessments performed by the Department of Defense on payments made by the Department for travel, as required under section 2 of the Improper Payments Information Act of 2002 (Public Law 107–300; 31 U.S.C. 3321 note);

(2) including an estimate, using statistically valid methods, of improper payments for travel that have been processed by the Department of Defense and for which the Department of Defense Finance and Accounting Service (DFAS) has determined that improper payments are at a significant risk and for which the Department of Defense Finance and Accounting Service (DFAS) does not determine that improper payments are at a significant risk; and

(3) including an explanation that the methods used to perform risk assessments are statistically valid in accordance with Office of Management and Budget Memorandum 30–13 issued pursuant to the Improper Payments Information Act of 2002 (Public Law 107–300; 31 U.S.C. 3321 note).

Mr. COBURN. Madam President, this is a straightforward amendment. Everybody knows we are having problems in the Department of Defense in terms of management and accounting and control. There is a law called the Improper Payments Act. Quite frankly, the law is not being followed by the Department of Defense.

This amendment is very narrow in its focus. What it does is direct the DOD to improve the methodology for estimating improper payments related to travel and to provide risk assessments that determine whether travel payments at DOD are at a significant risk of making improper payments.
We know of a minimum of $30 million in airline tickets that were not used, but we didn't get our money back for last year. We know of another $30 million that was at least bought inappropriately, and this is done outside of the Defense Department, not within. The Department is not accountable. It says they ought to follow the Improper Payments Act. We have had three hearings in our subcommittee hearings, is that there is in the neighborhood of $20 billion to $30 billion of improper payments made by the Defense Department every year on a $553 billion budget. Those problems cannot be solved overnight. We are working hard. As a matter of fact, we are having a hearing today on the management techniques and information systems that the DOD is using. They are starting to make the corrections to be better stewards of our money.

The amendment that says they ought to follow the Improper Payments Act for this one segment, for the purpose of finding and eliminating payments that should not have been made, or were made for incorrect amounts by the Defense Department. We have had three hearings in our subcommittee on improper payments. The minimum in this Government, including Medicare, Medicaid, and Defense, is around $100 billion a year in wrong payments by the Federal Government. There is over $30 billion in Medicare and $36 billion in Medicare. This large quantity in the Defense Department—plus many of the other agencies—is not even being reported or looked at. There is $1.6 billion in food stamps, I could go on and on.

The fact is, when we are running a deficit such as we are and we are borrowing the money from our grandkids, we ought to do every small thing we can to be better stewards of that money. The DOD is reporting improper payments by DOD. This isn't a small amount of money. They spend a ton on travel, and they ought to spend it wisely. They shouldn't waste a penny because anything we are wasting can't be used in a way to support our troops and do what we need to do.

We have cleared this with the Parliametary in terms of it being germane, and we hope the Senate will concur with this amendment.

Mr. STEVENS. Madam President, I yield the floor.

Mr. COBURN. Madam President, I think we should welcome the devotion of the Senator from Oklahoma to being a good manager of the Department of Defense. If he did that, I am prepared to accept it.

This covers a great deal more than that, though. Those made under existing law and those made to, as I understand it, in the areas of homeland security and Government affairs. I wish the Senator would say that this covers—to be clear under rule XVI—payments made out of any funds provided by this act. If he did that, I am prepared to accept it.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Madam President, let me describe the recent assessment by the Department of Defense: For payments made within the Department of Defense for travel—for travel—as required under section 2 of the Improper Payments Information Act.

Mr. STEVENS. From the funds provided in this act? There are funds provided in other acts. For instance, the funds provided to the Defense Intelligence Agency come from the funds that are provided through the National Intelligence Director's Office, but they come to DIA. But we are very specific about it. If the payments are made pursuant to this act, we agree with it.

Mr. COBURN. That is what this says.

Mr. STEVENS. No, no, it does not. It says: All payments made by the Department.

Mr. COBURN. Will the chairman yield for a question?

Mr. STEVENS. It says performed by the Department on payments made for travel.

Mr. COBURN. Would the chairman yield for a question?

Mr. STEVENS. Yes.

Mr. COBURN. Is there a reason, even if the money was spent from NSA or Defense Intelligence, that you wouldn't want an improper payments evaluation for that money?

Mr. STEVENS. I don't have any problems with this—this Senator doesn't have any problem with complying with the Improper Payments Information Act. I have to tell you, I am not informed about that act in detail, but I know there are payments made through DIA and through NSA and through other agencies and that if they remain, there would be to be a disclaimer in here about classification and other things. But if you just say it is from the Department under this act, I don't think you have that problem. And this act is a 1-year bill, it is not in truth, this should be applied to the Department of Defense authorization bill, and then they could have a bill that would authorize for more than 1 year. By definition, this bill is a 1-year bill.

Mr. COBURN. Madam President, if the Chairman would yield, I did apply this to the Defense authorization bill and it is in conference—it is going to conference, and it is an amendment. I have to tell you, I am not in—

Mr. STEVENS. I can understand why he would. I don't understand why the Senator wants it on this bill, too, because it has a problem on this bill that it doesn't have on the authorization bill.

Mr. COBURN. I would be happy to add an amendment or a caveat that under this act. Would that satisfy the Chairman?

Mr. STEVENS. If you do that, I would not raise a point of order under rule XVI.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeds to call the roll.

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

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

Mr. STEVENS. Madam President, I submit an amendment to this amendment and ask for its immediate consideration. Do I have the right to ask to modify the Senator's amendment in this regard?

The PRESIDING OFFICER. It would take unanimous consent.

Mr. STEVENS. Madam President, I ask unanimous consent to modify the Senator's amendment with the amendment that is at the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 4785), as modified, is as follows:

On page 216, between lines 6 and 7, insert the following:

S16. Not later than 90 days after the date of enactment of this Act, the Secretary of Defense shall, with regard to payments made with Funds provided by this
Act, submit to the congressional defense committees and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives a report—

(1) describing risk assessments performed by the Department of Defense on payments made by the Department for travel, as required under section 2 of the Improper Payments Information Act of 2002 (Public Law 107-30); 51 U.S.C. 3321 note);

(2) including an estimate, using statistically valid methods, of improper payments for travel that have been processed by the Defense Finance and Accounting Service (DFAS); and

Defense Finance and Accounting Service

(3) including an explanation that the methods used to perform risk assessments are statistically valid in accordance with Office of Management and Budget Memorandum 98-13 issued pursuant to the Improper Payments Information Act of 2002 (Public Law 107-30; 51 U.S.C. 3321 note).

Mr. COBURN. Does the Senator wish to have a vote on this amendment?

Mr. COBURN. I do.

Mr. STEVENS. We are prepared to accept it. Does the Senator still wish a recorded vote?

Mr. COBURN. I do.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4848

Mr. COBURN. Madam President, I ask that the pending amendment be set aside, and I call up amendment No. 4848.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senate from Oklahoma [Mr. COBURN] proposes an amendment numbered 4848.

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

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

The amendment was read as follows:

(Purpose: To require notice to Congress and the public on earmarks of funds available to the Department of Defense)

At the end of title VIII, add the following: Sec. 8106. (a) REPORTS TO CONGRESS AND NOTICE TO PUBLIC ON EARMARKS IN FUNDS AVAILABLE TO THE DEPARTMENT OF DEFENSE.—The Secretary of Defense shall submit to Congress a report on the Internet website of the Department of Defense available to the public, information as follows:

(1) A description of each earmark of funds made available to the Department of Defense by this Act, including the location (by city, State, country, and congressional district if relevant) in which the earmarked funds are to be expended, the purpose of such earmark (if known), and the recipient of such earmark.

(2) The total cost of administering each such earmark, including the amount of such earmark, staff time, administrative expenses, and other costs.

(3) The total cost of administering all such earmarks.

(4) An assessment of the utility of each such earmark in meeting the goals of the Department, set forth using a rating system as follows:

(A) A for an earmark that directly advances the primary goals of the Department or an agency, element, or component of the Department.

(B) B for an earmark that advances many of the primary goals of the Department or an agency, element, or component of the Department.

(C) C for an earmark that may advance some of the primary goals of the Department or an agency, element, or component of the Department.

(D) D for an earmark that cannot be demonstrated as being cost-effective in advancing the primary goals of the Department or any agency, element, or component of the Department.

(E) F for an earmark that distracts from or otherwise impedes that capacity of the Department to meet the primary goals of the Department.

(b) EARMARK DEFINED.—In this section, the term ‘earmark’ means a provision of law, or a directive contained within a joint explanatory statement or report accompanying a conference report or bill (as applicable), that specifies the identity, program, project, or service, including a defense system, to receive assistance not requested by the President and the amount of the assistance to be so received.

Mr. COBURN. Madam President, this is an amendment which we know is needed. We have seen it through the conviction of a Member of Congress.

What this does is require an analysis of the total cost of earmarks and the effectiveness of each in meeting the goals of the Department of Defense. Earmarks are consuming a growing proportion of the Defense funding. The number of earmarks in the appropriation laws has grown from 567 in the Department of Defense in 1994 to 2,847 in 2006. The amount of money earmarked has increased over the same period from $4.2 billion to $9.4 billion. The amount earmarked as a percentage of the total Defense budget has risen to 2.4 percent in 2006.

It is my belief that earmarks are siphoning away funds from other national security priorities. Last year, the White House Office of Management and Budget wrote to the House Appropriations Committee warning that the hundreds of millions of dollars set aside for congressional pork projects would be slashed from a Pentagon program designed to fill some military mission rather than help their mission.

Mrs. SHARKEY. Mr. President, the American people are concerned that these reductions could damage the readiness of the U.S. forces and their mission.

Earmarks or projects directed by Members of Congress actually support the defense of the country versus the defense of some special interest back home that make us look good but aren’t a priority with the troops.

Let’s talk about this supplemental which we just passed this past year: $80 billion. Ten million dollars went to expand wastewater facilities in Pennsylvania. The University of Texas Southwestern Medical Center got $3 million; Dosoto County, MS, got $35 million; the Fire Sciences Academy in Elko, NV, got $4 million.

We know the problems with earmarking in terms of the recent congressional corruption and ethics probes. What this amendment does is adds transparency and accountability to the earmark process. If it is good, then the Defense Department study will say: Yes, it is something we should have done. If it will waste, then we will say: It is wasted.

The fact is we are loading to the tune of billions of dollars a year projects Members of Congress want but the Department doesn’t want that interfere with their mission rather than help their mission.

Analyses of the usefulness of each earmark in advancing the goals of the Department of Defense is the purpose of this amendment. This will provide Members of Congress a more complete view of the cost-effectiveness of the earmarks and whether they continue to warrant additional funding.

The annual earmark report will ensure that policymakers in the public are fully aware of the impact of unnecessary earmarks on the budget of the Department of Defense and siphon mental bills that have been used to finance the various front lines in the war against terrorism.

The emergency supplemental bill passed by Congress and signed by the President this last month provided $65.8 billion to support Operation Iraqi Freedom and Operation Enduring Freedom. The amount spent on earmarks in Defense appropriations spent over the past 3 years was $27 billion—about 47 percent of the amount needed to pay for the continued military operations in these battles.

What we have done instead is relied on emergency spending, which is not offset; it is directly added to the debt of our kids, undermining their future standard of living.

All this amendment does is say: Let’s do an analysis. Let’s see if the things that are being earmarked by individual Members of Congress actually support the defense of the country versus the defense of some special interest back home that make us look good but aren’t a priority with the troops.
away from military preparedness and our national defense. The grading system will likewise provide needed information to the appropriators about projects that are inserted in the bills that have not had proper oversight, debate, or discussion. This added transparency of every Member of Congress can cast a truly informed vote and ensure greater accountability for how Federal funds are allocated and spent.

This is at the heart of the confidence of the American people with Congress. Do we earmark something because it is the best thing for the country to do, is it the best long-term choice, or do we earmark something because it helps us individually?

I would say there isn’t one State in this country that can be healthy if this country isn’t healthy. There can’t be one community that can end up healthy if the country isn’t healthy economically. None of us can be free unless we are free. So that is not to eliminate earmarks; it is just saying after they have happened, then let’s look at them and see if they really accomplished something worthwhile for the defense of this country and should we have spent the money in the militarization or in some other area.

There are multiple examples I can put into the RECORD, and I will submit to the RECORD with unanimous consent a list of the ongoing probes that are there in terms of earmarks and the Defense Department. But I think it is incumbent upon us to reestablish the confidence of the American public that when we earmark, what we are doing is accurate, it is needed, and it is something that will, in fact, inure to the defense of this country and the defense of our children’s financial health.

With that, I yield the floor.

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate immediately move to a series of votes in relation to the following amendments: Coburn amendment No. 4787 for conferences, Coburn amendment No. 4784, as modified, for posting of reports, and Coburn amendment No. 4785, as modified, for improper payments.

The Senator has a pending amendment. That would not be included. It is because of the timeframe associated with meetings that are scheduled today that the leadership has asked that we proceed to the votes on these three amendments. I further ask that the votes be limited to 10 minutes each and there be 2 minutes equally divided on the votes.

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

Mr. STEVENS. All the votes have the yeas and nays, is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. I thank the Chair.

The PRESIDING OFFICER. The first vote is on the motion to table amendment No. 4787. The yeas and nays have been ordered. The clerk will call the roll.

Mr. STEVENS. Mr. President, 2 minutes before each vote. Senator Coburn and I each have 1 minute.

The PRESIDING OFFICER. There are 2 minutes equally divided.

Who yields time? The Senator from Oklahoma.

Mr. COBURN. Mr. President, this is a real straightforward amendment. The Defense Department spends more on conferences than all the other programs combined. It has grown significantly in the last 5 years. Every dollar that is spent on a conference in Las Vegas, the Presiding Officer’s home, or in Hawaii or South Florida is a dollar that doesn’t go to our troops. We are not saying eliminate the needed conferences. We are saying do some sacrifice when it comes to conferences so we have money to fund our troops appropriately. Be wise, use digital video conferencing where you can, and make some sacrifice within the ease of travel and conference fun and fair for our troops.

It is $70 million a year. Less than 5 years ago it was $58 million. Can we not, can we not spend less on conferences, do it a different way, and still accomplish what we need for the troops?

The PRESIDING OFFICER. Who yields time?

The Senator from Alaska.

Mr. STEVENS. The committee has already cut $85 million from travel funds for the Department. This would say that for programs related to staff and travel costs and conference programs or other conference matters, the total amount available to the whole Department—over a million people in over 120 countries across the globe—will be limited to $70 million. We are unable to run the Department at $70 million a year. So I proposed and made a motion to table the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 4787) was agreed to.

Mr. STEVENS. 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 question is on agreeing to the amendment.

The amendment (No. 4787) was agreed to.

Mr. STEVENS. Mr. President, there are two more amendments. These are 10-minute votes, at the request of the leadership. I hope we can keep to that time. We are ready to take all three amendments to conference.

AMENDMENT NO. 4787

The PRESIDING OFFICER. The Coburn amendment No. 4787 is the next amendment. There is 2 minutes equally divided.

Who yields time? Mr. COBURN. Mr. President, all this amendment says is that with the exception of anything related to national security, whatever they report ought to be made available to the American public. It is real simple. They have the Web site capability. If they report it, and it doesn’t have anything to do with national security in terms of protecting our security, they ought to report it to the rest of the Members of Congress as well as to the rest of the American people.

Mr. STEVENS. Mr. President, we are ready to take the amendment to conference on a voice vote. Is the Senator willing to accept a voice vote?
Mr. COBURN. I will accept a voice vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 4787) was agreed to.

AMENDMENT NO. 4785, AS MODIFIED

The PRESIDING OFFICER. There is 2 minutes of debate equally divided on Coburn amendment No. 4785, as modified.

Who yields time?

Mr. STEVENS. Mr. President, again, if the Senator will yield, we are willing to take this amendment to conference and accept it on a voice vote. Is the Senator willing to accept a voice vote? Mr. COBURN. Mr. President, the only problem with that is I think the Senate ought to have a rollcall vote on whether improper payments which have been made by the Department of Defense ought to be held in conference. I would like to have a recorded vote to empower the chairman of the committee to hold this in conference.

All this says is, let’s look at improper payments of the Department of Defense which have been made irregularly, and we would have an opportunity to report that. That is all I am asking for. Let’s make them report the improper payments under the Improper Payments Act of 2002 which says they should.

Mr. STEVENS. Mr. President, the Improper Payments Act is not within the jurisdiction of our committee. We agreed that it should be reported. I believe the committee of jurisdiction ought to have hearings to determine whether there is improper compliance. We are pleased to accept it. If a rollcall vote is to be held in conference, I would like to have a recorded vote to empower the chairman of the committee to hold this in conference.

The amendment (No. 4785), as modified, was agreed to.

VOTE EXPLANATION

Mr. WARNER. Mr. President, I rise to discuss my absence today during rollcall vote No. 224. The vote was in reference to Senate amendment No. 4756, offered by the Clerk on behalf of Senator COBURN. Senator COBURN’s amendment, which sought to ensure fiscal integrity of travel payments made by the Department of Defense, passed the Senate by a vote of 96-0.

During this vote, I was serving as chairman of the Senate Armed Services Committee, chairing a very important hearing on Iraq, Afghanistan, and the global war on terrorism. Witnesses at the hearing included Secretary of Defense, Donald Rumsfeld; Chairman of the Joint Chiefs of Staff, General Peter Pace; and General John Abizaid, Commander, United States Central Command. My vote would not have affected the outcome of this amendment.

Mr. STEVENS. 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.

AMENDMENTS NO. 4755, 4808, 4847, AND 428, EN BLOC

Mr. STEVENS. I have a managers’ package: amendment 4755, for Senator BINGAMAN; amendment 4808, for Senator BILL NELSON, regarding UAV virtual training; amendment 4847, for Senator REED of Rhode Island, regarding recall mitigation; amendment 428, for Senator CHAMBLISS, regarding linguists.

I send this package to the desk. I ask unanimous consent it be considered en bloc, agreed to, and the motion to reconsider be laid upon the table.

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

The amendments were agreed to, as follows:

AMENDMENT NO. 4755

(Purpose: To make available from Research, Development, Test and Evaluation, Navy, up to $2,500,000 for Navy research and development activities on the Wireless Maritime Inspection System as part of the Smartship Wireless Project of the Navy)

At the end of title VIII, add the following:

SEC. 8109. Of the amount appropriated or otherwise made available by title IV under the heading “RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY”, up to $2,500,000 may be available for the Wireless Maritime Inspection System as part of the Smartship Wireless Project of the Navy.

AMENDMENT NO. 4808

At the appropriate place insert the following:

Sec. . Of the amount appropriated in title IV under the heading “RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY”, up to $5,000,000 may be made available for the Virtual Training and Airspace Management Simulation for Unmanned Aerial Vehicles.

AMENDMENT NO. 4847

(Purpose: To make available from Research, Development, Test, Evaluation, Defense-Wide, up to $3,000,000 for Small and Medium Caliber Recoil Mitigation Technologies)

At the end of title VIII, add the following:

Sec. 8193. Of the amount appropriated or otherwise made available by title IV under the heading “RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE”, up to $3,000,000 may be available for Small and Medium Caliber Recoil Mitigation Technologies (PE 11106902BB).

AMENDMENT NO. 428

(Purpose: To make available from Research, Development, Test and Evaluation, Army, up to $1,000,000 for the Advanced Communications Support System for WARRIORS, Intelligence Community, Linguists, and Analysts)

At the end of title VIII, add the following:

Sec. 8199. Of the amount appropriated or otherwise made available by title IV under the heading “RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY”, up to $1,000,000 may be available for the Advanced Communications Support System for WARRIORS, Intelligence Community, Linguists, and Analysts.

Mr. STEVENS. We are continuing to work on the agreements. I hope Members come forward to help work them out. We still have the opportunity to finish this bill before we leave this week. There are some 34 amendments still pending we are working on. I do believe a lot of the work will be worked out, as these last four were.

The PRESIDING OFFICER. The Senator from Vermont.

AMENDMENT NO. 4827

Mr. LEAHY. Mr. President, Senator BOND and I have amendment No. 4827. I ask consent the pending amendment be set aside and it be in order to call up that amendment.

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

Mr. LEAHY. I will be brief on amendment No. 4827. This is an amendment that distinguished senior Senator from Missouri and I filed yesterday. It guarantees that $2.4 billion of the $13 billion included in the managers’ package on Tuesday for the Army and Marine Corps be allocated for National Guard equipment and does not add any money. It ensures that the promises that have already been made to the Guard about funding will be fulfilled and, also, of course, make sure we have a much needed infusion of equipment to the National Guard.

It follows an amendment that Senator BOND and I introduced last September to the Fiscal Year 2006 Defense...
Appropriations, in the immediate aftermath of Hurricane Katrina. We realized, with the significant shortages in equipment available to the Guard at home for use in such natural disasters or other domestic emergencies, if, God forbid, we had another such calamity, the Guard would not have had enough trucks, tractors, and communication gear across the country to adequately respond.

The problem then—and still is—that much of their equipment has been left in Iraq, worse still, the National Guard has consistently been underfunded, leaving it with well less than the required equipment stocks.

These low levels of equipment threaten the Guard’s ability to carry out the two critical prongs of its dual mission. Two days ago, the top National Guard LTG Steven Blum, reported that more than two-thirds of the Army National Guard’s 34 brigades are not combat ready, due largely to vast equipment shortfalls. Almost a year after Katrina, the Department of Defense leadership—which is ultimately responsible for monitoring the Guard’s capabilities—has yet to recognize this clear problem, let alone act on it. The National Guard funding plan is woefully insufficient to deal with the problem.

The $900 million included in last year’s Defense appropriations bill was only the beginning of addressing this major problem with shortages—a problem that General Blum himself estimated at total nearly $21 billion.

Congress has no choice but to act. That is why this amendment takes another step toward addressing the Guard’s response capabilities at home. It adds $2.4 billion on top of the funds already appropriated, in equipment supplemental for the Guard to procure equipment—for items as diverse as replacement tanks, radios, medium-sized trucks, and command-and-control systems.

I would like to commend Senator STEVENS and Senator INOUYE, who were able to identify almost $340 million in National Guard and Reserve equipment in the committee markup of the bill. That number shows the enormous support that exists within the Defense Subcommittee, especially when the Senate Defense allocation was $9 billion below that set in the House of Representatives.

On behalf of our Guard units, our Guard members, and of all Americans who so acutely rely on their steadfast readiness and service, I urge my colleagues to vote now for a much-needed, higher level for the Guard.

This problem is so pressing and so severe that we cannot afford to lose momentum.

I just mention again, 2 days ago the top National Guard General, LTG Steven Blum, reported that more than two-thirds of the Army National Guard’s 34 brigades are not combat ready.

We really have no choice but to act. This will not even begin to handle the problem, but it will get us off the ground. Mr. President, I ask unanimous consent to add, after Senator BOND’s name and my name, Senator MENENDEZ of New Jersey and Senators LINCOLN, DODD, LANDRIEU, LAUTENBERG, DORGAN, MIKULSKI, HARKIN, ROCKEFELLER, BAUCUS, and INOUYE.

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

Mr. LEAHY. Mr. President, I yield to the distinguished chairman of the National Guard Caucus, who has labored indefatigably in this area, calling on his experience not only as a U.S. Senator but especially his experience when he was Governor and commander in chief of the Guard in his own State.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I thank my colleague and fellow chairman of the National Guard caucus for his kind words. As most people in this body know, we have had wonderful, bipartisan cooperation of the support of the great work of the Guard.

As the Senator from Vermont was kind enough to note, I did have the experience of being commander in chief of our National Guard in Missouri for 8 years. You know, since followed very closely what they have done.

Our National Guard, as I think everybody knows, has provided about 40 percent of the boots on the ground in Iraq and in the conflict against Islamofascism. They went into that battle, being called up for their national security service, short of equipment. They are short of equipment because, as the Senator from Vermont and I have explained time after time, the Pentagon is faced with a shortfall of equipment or resources, tends to take care of the active forces first.

No one who knows my personal situation would think I am not sympathetic to the needs of the active forces. I very much want to see them get the support they need. I understand what is going on in the Pentagon. But the National Guard has fallen so far behind in its equipment accounts because of the pressures of deploying on quick reset other branches of Government.

When we found that a significant sum of money would be available for providing equipment that is vitally needed for our National Guard, for our entire military, it was extremely important that we carve out a small amount, which is covered by this amendment, that would go directly to the Guard.

Now, we have been told this could have been accepted if we had made the money “must have” to the National Guard. That is precisely the problem: that money could have gone to the National Guard under any circumstances.

But, in fact, it is not going to the National Guard. When there are competing needs in the active military, they get first call.

Let me be clear: The National Guard is being fully active, not only in the work they are doing overseas but in their homeland defense activities.

Now, when you take a look at the national service mission, when they go abroad, as has been pointed out on the floor, and they take equipment with them, they leave it there because it does not make sense to transport equipment back from the fighting frontlines when they have carried it over there. So, as a result, that equipment is left there. When the Guard units come home, they have lost even more equipment. That means they are falling far, far behind in their needed equipment coverage.

Now, at the same time, when they went over they left the homeland defense or the natural disaster equipment far too insufficiently funded.

Most Guard units are about one-third equipped. In other words, if they have nine units, only three of them are fully equipped.

I pointed out on the floor last year, and in Hurricane Katrina, that one of the funds of the Guard was called to Louisiana. And they did a magnificent job. As a matter of fact, they did such a magnificent job that the adjutant general of Louisiana and the Governor of Louisiana sought another of the three engineering battalions from Missouri to come down. The bad news was that one out of the three battalions that we had took the only equipment we had. We did not have equipment for a second battalion that could have been very, very well used by our Guard in assisting the recovery mission in Louisiana or Mississippi or Texas or other areas.

That is why it is so important to make sure we are fully equipped.

More than 200,000 Guard troops have left their homes, their jobs, and their families to participate in the war on terror in Afghanistan and Iraq and other missions since 9/11. The National Guard has provided as much as half of the combat force and 40 percent of the total force in Iraq. They are performing their duties with honor and valor, often at great cost to their families and their own lives.

The Guard also helps local responders deal with overwhelming natural disasters here at home such as hurricanes, tornados, and floods.

The modified amendment will provide an additional $2.4 billion for National Guard and Army Reserve needs out of the funds already provided in the bill under title III and title IX.

Lieutenant General Blum in a recent interview had this to say about National Guard readiness:

I am further behind or in an even more dire situation than the active Army, but we both have the same symptoms. I just have a higher fever.
It has been widely reported that the current funding shortfall for National Guard needs is approximately $23,000,000,000.

About a third of this amount is required to replace equipment consumed by the wars in Afghanistan, Iraq, and, most recently, Katrina. An additional 45 percent or more is required to bring equipment to the minimally acceptable levels necessary for restoring readiness. About 30 percent of the required funding is for training and equipment. The remainder is money that is needed to close the gap from years of intentional underfunding according to Lieutenant General Blum, the Chief of the National Guard Bureau who also has been quoted as saying: I am not talking about the icing on the cake. That’s the cake.

It has been reported that more than two-thirds of the Army National Guard’s 34 brigades are not combat-ready due largely to vast equipment shortfalls.

The Army National Guard currently has only 34 percent of its required equipment. It was recently even worse than that. The percentage actually dropped for a time to as low as 26 percent as large numbers of units demobilized and the Guard realized the full impact of equipment destroyed, damaged or required to remain behind in theater.

Since that new low, there has been some recovery so that, at present, the percent of required equipment actually onhand is 34 percent. That is nowhere near enough.

My colleagues will recall that Senator BOND provided over $200 million in last year’s Defense appropriations bill for the shortages in equipment. Had we not acted then, the state of National Guard equipment might be even worse.

Currently there are 27,000 Guard forces deployed overseas and another 29,000 Guard forces either coming back from overseas or preparing to go overseas. Additionally there are 6,000 Guard troops deployed along the Nation’s borders. Do the math and you will find that there are 62,000 Guard forces mobilized.

The National Guard Bureau reports that 16 percent of its force is mobilized in support of the global war on terror and 84 percent of the force is actively involved in force planning or preparing and training to deploy overseas or along the border.

Time and time again the National Guard has been a tremendous value for the capabilities it provides our Nation, providing 40 percent of the total force for around 7 to 8 of the budget.

Let me remind my colleagues that our National Guard force must also remain cognizant of its homeland defense and security role. Our Nation was reminded last year during the response to Hurricane Katrina of the Guard’s other paramount mission.

The National Guard’s contributions to Hurricane Katrina were stellar. The magnitude, quality, and timeliness of the Guard’s response remains one of the less publicized successes of the Katrina disaster. The Guard’s successful response was attributable to the fact that the Guard is best organized and trained to initiate and coordinate a civil response of the scale of Katrina. This morning I was advised that it might be necessary to come to the floor to defend this amendment. As noted, I cannot imagine that it might be necessary, but I do know that I am here I am eager to defend it. Senator LEAHY and I are not alone.

I have a letter from the Enlisted Association of the National Guard of the United States addressed to the bill managers which states in part: The $2.44 billion will not solve the equipment shortages in the Guard. It will not instantly restore Guard equipment readiness to top levels. It will, however, allow the Guard to focus its restorative efforts on those who are preparing for mobilization, and it will help to restore readiness for our homeland defense posture.

Our amendment provides a prudent allocation of dollars to the proven and effective forces of the National Guard and Army Reserve.

Through it we ensure that the Guard and Reserve’s military readiness and homeland security resources remain at minimally acceptable levels. The funds we are providing in this measure are absolutely necessary to the health of the force. This is why I urge my colleagues to send a strong message to the citizen-soldiers and Airmen of the National Guard and Army Reserve by voting overwhelmingly in favor of this amendment.

Mr. President, I will turn it over to my colleague, but I believe it is necessary for me to formally respond to Senator Dorgan’s amendment. Mr. LEAHY. Mr. President, the Senator is absolutely right. The Senator from Missouri is right.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk read as follows: The amendment is so modified:

Mr. BOND. 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. BOND. Mr. President, I have letters, one from the Enlisted Association of the National Guard and one from the National Guard Association of the United States. I ask unanimous consent that those letters be printed in the RECORD.

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


The Enlisted Association of the National Guard of the United States (EANGUS) is the only military service association that represents the interests of every enlisted soldier and airman in the Army and Air National Guard. With a constituency base of over 414,000, and a large retiree membership, EANGUS engages Capitol Hill on behalf of career Guard professionals.

On behalf of EANGUS, I’d like to communicate our support, and urge your support, for an amendment being offered by Senator Bond (S.A. 4827 to H.R. 5631) to increase funding for the National Guard and Reserve Equipment Account. EANGUS appreciates your immediate action to the reported equipment shortages in the Army Guard, and this funding is vital to restoring the readiness of the Guard.

The $2.44 billion will not solve the equipment shortages in the Guard. It will not instantly restore Guard equipment readiness to top levels. It will, however, allow the Guard to focus its restorative efforts on those who are preparing for mobilization, and it will help to restore readiness for our homeland defense posture.
Thank you for your continued support of our military. If our association can be of further help, feel free to contact our Legislative Director, MICHAEL P. CLINE, Executive Director.

NATIONAL GUARD ASSOCIATION OF THE UNITED STATES, INC.,

Senator DANIEL K. INOUYE,
Ranking Member, Senate Defense Appropriations Committee, The Capitol, Washington, DC.

Dear Senator Inouye:

I am writing to urge your support of the Bond-Leahy amendment (S. 4827) to increase funding for the National Guard Readiness Accounts (S. 4751) and the Equipment Accountability (S. 4827) clarifying the Senate’s intent in its passage of Chairman Stevens’s amendment (S. 4751).

NGAUS appreciates your action in providing immediate response to the services need for additional funding. We believe Bond-Leahy can greatly assist National Guard requirements by earmarking $2.44 billion in addition to the other amounts in the bill.

We continue to have concerns that the National Guard leadership consistently has problems with DoD in securing funds which the Congress has previously identified for Guard accounts. Your support in this regard is respectfully requested.

Sincerely,

STEPHEN M. KOPER, President.

NATIONAL GUARD ASSOCIATION OF THE UNITED STATES, INC.,

Senator TED STEVENS, Chairman, Senate Defense Appropriations Committee, The Capitol Office Building, Washington, DC.

The Enlisted Association of the National Guard of the United States (EANGUS) is the only military service association that represents the interests of every enlisted soldier and airman in the Army and Air National Guard. With a constituency base of over 414,000, and a large retiree membership, EANGUS engages Capitol Hill on behalf of courageous Guard persons across this nation.

On behalf of EANGUS, I’d like to communicate our support, and urge your support, for an amendment being offered by Senator Bond (S.A. 4827 to H.R. 5631) to increase funding for the National Guard and Reserve Equipment Account. EANGUS appreciates your immediate action to the reported equipment shortages in the Army Guard, and this funding is vital to restoring the readiness of the Guard.

The $2.44 billion will not solve the equipment shortages in the Guard. It will not instantly improve the readiness to top levels. It will, however, allow the Guard to focus its restorative efforts on those who are preparing for mobilization, and it will help to restore readiness for our homeland defense posture.

Thank you for your continued support of our military. If our association can be of further help, feel free to contact our Legislative Director, SGM (Ret) Frank Yoakum.

Working for America’s Best,

MICHAEL P. CLINE, Executive Director.

DEAR SENATOR INOUYE:

I am writing to urge your support of the Bond-Leahy amendment language (S. 4827) clarifying the Senate’s intent in its passage of Chairman Stevens’s amendment (S. 4751).

NGAUS appreciates your action in providing immediate response to the services need for additional funding. We believe Bond-Leahy can greatly assist National Guard requirements by earmarking $2.44 billion in addition to the other amounts in the bill.

We continue to have concerns that the National Guard leadership consistently has problems with DoD in securing funds which the Congress has previously identified for Guard accounts. Your support in this regard is respectfully requested.

Sincerely,

STEPHEN M. KOPER, President.

Mr. BOND. Mr. President, as I previously stated, LTG Blum, the head of the National Guard, said in a recent interview about National Guard readiness:

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

And while this $2.4 billion will be a significant step forward, the Guard’s best estimate for the shortfall is approximately $23 billion—a third of it to replace equipment consumed by the wars in Afghanistan, Iraq, and peacekeeping assignments. The remainder is money that is needed to close the gap from years of underfunding by the Pentagon. Again, LTG Blum, chief of the National Guard Bureau, has said I am not talking about the icing on the cake. That’s the cake.

And they have been cut very badly. I have already mentioned that the Army National Guard has only 34 percent of its required equipment. At one time it dropped as low as 26 percent. And with some 27,000 Guard forces deployed overseas, and another 29,000 either coming back or preparing to go, there is a tremendous need for that equipment.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. SHELBY. Mr. President, I ask unanimous consent that the Members be permitted to call the roll. The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SHELBY. Mr. President, I ask unanimous consent that we temporarily set aside the Leahy-Bond amendment for 10 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SHELBY. Mr. President, I rise today to speak on an amendment I have filed regarding the Air Force’s KC-135 Tanker Replacement Program.

Like my colleagues in the Senate, one of my top priorities is to keep our Nation safe. I am working to ensure that our servicemembers have the best equipment possible.

Our Air Force has a fleet of aging refueling tankers that are currently experiencing problems. I simply do not believe we can wait 35 years to replace them.

While I understand the fiscal constraints the Defense Subcommittee was under, I believe that the KC-X, the airframe that will replace our nearly 40-year-old fleet of KC-135 tankers, is vital to our national security and to the success of our servicemembers fighting abroad.

This acquisition effort is likely one of the most important ones we will execute for many years to come. Whether the objective is to respond to military aggression or to provide humanitarian relief, the combination of distance and time can pose a significant challenge. When we need to respond quickly and in force, tankers allow us to project globally.

With our current military commitments abroad, our national security has become dependent upon the tanker force. It is the way we deter, deploy, and fight. We cannot achieve our decisive range capabilities without the air refuelers.

The Air Force’s current schedule is to award a contract for the new KC-X aircraft in 2007. However, that award could be indefinitely postponed if funding is not restored in the 2007 Defense appropriations bill.

While I have filed an amendment, I do not plan to call it up because, as a member of the Appropriations Defense Subcommittee, I understand the problem between the authorizers and the appropriators who may be receiving different information regarding the necessity for funding in fiscal year 2007. I have a letter from the Air Force Deputy for Programming, dated August 2, 2006, stating that the Air Force needs a minimum of $70 million in research and development, test and evaluation funds for the year 2007, in addition to the funds remaining in the tanker transfer fund. 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:

DEPARTMENT OF THE AIR FORCE,
Washington, DC, August 2, 2006.

Hon. RICHARD SHELBY, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR SENATOR SHELBY: On behalf of the Secretary of the Air Force, thank you for your inquiry on the Air Force’s tanker replacement program (KC-X). The KC-X budget request for RDT&E in fiscal year 2007 was $203.9M. However, the submitted budget did not account for the full extent of the program pause, which started in September 2005 to allow for additional analysis and review. In April 2006, the SECAF took the program off pause and traditional program activities resumed.
To properly re-phase the program to account for the delay, with contract award scheduled for August 2007, the Air Force needs a minimum of $70m in RDT&E funds for fiscal year 2007. This is in addition to the funds remaining in the Tanker Transfer fund. These funds are needed to allow the program office to obligate commercial long lead items for four test aircraft and engines, as well as mitigate the risk associated with the competition. Since there is a wide variance between the levels of effort required and the cost of potential airframes among the various competitors.

To answer your specific funding questions, we provide the following table:

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<tr>
<th>Tanker Transfer Fund</th>
<th>2002</th>
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<th>2005</th>
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<tr>
<td>Total</td>
<td>100</td>
<td>102</td>
<td>89.8</td>
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* Requested in FY07DR, subject to enactment.

We agree that recapitalizing our aging tanker fleet is vital to our national security and appreciate your support in moving this program forward.

Sincerely,

PATRICIA J. ZARODKIEWICZ,
Deputy for Budget

Mr. SHELBY. I also want to make certain that both the Armed Services Committee and the Defense Subcommittee on Appropriations are receiving identical funding information from the Air Force. To that end, I am committed to working with my colleagues to ensure that we are all receiving the same information and have the same understanding of the needs of the program to move forward at this time.

The Tanker Replacement Program is vital to ensuring that our Armed Forces have the most reliable and effective equipment in the world. In a year when the Senate’s Defense appropriations bill has been cut $9 billion, I appreciate the difficult funding choices that must be made. As a member of the committee, we have to make those choices. However, as our military aircraft become fewer in number and have to serve longer than those they replace, we cannot afford to take a misstep at the outset of this acquisition program. We must adequately fund the Tanker Replacement Program to ensure our service members have the necessary equipment to successfully defend our Nation.

I appreciate Chairman STEVENS’ continuing assistance with this program, as well as Senator McCain’s long-standing interest, and look forward to working with both of them in the coming months to ensure that we can move forward and replace our aging tanker fleet. A lot of those planes are over 40 years old, and I have discussed a particular rescission included in the Defense appropriations bill on a classified matter. It is my understanding — and I ask the Senator — that it is his intention to receive additional information from the Director of National Intelligence and other appropriate intelligence community officials on this program. I believe it is imperative that the committee have this information as soon as possible so that the conference can appropriately consider the matter. Could the Senator confirm that this is his intention?

Mr. STEVENS. Mr. President, I have conferred with our cochairman, Senator INOUYE. This is our intention. We do appreciate the Senator’s desire to work cooperatively on this issue, and we intend to follow through and see to it we get the information he seeks and have further dialog on it when we do.

Mr. BOND. Mr. President, I thank the chairman and Senator INOUYE for their leadership on this bill. This information will be of great interest to them. I appreciate their careful consideration of it. We look forward to having these discussions and hearings.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

CONFERENCE REPORT ON PENSIONS

Mr. KENNEDY. Mr. President, we are in the final moments of working through a rather important amendment. I thought I would use a few of those moments, until the floor manager returns, to address an issue that we are going to be dealing with within the next 2 days. I am not sure how much time we will have. That is the conference report on pensions which I urge the Senate to accept.

I want to quickly review exactly what our pension conference came back with. It requires the companies to fund pension promises, help workers save through automatic enrollment, making the Saver’s Credit permanent. This automatic enrollment will ensure that workers will be enrolled in 401(k)s. And this legislation ensures they will be able to get good advice. The advice will be objective.

The Saver’s Credit is going to be made permanent. That is probably the most that can be done for low-income individuals. The bill helps protect our airline workers’ pensions. It give workers timely and accurate information on pension plan finances. It protects workers and businesses in multi-employer pensions. It protects older workers’ early retirement benefits from erosion. That is important. It helps workers access to unbiased investment advice. It adopts post-Enron worker pension protections. It penalizes corporate...
executives who line their pockets when workers' pensions suffer. It provides greater retirement security for widows and former spouses.

Pensions are important because when we look at retirement security, it is a three-legged stool. We have Social Security, the bedrock of retirement; private pensions, and then private savings. Private savings are at an all-time low. We will, obviously, maintain the integrity of Social Security, but the other aspect is private pensions. Only 50 percent of workers today have pension plans. This is incredibly important; and we are going to be dealing with the estate tax proposal, which has been set by the majority leader. But we will, in the next 2 days, deal with this legislation.

Pensions are enormously important. We have had approximately $8 billion in pension savings that have been lost in the last 5 years. So if we did not take these steps, the prospects in terms of workers' pensions would have been very threatening.

We will make this recommendation at an appropriate time, when the leaders are here. The conference is our friend and colleague, Senator ENZI, who has done an extraordinary job during the course of the whole pension conference. As always, he is a man of good judgment and patience. He is a last-minute addition to any of us believed was necessary. Nonetheless, we have a product that we are prepared to defend.

We had great unanimity in the Senate when we passed the earlier bill 97 to 2. Yet, there is very little press expression of the primary concerns. This is not the legislation that I think Senator ENZI or I would have drafted, quite frankly. But it is a solid recommendation. It will make an important difference to millions of workers, particularly those in the multi-employer plans and also single-employer plans. It will make an incredibly important difference to some of the airlines and the steel companies. We did not treat American and Continental Airlines more fairly in the final recommendations. Without moving ahead at this time on the pension legislation, we have the prospects of one of the major airlines dropping their pension program, with more than 150,000 workers losing their pensions.

This is so going to be enormously important. We are not going to spend a great deal of time on this, as we are dealing with Defense appropriations, which are incredibly important, and Congress are going to be dealing with the estate tax proposal, which has been set by the majority leader. But we will, in the next 2 days, deal with this legislation.

It is extremely important. If there are no reforms, those who have additional information, I am sure Senator ENZI and I will be more than willing to provide it.

Americans who have worked hard and played by the rules for a lifetime deserve a secure retirement. They deserve to be able to enjoy their golden years, to spend time with their families and to rest after a lifetime of hard work. We need to be sure that they have the income they need to meet their costs for gasoline, prescription drugs, and other needs of daily living. But what they see each day is corporations such as Enron that callously disregarded their worker's retirement needs. They see airlines that are going bankrupt, leaving their workers with a fraction of the pensions they thought they had earned. They see other companies facing economic hardship that reward their executives while cutting the pensions of their workers.

The Pension Protection Act, which we are considering this week, will help over 100 million Americans. This legislation makes sweeping changes to strengthen guaranteed pensions and to increase workers' ability to build a secure retirement.

This legislation is the result of years of work on these complex issues by both the House and the Senate. Last year, we worked closely on the HELP Committee with Senator ENZI, and subcommittee chair, Senator DeWINE, and its ranking member, Senator MIKULSKI, to develop a bipartisan way to deal with these issues, and we worked closely as well with Chairman Grassley and Senator Baucus of the Finance Committee. Last fall, the Senate approved our comprehensive legislation by a vote of 97 to 2.

For months, the conference committee has struggled to reach agreement. It took 1 month and 26 days to find a deal. By last month we were finally able to reach a compromise on the key pension elements of the bill, which are reflected in the measures we are considering today.

Before I turn to the merits of the Pension Protection Act, I must say that while I support this legislation and the compromise it represents, I cannot support the process used in this conference, particularly the systematic exclusion of Democrats from the negotiation. Republican leaders allowed only two of the 11 Democratic conference to participate in the talks, denying the American people the views and contributions that these able legislators could bring to the table. The American people elect us to serve them, and refusing to allow elected officials to do their job is a fundamental attack on our democratic system of government.

As we all know, millions of Americans are increasingly concerned about their retirement security, and it is time for us to act. Many workers cannot save enough toward retirement. The personal savings rate has now fallen below zero because wages are stagnant, but costs are soaring for basic necessities such as gas, housing, health care, and education.

Social Security is under attack, and private pensions are in trouble too. In the past 5 years, over 700 pension plans have failed, with workers losing approximately $8 billion in pensions they had worked so hard to earn. Many workers today rely solely on their 401(k) accounts as their pensions. But these accounts don't offer real retirement security. Many of those workers do not have any money in their 401(k).

Those who do are not saving enough. Half of workers close to retirement have less than $61,000 in their accounts. All too many on these accounts face the constant risk that their investments will perform poorly.

This is why this legislation is needed. Companies need to keep their pension promises to workers. Workers deserve to know the true financial state of the health of their pensions. And companies need to offer benefits that give more workers the ability to earn a secure retirement.

A core problem that we have tackled in this bill is the need to strengthen the defined benefit pension system, which today provides secure pensions for nearly 45 million workers and retirees. These pensions grant a known monthly retirement benefit for life, and are insured by the Federal Government.

Workers rely on these plans for a secure retirement. They have earned their pensions over a lifetime of hard work, foregoing raises and other benefits to keep them. But as many workers may know, the company that in recent years. The headlines have been full of stories like these in recent years.

The legislation solves this serious problem by requiring companies to put more funds into their pensions and to do so in a fair and predictable way.

It also recognizes the power of public disclosure and the urgent need for more effective oversight of pension plans. Under current law, workers receive little financial information about their pensions, and what they do receive is often years out of date. They have earned these pensions, and they deserve to know whether the funds are there to pay them.

The Pension Protection Act ensures that workers and retirees receive up-to-date information each year about the status of their pensions. By opening up the books of pension funds, they will be able to monitor the true health of their retirement.

The bill also provides incentives to keep pensions financially healthy by tying executive compensation to pension health. Executives should not be able to feather their own retirement nests, while workers lose their nest eggs. The bill penalizes executives who put company funds into their own retirement accounts instead of the pensions of rank and file workers are underfunded.

We also need to recognize the growing role of defined contribution pension plans that provide only little financial information about their pensions, and what they do receive is often years out of date. They have earned these pensions, and they deserve to know whether the funds are there to pay them.

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plans in our retirement system. Over 40 percent of workers participate in such plans today, and for many of them it is their only pension plan.

Our legislation encourages them to save more under these plans by automatically enrolling them in these plans and automatically increasing the amount they can save. Automatic enrollment can drastically increase the number of workers who start saving for retirement—it would immediately help up to 2 million American workers whose companies already offer pensions but they are not participating.

Workers in the lowest income brackets benefit the most. One study projects that automatic enrollment could more than double the percent of lower income workers who are building a retirement when their employer offers a pension from only 42 percent to over 90 percent.

The Saver Credit provides critical incentives to help hard-working Americans contribute to their retirement plans and helps over 5 million workers each year. This legislation makes that credit permanent and indexes it so this incentive will continue to be meaningful for workers into the future.

Also, as employees assume greater responsibility for pension investment choices, they need the best information possible to make these choices. The Pension Protection Act encourages companies to provide nonbiased investment advice to their employees so they can maximize their retirement savings.

Our bill also helps to improve the portability of retirement savings. By making it easier for workers to move retirement savings from one type of pension to another when they change jobs, we encourage workers to keep these savings for retirement instead of spending them.

In addition, the bill addresses the needs of nearly 10 million workers and retirees who receive pensions through multiemployer plans. These are the workers who clean our office buildings and hotel rooms, deliver our groceries, build our homes and schools and highways, and deliver goods across the country. Many of them are in industries where they move from job to job and would not be able to earn any pension at all without a multiemployer plan, since their employers, particularly small businesses, could not afford to offer a pension on their own.

The majority of these pensions are in strong financial shape. But the recent economic downturn and the weak stock market have put some of them in financial difficulties similar to those facing single-employer pensions. We owe it to these employees to protect their hard-earned pension.

Under this legislation, employers and employees must work together and agree on a plan to restore these pensions to financial health. Employers would be protected from unforeseen payment increases and new excise taxes, which could cost many workers their jobs.

The bill also addresses the special needs of workers who help to keep America safe. We improve retirement security for public safety workers by expanding options to pay for retiree health care and long-term care. We also allow active duty and reservists to draw on their retirement savings without penalty when called to active duty, and we give them an opportunity to replace these savings when they return to civilian life.

The pension crisis in the airline industry also demands immediate attention. Our airlines have faced unprecedented challenges since 9/11. Natural disasters have reduced travel. The industry is suffering from record-high fuel prices. These costs are driving companies into bankruptcy, putting the retirement of hundreds of thousands of workers and retirees at risk.

Workers at United Airlines and U.S. Airways saw their pensions slashed when their companies filed for bankruptcy. Our bill will ensure their pension plans to the Pension Benefit Guaranty Corporation. We need to help hundreds of thousands of other workers avoid the same fate.

The bill provides a way for these airlines to keep the pensions by offering companies a specialized payment program and a transition period to adjust to the new rules. Hardworking people like Sean Reardon, a mechanic with Delta Airlines in Boston, deserve to keep their pensions that their employers and hundreds of other workers in Massachusetts.

Our legislation also addresses new types of pensions, like ‘hybrid’ pensions, which play a growing role in our retirement system. These pensions provide a guaranteed pension, and the benefits are attractive to younger workers and to others, such as parents caring for children, who move in and out of the workforce.

Older workers, however, can lose out when their companies switch to these plans because they lose a large portion of the benefits they were promised. Some companies have been taking advantage of the conversion process to eliminate early retirement benefits that workers have already earned.

This legislation gives companies clear guidance about the future legal status of these plans, but allows workers who have been harmed in the past to continue to pursue their rights. And it contains clear protections against so-called ‘wearaway’ or erosion of older workers’ benefits. The bill also makes these pensions more portable, so that they better serve a mobile workforce.

As we learned from the Enron, WorldCom and other corporate scandals, employees forced to invest in company stock are at huge risk. Despite all the publicity, many workers continue to overinvest in company stock, jeopardizing their retirement security because their job and their retirement depend on the fate of their company.

The bill protects them by preventing employers from overloading 401(k) plans with company stock. It also warns employees when they place too much of their retirement funds in one investment.

The legislation also includes important provisions from the Women’s Pension Protection Act introduced by Senators SNOWE and I introduced. Retirement security is essential for all Americans, but we often fail to meet the needs of women on this basic issue. Women live longer than men, but they continue to receive a smaller share of their lifetimes. They are also much less likely to earn a pension. These differences translate into seriously inadequate retirement income for vast numbers of women.

According to the most recent data, only 22 percent of women age 65 and over are receiving private pension income, and for those who do, half of them are receiving less than $4,500 a year compared to $9,600 for men. Minority women are even more desperate straits—only 21 percent of African-American women and 9 percent of Hispanic women receive a pension. These disparities are a major reason why one in five elderly single women lives in poverty.

Our legislation gives them greater retirement security. Widows will receive more generous survivor benefits and divorced women will have greater ability to receive a share of their former husband’s pension after a divorce. These are long overdue improvements in the private pension system, so that retirement savings programs will be more responsive to the realities of women’s lives and careers.

Employees and their families rightly expect Congress to protect their hard-earned pensions. This legislation is a major start toward meeting this basic responsibility to future women and families.

I urge my colleagues to support the Pension Protection Act.

I suggest absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. ISAACKSON. 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. ISAACKSON. Mr. President, I rise for a moment to address the situation with regard to the pension protection bill. I want to follow up on the remarks by the Senator from Massachusetts, Mr. KENNEDY. I thank Senator KENNEDY for his hard work as the ranking member of the HELP Committee. I thank MIKE ENZI, the chairman, and I appreciate the patience of CHUCK GRASSLEY and his effort in the Finance Committee.

The Senator’s recitation of the long and arduous conference committee was absolutely on track. We are within hours of getting a bill to the floor that will protect the pensions of thousands of Americans today and, in the future, make our pension laws 21st century laws in a 21st century economy.
Failure to agree to the bill before we leave will mean disastrous consequences. Airlines in America have needed some special protection for some time in order to do what they want to do, which is honor the pensions of their employees. It is to the great credit of Delta and Northwest Airlines that both companies want to exit bankruptcy and ensure the pension benefits of their employees. This is not only noble, but it is very important. In my State, 91,000 people’s pensions and their employment are determined and dependent upon the Senate acting.

Beyond the airline situation, the pension laws of the country have needed to be modernized for some time. We all know the trouble Social Security has had. It has been the same trouble with defined pension benefits. People live longer and there are less workers, and less workers do more work and contribute less to the system. It is important to the companies to be able to amortize any benefit over a period of time that is sustainable. It is important that the interest rate assumptions made are realistic, and that we adopt the principle that people do in their own savings, and that is dollar cost averaging—continuing to put money into whether the market is up or down. It should be the same in terms of protecting pension plans by ensuring that contributions are consistent and meaningful and, in fact, doable.

I have had tremendous help over the past 18 months from many people. I want to particularly thank Mike Quello, Ed Egee, and Glee Smith on my staff for countless hundreds of hours in working toward the resolution that will soon come to this floor.

I urge my colleagues to join with us in adopting and ratifying, without amendment, the pension protection bill that will be before us. It will be meaningful for many retirees today. It will be more meaningful for every retiree in the future. I want to thank Senator Grassley and Chairman Enzi for their tireless work, and ranking members Kennedy and Baucus for their cooperation, and the staffs who put in so much time to make this bill a reality for millions of Americans.

I yield the floor and 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. KENNEDY. 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. STEVENS. Mr. President, as I indicated, we have discussed this amendment with the Senator from Kansas, the chairman of the Senate Intelligence Committee. We had a little bit of trouble reading the writing on the modified amendment. I believe we have that agreed to now.

Mr. FRIST. Mr. President, I rise to make a few observations with regard to the Kennedy amendment to require a new national intelligence estimate on the situation in Iraq. I very much appreciate the efforts of Senator Roberts and Senator Stevens to work with Senator Kennedy to improve his original amendment, and I think the language that we have agreed to is a big improvement over the original proposal.

I do want to share with my colleagues, however, a concern I have about what we are asking for here. As everyone in this Chamber knows, we have had a big debate over the last few years about whether the intelligence on Iraq was “politicized” as we approached the decision whether to authorize the use of force against Saddam Hussein in 2003. A large part of that debate has turned on whether the National Intelligence Estimate that was submitted to Congress by the intelligence community on October 1, 2002, was balanced and complete.

It is important to recall that the October 1, 2002, National Intelligence Estimate was demanded by Members of Congress in September of 2002. The
record demonstrates that the Director of Central Intelligence asked for more time to complete the estimate, and the Members of Congress who wanted to see that estimate said no. Certainly the pressure from Congress to produce that document very quickly contributed to which problems have subsequently been identified in that estimate.

A lesson that can be drawn from this experience is that it is not just executive branch officials who are in a position to criticize or degrade the quality of intelligence. Members of Congress can do so as well if they are sloppy in the way they press for information, ask biased questions, or don’t allow enough time for the intelligence professionals to do their work carefully.

In light of this experience, I would hope that if the Kennedy amendment is enacted into law, the Director of National Intelligence will not feel pressured to reach some of the judgments that some supporters of the amendment clearly want him to reach. Instead, our intelligence professionals should take their time, work hard, and articulate conclusions that represent their best judgment about the situation in Iraq. There simply is too much at stake to permit the work of our intelligence professionals to be politicized at this late date.

The PRESIDING OFFICER. The amendment is pending. Is there further debate?

Mr. STEVENS. I ask for adoption of this amendment.

The PRESIDING OFFICER. If not, without objection, the amendment is agreed to.

The amendment (No. 4802), as modified, was agreed to.

Mr. STEVENS. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. STEVENS. The Senator from Iowa wishes to be recognized.

The PRESIDING OFFICER. The Senator from Iowa.

ESTATE TAX AND THE MINIMUM WAGE

Mr. HARKIN. Mr. President, I thank the chairman. I did not want to interrupt any amendments. I just thought as long as there was time when no one was offering amendments, I would take the opportunity to speak briefly about the issue that will be confronting us today and tomorrow outside the action on the Defense appropriations bill, and that is the so-called deal the House of Representatives sent over to us regarding estate taxes and the minimum wage.

For 9 long years, the majority party here has blocked any increase in the minimum wage. During that time, the real value of the minimum wage has declined by 21 percent. The minimum wage now is a poverty wage. One can work for a minimum wage, but one is still in poverty. A breadwinner working full time for minimum wage earns $6,000 less than the Federal poverty level for a family of three. Yet the Republicans again and again have adamantly refused to allow an increase.

Just think what it would feel like to anyone here if our salaries we make as Senators and Congressmen had decreased in value by 21 percent over the last 9 years. Think how that would feel to you and your families. How about people at the bottom of the economic ladder? That is exactly what has happened to them.

However, now 3 months before the election, I think the majority party is looking at the polls. A Pew poll this week showed that 83 percent of the American people favor increasing the minimum wage. My friends on the other side of the aisle don’t want to appear coldhearted and callous, so they have offered us a deal, and what a deal it is. They have crafted a perverse minimum wage bill that actually cuts wages for nearly a million workers, then increases the minimum wage for others over 3 years, and then they say: We will give you this only if you agree to another Giveaway for one of the wealthiest people in America.

Let me be specific. What my friends on the other side of the aisle are saying is that the lowest income working Americans do not deserve an average $1,200-a-year increase in the minimum wage; they don’t deserve it. But the estates of billionaires should get a tax break worth tens of millions—in some cases billions—of dollars.

Let me repeat. People at the lowest end of the spectrum don’t deserve a $1,200-a-year increase. They will only get it, you see, if we tie it to another huge tax giveaway for the richest Americans.

This so-called deal we have been given takes cynicism to a new level. It takes greed to a new level. And by draining the Treasury of more than three-quarters of a trillion dollars over 10 years, it gives that tax break to the wealthy, it takes fiscal recklessness to a new level. Let’s be clear. This is a deal the Senate should reject. It is shameful that the majority party would attempt to hold the minimum wage hostage to yet another tax giveaway for the wealthiest people in America.

Let me be clear. This is a deal that the Senate should reject. It is shameful that the majority party would attempt to hold the minimum wage hostage to yet another tax giveaway for the wealthiest people in America. The so-called deal that we have been given takes cynicism to a new level. It takes greed to a new level. And by draining the Treasury of more than three-quarters of a trillion dollars over 10 years, it gives that tax break to the wealthy, it takes fiscal recklessness to a new level. Let’s be clear. This is a deal the Senate should reject. It is shameful that the majority party would attempt to hold the minimum wage hostage to yet another tax giveaway for the wealthiest people in America.

But the cynicism doesn’t stop there. Republicans have taken the Democrats’ minimum wage bill and they have twisted it in ways that will actually result in a pay cut—a pay cut—for nearly 1 in 6 Americans earning the minimum wage. Because of the delayed, 3-year phase-in, the bill would benefit nearly 2 million fewer workers.

And here is the kicker: The bill before us will nullify laws in seven States that provide minimum wage protections for workers in those States. Those workers in the seven States actually, under this bill, will receive a pay cut of up to $5.50 an hour in seven States. I find it interesting that my friends on the other side have always championed the causes of States rights and that the Federal Government should not be taking power away from the States, with this bill they are telling seven States: We don’t care what you want to do, we are telling you we know better. We are going to take away your authority to shape laws to protect those who earn tips a better deal. We are going to take that away.

So much for States rights.

This is not a deal; it is a deception. It doesn’t even make sense. It is not a pay cut for the 18.6 million Americans earning the minimum wage, hard-working people on the margins of our economy desperate for an increase.

With this bill, my friends on the Republican side are saying to them: You are hostages. You get nothing unless 3 out of every 1,000 of the wealthiest estates in America get an average tax break of $1.4 million. That is right. This estate tax bill helps only 3 out of every 1,000 estates in America—3 out of 1,000 of the richest estates in America. So that is their deal: You are hostages. You don’t get a thing unless we help these 3 out of 1,000 of the richest. This violates our most basic sense of decency, fairness, and justice. And, just as importantly, the near repeal of the estate tax would pile another massive load of debt onto our children and grandchildren. It will be toxic for our Nation’s economy.

We will hear our colleagues on the other side tell us it is mostly teenage workers, summertime workers, part-time workers flipping burgers working for the minimum wage. Facts are nagging things because facts nag at myths, and this is one of the myths we hear all the time. What are the facts? Thirty-five percent of those earning the minimum wage are their family’s sole breadwinners. Sixty-one percent of the people earning the minimum wage in America today are women. You want a women’s issue? This is a women’s issue. Sixty-one percent of the women who would directly benefit from an increase are over the age of 20. So it is not just teenage women. In my State alone, if the minimum wage were raised to $7.25 an hour, which is what we have been proposing, some 257,000 Iowans—that is, 18 percent of all of the
workers in my home State—would receive an hourly wage increase averaging 60 cents. Now, again, of those workers in my State, 75 percent are over the age of 20. I have to raise the issue of pension reform. We had the year reelapse of the estate tax for the richest of Americans, despite the fact that we are facing the deficit this year of as much as $300 billion, despite the fact that they have run up more than $2 trillion in new debt since President Bush took office, despite the fact that they have increased spending by 25 percent in just 5 years’ time, despite the fact that we are spending almost $10 billion a month on seemingly endless wars in Iraq and Afghanistan. The level of irresponsibility here is just breathtaking.

As I said, this is a tax break we cannot afford, benefiting people who don’t need it, and it is going to be paid for by the children and grandchildren of hard-working, middle-class Americans. Slashing the estate tax would not create a single new job. It will not increase productivity or competitiveness. It will do nothing to build one new school or to improve the education of our children. To the contrary, by driving up the deficits and the debt, it will create more pressure to cut already under-funded efforts to support education, health care, veterans, and other domestic priorities.

This Senate went on record this spring in the budget to add $7 billion to the Appropriations Subcommittee on Labor, Health and Human Services, and Education. It went on record with an overwhelming vote—73 to 26—to put in $7 billion—to increase it? No. Just to get us to the level we were 2 years ago. In 2005—just to get us to the level we were in 2005. Well, through the committees and the conferences, we got that bill down to $5 billion. So we have a $5 billion increase. So we can’t even get back to the level we were in health care, medical research at NIH, education, all of the programs that help kids, Title I, Individuals With Disabilities Education Act—none of those will be able to get back to the year 2005 level.

I am told the Labor, Health and Human Services, and Education appropriations bill again is being held hostage, that we won’t bring it up until after the elections. We won’t bring it up until after the elections. Why? Because we will probably vote on putting that $2 billion in there, and it will win—it will win—it will win. I don’t think my friends on the other side want to go into the election having suffered that kind of defeat here on the Senate floor.

So let this be the case, since no one else was offering amendments, to talk about this so-called deal which is being called a tricofea, for some reason or another, to just say we have to reject this devil’s deal, as I called it, this deception. What we need to do is to say no to the House of Representatives and what they have tried to do to us, defeat that, take the tax extenders on which we all agreed—which on both sides agreed—and put it on the pension bill, and send it back to the House, and then we will address the issue of the minimum wage and perhaps estate taxes sometime later.

We should reject this perverse deal being offered. I reject giving away another three-quarters of $1 trillion in tax breaks for the wealthiest of Americans. If we are going to pass new tax breaks, let’s focus on working Americans who need them for increased college tuition, increased gasoline prices, increased heating bills, and increased health care premiums. Those are the people who need the tax breaks, not the 3 out of 1,000 who have the biggest estates in America.

Mr. President, I yield the floor, and I note the absence of a quorum.

THE PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. 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. STEVENS. Mr. President, I ask unanimous consent that amendment No. 4827 in its modified form—I believe it has been modified—

THE PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS be placed before the Senate.

THE PRESIDING OFFICER. It is pending.

Mr. STEVENS. Mr. President, I ask for a vote on this amendment. Are the yeas and nays ordered?

THE PRESIDING OFFICER. They have been ordered.

Mr. STEVENS. I ask that that order be rescinded.

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

The amendment (No. 4827), as modified, was agreed to.

Mr. STEVENS. Mr. President, what is the pending business?

THE PRESIDING OFFICER. The Coburn amendment No. 4848.

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

THE PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

THE PRESIDING OFFICER. The Senate adjourned from South Carolina.

Mr. DEMINT. I ask unanimous consent to address the Senate.

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

Mr. President, we are at a time of year when Congressmen and Senators leave Washington to spend the month of August back in their States and districts. As I travel back to South Carolina, I know that my constituents will want to know what we have done in Congress to secure our homeland, to lower their cost of living, particularly gas prices, and to protect the values that have made us strong and unique as a nation. In short, the people of South Carolina, like the people all across America, will want to know what we have done to secure their future and to give them hope that their children and grandchildren will live safe and prosperous lives.

The Democrat leader recently charged this has been a “do nothing Congress” and suggested it is time to go to work on the pressing problems facing our Nation. Maybe he should have extended that same admonition to his Democrat colleagues who have tried to block just about everything that would make our country safer, more prosperous and protect the values that make America great.

It has been said that everyone is entitled to their own opinion but not their own facts. And the fact is, thanks to Republican perseverance and leadership, this Congress has been one of the most productive Congresses I have been privileged to be a part of. I am looking forward to giving the people of South Carolina my report.

Let’s talk about securing our homeland. I am proud that, thanks to the leadership from President Bush and the Republican Congress, we have remained steadfast and forceful in the war against radical Islamic terrorists all around the world and that there have been no further attacks on United States soil since September 11.

Republicans understand the war on terrorism has many fronts: Afghanistan, Iraq, and we see it now in Israel’s struggle against Hezbollah. There will be many new fronts. If we do not defeat radical Islamic terrorists in Afghanistan, Iraq, and Lebanon, we will never defeat them anywhere.

Unfortunately, many of my Democrat colleagues, with the help of their misguided allies and media outlets such as the New York Times, have signaled to the terrorists that America is tired, discouraged, and ready to quit. This has encouraged the terrorists to expand their attacks in many parts of the world.

Not content just to heckle from the sidelines, many Democrats have fought to block the tools needed to defend freedom abroad and to defend our Nation at home. Democrats have blocked reauthorization of the PATRIOT Act while their leader boasted “we killed the PATRIOT Act.” They blocked reauthorization of our major security positions, including U.N. Ambassador John Bolton and the Department of Defense and intelligence officials. They have blocked expediting our national
terrorist attacks, and we will support the capture of many of al-Qaida enforcement resources that have led to use of military intelligence and law enforcement, and we have defended the PATRIOT Act despite Democrat objections over 5.4 million new jobs. As the economy grows and wages rise, family checkbooks still feel the pressure. If you get a $25-a-week raise but you have to spend $50 a week more than you did before for gas, food, or medical care, you are still $25 worse off than you were before. Only if I remain optimistic about the economy is fading as concerns over the cost of living have increased. There is no quick fix to this dilemma, but Republicans have a plan to secure America’s economic prosperity. Unfortunately, Democrats have raised the cost of living by blocking commonsense health care, energy, and education solutions while promising to raise taxes. Let’s talk about health care. It is one of our largest and most rapidly growing economic sectors, nearly 20 percent, by most estimates. We still have access to the best health care in the world, but the support system that makes all of this possible is on the verge of collapse—costly premiums, leaving millions uninsured, sky-high hospital and prescription drug costs, overwhelming amounts of confusing paperwork, outrageous cost of medical malpractice insurance which drives doctors out of business and discourages our best and brightest students from even considering the profession. In this era of fierce global competition, our overcomplicated and inefficient third-party payer health insurance system is bankrupting our companies and raising the cost of living for millions of hard-working Americans. Democrats have raised the cost of living for Americans by blocking comprehensive health care solutions for small businesses and families and opposing prescription drug coverage for seniors. Republicans have a goal that every American will have a health plan that they can own, afford, and keep. Our plan is to move toward what some call “consumer-directed health care”—or patient-directed health care—which will unleash the power of free market competition in the health care industry. It will allow health care to function like any other economic system. It will return control to patients and give them choices so they can shop for the best values. It will strengthen doctor-patient relationships, improve quality, and reduce prices. It will allow us to keep our promises to seniors and give them better choices in the future. We want to pass small business health plans. We have tried once this Congress; we will try again. We have made our case. We hope to bring it back before the end of the year. We want to expand health savings accounts, which are a new way to provide tax-free funds for people to shop for health care without a third party telling them what is covered. We have opposed Democrats’ efforts to force one state to buy health insurance from any other state in the country. We call it the Choice Act, and it is something this Senate should look at. We have a great choice in health care. We can continue down the same path we are on now, where Washington bureaucrats are making many of the health care decisions, and we can allow the Democrats to continue to obstruct real change or we can put patients and families in charge and lower everyone’s cost of living. Let me talk about energy. It is such an important part of the cost of living and our prosperity. Our Democratic colleagues have a long history of insisting energy prices are too high for American families. They have continually called for higher and higher taxes on gasoline, successfully adding a 4.3-cent tax on every gallon of gas back in 1993. They blocked a comprehensive national energy policy for 4 years. We finally succeeded in overcoming that obstruction. They blocked increasing American oil supplies by opening some Alaskan reserves. They voted against it eight times over 15 years while gas prices steadily climbed. They have blocked the expansion of American refining capacity and streamlining American boutique fuel bureaucracy that needlessly drives up costs. This week, over half of the Demo- crats in the Senate voted against environmentally friendly American deep sea energy exploration that will lower the price at the pump and lower the cost of home heating and cooling. Fortunately, again, we overcame their obstruction and passed the bill. Republicans have practical solutions on the table, such as deep sea development, that will increase America’s natural gas and oil supplies, reduce the cost of gas, and reduce our dependence on foreign oil. We have a plan to invest in alternative energy to diversify our energy infrastructure and encourage conservation. We can supply affordable, abundant, and environmentally friendly energy. Most importantly, we can reduce the cost of living for American families. Democrats can follow their leadership’s tired, partisan strategy of blocking real solutions and then trying to blame Republicans when the energy crisis does not get solved or we can work together and secure our prosperity and bring down the cost of living for Americans. The choice is theirs.
Education is a big part of America’s prosperity. We are in a global economy, and we must invest in flexibility and choices for students and parents. We need to train the best workforce in the world to attract the best jobs in the world to create jobs and do business. Hopefully, they will join us to support the Family Prosperity Act that we will be voting on either today or tomorrow. This is one of the most important bills of the year. I am disappointed to hear all the misinformation about the bill on the floor of the Senate. This bill raises the minimum wage; it will not decrease the minimum wage anywhere in this country. That is a fact. The other information is, frankly, not true. The Family Prosperity Act will raise the standard of living for Americans and cut the cost of death.

We need to talk about our values if we are going to secure our future. I am also proud to report to my constituents that Republicans are working to secure our shared values, the values that have defined the American character, protected our families, and shaped our society for over 200 years. I was interested to hear the Democratic leader criticize Republicans for focusing on value issues, such as protecting marriage and prohibiting flag desecration, by claiming—in his words—that we have “divided our country and distracted this Body from more pressing problems.”

Over the years, the idea of values has come to be negatively construed by those who would define freedom as the ability to do whatever they want and to have no one tell them it is wrong. I am here to say today that this distorted idea of freedom without values is actually the greatest form of tyranny.

Unfortunately, I am afraid the Democratic leader and others in his party have taken to a philosophy that is completely bankrupt. The society that refuses to say that some things are wrong, or give value to things that are right, condemns its people to live under the despotism of fear—for the safety of their lives, their families, and their possessions—and robs them of hope for a better future.

As we fight to secure our homeland, we are opposed by radical Islamic terrorists who hate us for our shared values. They believe that those who devalue their own women and use them, and even children, as shields behind which they carry out their cowardly work. They kill innocent bystanders to prove a political point. They despise our values and will stop at nothing to destroy them and destroy us. As we fight to secure our economic prosperity, we are reminded of values—the entrepreneurial American spirit and the premium placed on hard work—that have driven an amazing age of innovation and improved the quality of our lives for millions here and all around the world.

The fact is, our shared values—things such as respect for life and the rule of law—are the very basis of our prosperity and security, and we forget that lesson at our peril. So I am afraid it is a bit shortsighted of the Democratic leader and others in his caucus when they dismiss securing our shared values as unimportant. And, unfortunately, like the other areas I have already discussed, they do not simply dismiss, they actively obstruct. I am proud to tell my constituents that Republicans have taken several important steps to secure our values this year.

The Child Custody Protection Act was one. Parental notification is required for nearly all medical procedures. School nurses typically will not even give an aspirin to a teenager without a signed parental permission slip. An overwhelming majority of Americans believe that taking a minor across State lines to obtain an abortion without her parents’ knowledge is not consistent with our shared values. This important legislation protects the rights of parents to care for their children’s health.

Democrats have caved to the pressure of their “abortion at any cost” industry by blocking the commonsense bill from becoming law with procedural delays. They are hoping that the American people will either not notice or forget their obstruction. The cost is the emotional and physical health and well-being of teenage girls and the rights of parents who most want to protect their children.

Let’s talk about the marriage amendment. The Federal Government has diminished marriage through misguided social programs and court rulings, and the Federal Government is the only one that can fix the problem it has created. Marriage is America’s most important institution. It must be cherished and protected. We cannot allow activist judges to force people to recognize same-sex marriages. Americans believe that taking a minor across State lines to obtain an abortion without her parents’ knowledge is not consistent with our shared values. This important legislation protects the rights of parents to care for their children’s health.

Democrats have blocked the Republican-led efforts to secure our values by defining marriage as a union between one man and one woman. Judges are also important to upholding our values. As I travel in South Carolina, time and time again, South Carolinians have asked me to fight for judges who will place the rule of law above their personal opinions. Democrats have consistently blocked and even tarred and feathered well-qualified men and women. Republicans have continued to fight, with some success—to mention Chief Justice Roberts and Justice Alito on the Supreme Court, and we have confirmed 14 circuit judges and 34 district judges, overcoming much Democratic obstruction. I would like to talk about the National Sex Offender Registry as part of our values agenda as well.

Parents deserve to know when a sex offender moves into their neighborhood so they can ensure their child’s safety.
The Republican-led Congress has created a National Sex Offender Registry to protect our families against criminals and their heinous acts. A public database has been created by this bill that will help law enforcement and families track convicted sex predators as they move across the country. It is called the toughest piece of child protection legislation in 25 years, and I am proud that Republicans took the lead on this.

We also need to talk about stem cell research. Our commitment to scientific and yet ethical research is another shared value that has defined America for years. I was proud to join President Bush and our Republican majority to support additional funding for cutting-edge research with nonembryonic stem cells and to ban “fetal farming.” which allows human embryos to be created so they can be destroyed for research purposes.

Nonembryonic stem cell research has already been used in over 60 successful human therapies to date. It holds unlimited promise for cures for millions who suffer from debilitating diseases. It proves that we don’t have to choose between science and ethics. We can achieve both.

For all these reasons and more, I am proud to be part of a Republican majority committed to securing our shared values.

I think we may be on the 12th or 13th version of the Democratic agenda. I have lost track: there have been so many. But while Democrats promise to travel the country staging press events during August, Republicans are promising, for the rest of this year and as long as we control the Congress, to continue to work for real, tangible legislative solutions to the problems Americans face. Democrats may claim to be the party of compassion, but compassionate rhetoric without a plan for action is nothing more than an empty promise.

I look forward to telling my constituents that Republicans are committed to securing our homeland, our prosperity, and our values. I invite my Democratic colleagues to join us to provide hope and security for all Americans.

I yield the floor.

The PRESIDING OFFICER (Mr. Alexander). The Senator from Massachusetts is recognized.

MR. KERRY. Mr. President, I ask unanimous consent to proceed as in morning business.

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

IRAQ AND THE MIDDLE EAST

MR. KERRY. I came to the floor to speak about the Middle East and Iraq, and I intend to do so. But obviously, having sat here for the last almost half hour listening to how the Senator from South Carolina is going to get back to South Carolina, I couldn’t help but listen to him say that he is going to be proud to tell South Carolinians that he and the Republicans have been doing what it takes to make America more secure. You can tell them that. But it doesn’t mean it is true.

The fact is, the American people understand, I think pretty well, what is going on. But as far as the average American is getting tougher and tougher, they don’t think Washington is doing very much for them at all.

Health savings accounts work just fine for people who can save money. And they’re asking for more. They’re asking for health care. If you can’t save money and you don’t have the benefit of the tax deduction, then the health savings accounts don’t do anything. That is why there are now 46 million Americans without health care. It has gone up 6 million people under this President.

Eleven million children have no health care at all in the United States of America—none, no health care. We are the only industrial Nation in the world that treats our kids like that. I hope he reports to the people of South Carolina, where there are a lot of kids who don’t have health care, why there hasn’t been a vote on the Senate floor to give children health care.

When it comes to making America more secure, he talks about that. North Korea has four times the nuclear weapons capability that it had 4 years ago. Are we more secure?

The fact is, for 3 years this administration didn’t even engage with the British, the Germans, the French in their efforts to try to reduce the potential that Iran would nuclearize. Three years standing on the sidelines, and now Iran is playing out its deadly game with Syria and Lebanon.

I think by any measure—and this is not what I came to the floor to talk about—the case is powerful that America is in fact less secure. Nothing underscores more than that when the Senator from South Carolina stands there and says, it is too separate who is willing to fight terrorists, and we are fighting terrorists, he said, in Iraq.

Iraq is not a war of terrorists today. Iraq is a war principally that is civil. It is Iraqi killing Iraqi. The fact is, Iraq was never the central front in the war on terror, which was always in Afghanistan, always with respect to Osama bin Laden and al-Qaida. It is al-Qaida today that is in fact stronger around the world than it was 4 years ago. It is growing, and there are countries in which it now has cells that it didn’t have at the time of September 11, 2001.

I hope we will have this debate. Believe me, we will have this debate over the next months about whether we are more secure and about how you actually stand up for the security of the United States. One of the ways you stand up for the security of the United States is to have a sensible policy with respect to Iraq.

Yesterday I went to Arlington National Cemetery for the funeral of Lance Corporal Geoffrey Cayer, a 20-year-old from Massachusetts. Apart from the obvious heart-wrenching sadness of that moment, I was struck, as I walked up to the graveside, by the number of new headstones, all of which read Operation Iraqi Freedom or Operation Enduring Freedom.

One of those now among the fallen is Phillip R. Baucus, of the非常好 of our friend and colleague Senator Max Baucus. Phillip was a proud and brave Marine Corps corporal who gave his life serving this country last Saturday in Al-Jurf Province in an extraordinary young man from all I have read and from what Max told me personally. I know from Max what he meant to his family and what a totally devastating blow this is to all of them.

We offer our prayers to Phillip and for every family that has endured this kind of monumental loss. Phillip and Geoffrey Cayer and all those who have given their lives are a very tough reminder to all of us of the incredible sacrifices that America’s children are making every single day.

With the violence in Iraq growing worse by the day, it was stunning to hear Secretary Rumsfeld come before the Armed Services Committee this morning with a laundry list of excuses and denials about what is happening there and its consequences for the region. General Abizaid candidly acknowledged that “the sectarian violence is as bad as I have seen it,” that he has rarely seen the situation “so unsettled and so volatile.” He warned of coming civil war and that “failure to apply coordinated regional and international pressure . . . will further extremism” and could lead to a widening and more perilous conflict.

But this morning Secretary Rumsfeld didn’t call for that kind of diplomacy, didn’t talk about that kind of diplomacy, didn’t lay out a plan that the administration has for that kind of leadership and diplomacy, nor has President Bush reached out to undertake the kind of crisis diplomacy needed in Iraq or to leverage the regional pressure to stop Iraq from descending into intrievable chaos.

We ought to try to strip away the labels for a minute, take away Democrat and Republican, take away the partisanship of this city, just measure this against history. How many times have any of us as United States Senators, or even previous to our being here, seen the concerted effort statesmen on an international level convening efforts in order to diffuse crises or to make peace where there was war or to try to stop war where there was conflict?

Instead today Secretary Rumsfeld announced “there are a number of good things happening . . . amidst all of this difficulty, the currency is fairly stable, the schools are open, the list of axes are open, the people are functioning.” Secretary Rumsfeld waxed optimistic about an Iraq where you “see people out in the fields doing things and people driving their cars and lining up for gasoline and going about their business.”

He went to say that “despite all of the difficulties, there are also some
The President's policy of standing down U.S. troops as Iraqis stand up, which has been the mantra of the last 2 years or more, has now been exposed as a misleading myth. In fact, we are actually increasing the overall troop presence in Iraq. Prime Minister al-Maliki himself tells us that more Iraqi soldiers have been trained, and we have reportedly all but abandoned the hope of withdrawing significant numbers of troops this year; even as the Iraqi President tells us that under our security responsibility throughout their country by the end of this year. That is what the Iraqis are telling us, even as U.S. forces are increasing.

The Iraqis from all sides understand what is going on in their country. They are not afraid to speak the truth.

Haidar al-Abadi, a prominent Shiite legislator. This is one of the people we are working with in the democracy that we have offered and that they have fought for and voted for. He said:

Certainly, what is happening is the start of a civil war.

Saleh al-Mutlaq, a Sunni legislator—so you have Shia and Sunni—also described the recent violence as:

The start of a civil war.

Larry Diamond, whom many Senators know and have talked to, is an expert. He was over there with Paul Bremer in the Coalition Provisional Authority. Here is what he said:

In academic terms, this is a civil war, and it is not even a small one.

The Iraqis from all sides understand what is going on in their country. They are not afraid to speak the truth.

I respectfully think it is a lot more than an undeclared civil war.

The Iraq is ready to tell you it is a civil war. Still, the administration continues to deny the facts about that. If you don’t acknowledge the facts, it is difficult to put out a policy that is able to adequately deal with them.

This is the same administration, incidentally, that everyone, I hope, remembers downplayed the insurgency.

Do you remember that? Do you remember when it was first clear that chaos was giving way to a determined insurgency? What did the administration do month after month? Secretary Rumsfeld told us they are “just a bunch of dead enders.” At one point, he even suggested that Baghdad was safer than Washington, DC. Vice President Cheney told us the insurgency was “in its last throes.”

Just look at the results. Since then, the number of Iraqi insurgents has increased by 20 percent, and the insurgents are more than six times stronger now than in May 2003. Once again, it is our troops who pay the most significant price. In fact, the number of IED attacks on U.S. troops has nearly doubled since January.

Now, in the face of all of the evidence to the contrary, the administration continues to deny that there is a civil war. The only ones, it appears to me, they are fooling are themselves. This appears to be one more inconvenient truth they prefer not to deal with. In fact, Secretary Rumsfeld said just a few months ago that if civil war did break out, Iraqi forces, not U.S. troops, would be the ones dealing with it.

I hope everybody hears that. Secretary Rumsfeld, in another one of his misjudgments, or misstatements, said few months ago that if civil war did break out, Iraqi forces, not U.S. troops, would be the ones dealing with it.

So do you remember that? Do you remember war? Do you remember that when it was first clear that chaos was giving way to a determined insurgency? What did the administration do month after month? Secretary Rumsfeld told us they are “just a bunch of dead enders.” At one point, he even suggested that Baghdad was safer than Washington, DC. Vice President Cheney told us the insurgency was “in its last throes.”

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I hope everybody hears that. Secretary Rumsfeld, in another one of his misjudgments, or misstatements, said few months ago that if civil war did break out, Iraqi forces, not U.S. troops, would be the ones dealing with it. So why are U.S. troops being augmented in their number? Why did they refuse to come clean with the kick al-Maliki who has to go out and do that? 3/1/2 years into this effort, it is American who felled their homes due to sectarian violence and we have reportedly all but abandoned the hope of withdrawing significant numbers of troops this year; even as the White House tells us that under our security responsibility throughout their country by the end of this year. That is what the Iraqis are telling us, even as U.S. forces are increasing.

Yesterday, starts dreamed more about our dangerously overstretched military when the top National Guard general warned that more than two-thirds of the Army National Guard’s brigades are not combat ready. Can you please tell us about how many U.S. troops have been killed and wounded by IEDs, the new term of a new war, improvised explosive device.

What are our soldiers supposed to do about an improvised explosive device except go out and find them. And how do they find them? Usually when they explode, unless they are lucky enough to come across them some other way. Americans don’t work to what is working them, unless they are killing them beyond large. The vast majority of those killed and wounded are killed and wounded by IEDs, the new term of a new war, improvised explosive device.

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administration doesn’t want to say that, but that is what is happening.

When the President announced his plan last week to increase the U.S. troop presence in Baghdad, he said that the troops would come from other areas of Iraq. He didn’t mention that additional U.S. and coalition troops were being extended as new troops arrive. The net bottom line of that policy, which he didn’t mention but the New York Times did report, is that the total number of U.S. troops in Iraq is going to increase by several thousand. He didn’t mention that the recently announced deployment schedule could bring the number of U.S. troops in Iraq even higher in the coming years.

Finally—and this is the most important thing of all—he did not explain why this strategy, which hasn’t been working for these past several years, is suddenly going to work, and the fact that U.S. and coalition troops in Baghdad increased from 40,000 to 55,000. Guess what happened? The violence got worse. Now the President says we are going to send a few more thousand.

The question is, Why is this going to be any different? I remember this psychology very well. Back in 1964 and 1965 when Lyndon Johnson responded to the so-called attack of the Gulf of Tonkin and we upped our troop level by 5,000 troops, I responded to the call and found what we all now know was a matter of history—very different from what we are being told by our own administration.

One thing is clear to me under this administration’s approach: It is highly unlikely that we are going to be drawing down significant numbers of U.S. troops from Iraq this year. That is despite the fact that Secretary Rumsfeld said on Wednesday that there are some 275,000 expected to be trained by 275,000 trained Iraqi security forces, and that we are adding more troops. Why are the Iraqis not able to deal with the situation? The answer is simple: because until you resolve the fundamental difference in how you get it, the only way to resolve this insurgency is a political solution that all of the Iraqis can buy into. So the question then looms large: Why isn’t that happening? If Secretary of State Condoleezza Rice and if our own generals and if the Iraqi themselves say there is no military solution, why are we adding more troops? Why are the Iraqis not able to deal with the situation? The answer is simple: because until you resolve the fundamental differences between Shiites and Sunnis, you are not going to stop this process.

I believe there is only one way to resolve that, and that is to engage in the kind of intensive diplomacy that has been from this administration in its approach to Iraq. I know what some of the wise guys say in Washington and what some of the pundits say and what the conventional wisdom is. People love to dismiss diplomacy. We used to think that we could take over security in the entire country by the end of the year.

If the Iraqis are standing up, as the admiral in Vietnam, I responded, I would say that the U.S. troops standing down, as they told us they would? I think the rhetoric of “as they stand up, we will stand down” is as hollow and misleading as the rhetoric that “we will be greeted as liberators” or “mission accomplished” in Iraq, as we are told by the Secretary of State or the President, but not in the Senate.

The bottom line is this: The approach hasn’t worked because the underlying assumption that more troops are the solution to the problem is fundamentally flawed. I will say that again. You can put in a lot more troops, but our own military leaders have told us there is no military solution. So why are you putting in more troops? Our own generals, the Iraqi leaders, and even the Secretary of State herself, have told us that there is no military solution to the insurgency. And just today, Secretary of Defense, said that there is no military solution. Do I believe there is a political solution? Yes, we can put in a lot more troops, but our leaders have said that the only way to resolve this is a political solution that all Iraqis can buy into. So the question is, Why isn’t that happening? If Secretary of State Condoleezza Rice and if our own generals and if the Iraqis themselves say there is no military solution, why are we adding more troops? Why are the Iraqis not able to deal with the situation? The answer is simple: because until you resolve the fundamental differences, you are not going to stop this process.

I believe there is only one way to resolve that, and that is to engage in the kind of intensive diplomacy that has been from this administration in its approach to Iraq. I know what some of the wise guys say in Washington and what some of the pundits say and what the conventional wisdom is. People love to dismiss diplomacy. We used to think that we could take over security in the entire country by the end of the year.

Unfortunately, our current diplomacy has been almost inexplicably lacking from this administration in its approach to Iraq. I believe the key to any hope of stabilizing Iraq is changing course and en- gaging in the diplomacy in its approach to Iraq. I believe the key to any hope of stabilizing Iraq is changing course and en- gaging in the diplomacy in its approach to Iraq.
going to secure Iraq and extricate ourselves ultimately.

While an international process has begun to bring reconstruction and economic aid to Iraq, a real national compact forged with the support of countries ultimately is needed not just about a political solution to the insurgency and end the cycle of Shia-Sunni violence.

This strategy can work. It is the only strategy that ultimately will work. No matter what measures ultimately the hope of bringing American troops home from Iraq is going to depend on the quality of the negotiating process which leverages a new security arrangement for the region. That is the bottom line. We are not going to be able to leave without it, and Americans ultimately are going to want to leave.

A Dayton-like summit that includes the leaders of the Iraqi Government, the countries bordering Iraq, the Arab League, NATO, and I know from talking with members of NATO, I talked with people at the United Nations, I talked with people with respect to the Arab League—they are all waiting. They are ready to try to do this, but it takes leadership to pull those parties together.

The fact is, we can enable the Iraqis to engage in the intensive diplomacy to forge a comprehensive political agreement that addresses security guarantees, oil revenues, federalism, and disbanding of the militias, and all the parties would agree on a process for securing Iraq's borders. These are the key elements of a political agreement necessary to decrease the violence, and they are not the tasks for which U.S. troops can or should be responsible. They are the responsibility of civilian personnel, particularly the Iraqis.

Success is going to require the collective efforts of the international community who share our interest in a stable Iraq. To enlist their support, we have to address their concerns about a security arrangement in the region after we have withdrawn from Iraq. That is why the summit should lay the groundwork for creating a new regional security structure that strengthens countries in the regions and the wider community of nations.

That, incidentally, is what we should have been doing all of last year under resolution 1559 of the United Nations, when we should have been dealing with the issue of the disarmament of Hezbollah.

I believe—and I think others share this belief—that the only way to ultimately be successful in Iraq is to lay down a strategy that extricates the United States because even our generals have said our large force presence is a magnet for the terrorists and adds to the problem of the insurgency. So part of the solution is to reduce that American presence. I believe if we were to redeploy those forces after we set some responsible timeframes, that is the most effective way to proceed.

Let me say one or two words in closing. I keep hearing colleagues say everybody loves the politics of this, but a lot of young people's lives are on the line. They may not pay to the politicians, but you will find the discretion to be able to keep certain forces there to complete the training; you leave the President the discretion to keep forces there to fight al-Qaida; you leave the President the discretion to use forces to protect American facilities; and you maintain the horizon ability to protect American interests in the region.

I think we need to get away from this simplistic sloganeering and get into a real discussion about how one makes Iraq a success. We know that Prime Minister Maliki understands this, which is why he has talked openly about a timeframe for the reduction of U.S. forces.

We know that Ambassador Khalilzad and General Casey are discussing with the Iraqi Government the formation of a joint commission to outline the terms and conditions of the withdrawal of troops from Iraq. We know Mr. Rubaiy has already said there is an "unofficial road map" to troop reductions that will eventually lead to a total withdrawal of U.S. troops. And we know that General Casey has drafted a plan for significantly reducing U.S. troop levels by the end of 2007. And we know that the polls of Iraqis have shown that 87 percent of Iraqis, including 94 percent Sunnis and 90 percent Shia, support their Government endorsing a timeline for the withdrawal of U.S. forces.

So it seems to me that if the Iraqi Government and the Iraqi people, the Ambassador, the top military commander, and a majority of Americans can see that the time has come for an adequate timeframe to get Iraqis to fight for democracy for themselves as much as we have done it for them, why can't the Bush administration?

Even as we consider the way forward in Iraq, we obviously can't lose sight of what is happening on the other side of the Middle East. Watching the news from the Middle East these days is an exercise in continual heartbreak as Israel continues military operations to defend itself against Hezbollah in Lebanon, and the missiles still rain down on northern Israel.

Our hearts go out to people suffering all across the Middle East. We all want peace. The death of every child—Lebanese in Qana or Israeli in Haifa—is an unspeakable tragedy. But we know we can learn from the hard lessons of the past that lasting peace is not going to come easily, and it will not come without the kind of sustained involvement at the highest levels of the U.S. Government that, again, as in Iraq, we have not seen from this administration.

In fact, the violence we are seeing now is in part the bitter fruit of a number of years of U.S. activity in the region, neglect which I saw personally when I visited with President Abbas on the West Bank right after he was elected. It is another disastrous byproduct of being distracted and bogged down in Iraq.

Our inattention to diplomacy and the failure to disarm Hezbollah and stop the flow of weapons from Iran and Syria, as required by U.N. resolution 1559, left Israel to respond to this terrorist organization's provocations with a bloody war that threatens to spread into a larger conflict.

In fact, just a few hours ago, General Abizaid testified that if 1559 had been fully implemented, we wouldn't be in this situation today.

Obviously, the key to our compromised position in Iraq, combined with our diplomatic isolation in the region, has reduced our leverage and undermined our ability to bring about the lasting resolution that is so desperately needed.

Obviously, the people of the United States can count on the stalwart support of the United States during these difficult times. At the same time, the Lebanese people must know that Americans also care deeply about protecting innocent civilian lives; preserving their fragile democracy. That is why we have to work urgently to achieve a viable and sustainable peace agreement that includes an international force capable of ensuring Israel's security and Lebanon's complete, territorial sovereignty, the return of the kidnapped Israeli soldiers, and the permanent removal of the threat caused and posed by Hezbollah.

Given these dire circumstances, it is imperative that we do everything in our power to accomplish this as soon as possible and, Mr. President, we should not be afraid of talking to any country that will help us advance this objective, and that includes Syria and Iran. But that cannot be the end of our involvement. In fact, it has to be the beginning of a new—entirely new—more significant, greater Middle East initiative that we undertake in order to create the kind of sustained diplomatic engagement in the region that is the only way to resolve this.

The unmistakable lesson is that we need more than crisis diplomacy; we need preventive diplomacy—a preventive diplomacy in the best traditions of our country that addresses the underlying causes and prevents them from exploding. That means putting an end, once and for all, to state sponsorship of terrorism. And that requires a renewed commitment to work ceaselessly to achieve a lasting peace in the Middle East.

I yield the floor, and I thank my colleagues for their graciousness. I suggest the absence of a quorum.
The PRESIDING OFFICER. The bill clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 4852

Mr. KYL. Mr. President, I have an amendment at the desk, No. 4852. I ask unanimous consent that the pending business be laid aside for the purpose of this amendment.

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

The bill clerk proceded to call the roll.

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

The PRESIDING OFFICER. The bill clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 4853

Mr. NELSON of Florida. Mr. President, there is a lot of news south of Florida, 90 miles from Key West. We don't know the condition of Fidel Castro. Clearly, there is obviously a major medical problem and, for days now, Raoul Castro, his brother, has been in charge of Cuban Government. The President released information which said President Castro had ended up going in for intestinal surgery, basically, we just don't know. But what we do know is he is 79, going on 80, and we don't know if it is already mortal and, therefore, what we know is that there are a limited number of days of this totalitarian regime, and then there is going to be a transition to something else.

Mr. President, I call up amendment No. 4853.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment? Without objection, it is so ordered.

The bill clerk will report.

The bill clerk read as follows:

The Senator from Florida [Mr. NELSON] proposes an amendment numbered 4853.

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

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

The PRESIDING OFFICER. The bill clerk read as follows:

The Senator from Florida [Mr. NELSON] proposes an amendment numbered 4853.

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

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

The amendment is as follows:

(Purpose: To prohibit the suspension of royalties under any lease for the production of oil or natural gas on Federal land (including submerged land) entered into by the Secretary of the Interior on or after the date of enactment of this Act.

(b) CLARIFICATION OF AUTHORITY TO IMPERT THRESHOLDS FOR CERTAIN LEASE SALES.—Congress reaffirms the authority of the Secretary of the Interior under section 8(a)(1)(H) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(1)(H)) to vary, based on the price of production from a lease, to any lease subject to section 304 of the Outer Continental Shelf Deep Water Royalty Relief Act (Public Law 104-58; 43 U.S.C. 1337 note).

Mr. KYL. Mr. President, I ask unanimous consent that Senator Wyden not be shown as an original cosponsor of the amendment.

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

Mr. KYL. Mr. President, I notify my colleagues that I have a new proposal to prohibit the suspension of royalties under any lease subject to section 304 of the Outer Continental Shelf Deep Water Royalty Relief Act (Public Law 104-58; 43 U.S.C. 1337 note). If the President determines that there exist either a transition government in Cuba or a democratically elected government in Cuba, as those terms are defined in section 4 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6202) and submits that determination to Congress in accordance with section 203(c) of that Act (22 U.S.C. 6063), then the funds made available for the Cuba Fund for a Democratic Future may be used, at the discretion of the Secretary in accordance with the guidelines set out, respectively, in subsection (b)(2)(A) or (b)(2)(B) of section 202 of that Act (22 U.S.C. 6062).

The Secretary of State shall ensure that none of the funds made available in this section or any assistance carried out with such funds are provided to the Government of Cuba.

Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter until all amounts made available to the Cuba Fund for a Democratic Future are expended, the Secretary of State shall submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report describing the Secretary's progress in obligating and expending such funds and that such reports may be submitted in a classified form and the Secretary of State shall publish any unclassified portions of each such report.

Mr. NELSON of Florida. Mr. President, I have the honor of introducing the Title X Cuba Fund for a Democratic Future Act. The title is known as the Cuba Fund for a Democratic Future which is hereby established in the Treasury of the United States.

(d) The amounts provided under this heading shall be available to the Secretary of State, in consultation with the United States Cuba Transition Coordinator, to carry out activities to empower the people of Cuba and support the democratic opposition in Cuba to take advantage of opportunities to promote a transition to a democratic form of government in Cuba, including activities:

(1) to support an independent civil society in Cuba;
(2) to expand international awareness of Cuba's democratic aspirations;
(3) to break the blockade put in place by the regime of Fidel Castro in Cuba, including activities to promote access to information through the Internet and other sources;
(4) to provide for education and exchanges for the people of Cuba, including university training from third countries and scholarships for economically disadvantaged students from Cuba identified by independent nongovernmental entities and civic organizations in the United States and third countries;
(5) to support international efforts to strengthen civil society and in transition planning in Cuba.

Mr. KYL. Mr. President, I ask unanimous consent that the pending business be laid aside for the purpose of this amendment.

The amendment is as follows:

SEC. 1001. (a) To promote a transition to a democratic form of government in Cuba, $40,000,000.

(b) The amount provided under this heading is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109-284.

(c) The amounts provided under this heading shall be deposited into a fund to be known as the Cuba Fund for a Democratic Future which is hereby established in the Treasury of the United States.

(d) The amounts provided under this heading shall be available to the Secretary of State, in consultation with the United States Cuba Transition Coordinator, to carry out activities to empower the people of Cuba and support the democratic opposition in Cuba to take advantage of opportunities to promote a transition to a democratic form of government in Cuba, including activities:

(1) to support an independent civil society in Cuba;
(2) to expand international awareness of Cuba's democratic aspirations;
(3) to break the blockade put in place by the regime of Fidel Castro in Cuba, including activities to promote access to information through the Internet and other sources;
(4) to provide for education and exchanges for the people of Cuba, including university training from third countries and scholarships for economically disadvantaged students from Cuba identified by independent nongovernmental entities and civic organizations in the United States and third countries;
(5) to support international efforts to strengthen civil society and in transition planning in Cuba.

Mr. KYL. Mr. President, I ask unanimous consent that the pending business be laid aside for the purpose of this amendment.

The amendment is as follows:

(TITLE X

CUBA FUND FOR A DEMOCRATIC FUTURE

Sect. 1001. (a) To promote a transition to a democratic form of government in Cuba, $40,000,000.

(b) The amount provided under this heading is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109-284.

(c) The amounts provided under this heading shall be deposited into a fund to be known as the Cuba Fund for a Democratic Future which is hereby established in the Treasury of the United States.

(d) The amounts provided under this heading shall be available to the Secretary of State, in consultation with the United States Cuba Transition Coordinator, to carry out activities to empower the people of Cuba and support the democratic opposition in Cuba to take advantage of opportunities to promote a transition to a democratic form of government in Cuba, including activities:

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(3) to break the blockade put in place by the regime of Fidel Castro in Cuba, including activities to promote access to information through the Internet and other sources;
(4) to provide for education and exchanges for the people of Cuba, including university training from third countries and scholarships for economically disadvantaged students from Cuba identified by independent nongovernmental entities and civic organizations in the United States and third countries;
(5) to support international efforts to strengthen civil society and in transition planning in Cuba.

The news this week marks an opportunity that we have been anticipating for decades. We can only hope that it is a real opportunity for the Cuban people to move forward, leaving behind a dictatorship and the repression they have
experienced for a half century. But we must remind ourselves that the true celebration is coming to go on the day that the Cuban people have a democratically elected government of their own choosing.

While it is true that we are one step closer toward our shared goal, we should remind ourselves of the need to continue our support for the true Cuba heroes: the brave dissidents who struggle every day to demand and to please the very basic human rights, including the ability to read what they want to read, to say what they want to say, to live where they want to live, and to study what they want to study—things that we take for granted in this country, but some in Key West, people do not have those freedoms.

These heroes in Cuba don’t win medals. They are not honored in ceremonies. Instead, Castro throws them in jail for decades after show trials in kangaroo courts. Their families are harassed, denied employment and other basic necessities. Those who are not thrown in prison are greeted regularly by movements of government thugs who threaten and embarrass them in front of their neighbors. As recently as a few months ago, one of those mobs attacked and beat Marta Beatriz Roque, a prominent dissident who advocates for democracy on the island.

These are the people who every day choose to fight for democracy through simple acts of defiance. They risk their limited freedom by continuing to mobilize and speak out for the basic rights that any human being deserves. They run independent libraries. They clandestinely write stories for illegal independent press. They pass along information to their neighbors or they very bravely sign petitions calling for democracy. You will recall a few years back, even under the Cuban constitution, that 10,000 people signed a petition, petitioning for the basic rights of going in front of the court to fight for basic freedoms and economic freedom. Mr. President, 11,000 very brave souls signed that petition, and many of them have been harassed.

Now, here we in the United States continue to support the brave Cubans who struggle every day to fight for democracy and basic human rights. Despite the regime’s attempt to silence them, the work of these brave dissidents becomes even more important as the opportunity to foster a real transition in Cuba gets closer and closer, and those brave Cubans, those dissidents, will be the catalyst that pushes any post-Fidel government toward democracy.

Let me say that again. Those brave dissidents will be the catalyst that pushes any government after Fidel toward democracy. Therefore, it is more important now than ever that we support the dissidents and the activists in Cuba through direct financial support.

Senator ENSIGN, who is in the Chair, Senator MARTINEZ, all of us have introduced the Cuban Transition Act of 2006, and that includes the Senate majority leader as one of the cosponsors. This legislation will authorize such funds to directly support dissidents in Cuba. Now, that has been filed. We are trying to get it hot-lined. There are some Senator from Florida. Reluctantly, I raise a point of order that this is legislation on the appropriations bill, and I am in violation of rule XVI. There is also a budget point of order, but I believe that is sufficient.

The PRESIDING OFFICER. The point of order is sustained, and the amendment falls.

Mr. STEVENS. Mr. President, I certainly understand the position of the Senator from Florida. Reluctantly, I raise a point of order that this is legislation on the appropriations bill, and I am in violation of rule XVI. There is also a budget point of order, but I believe that is sufficient.

The PRESIDING OFFICER. The point of order is sustained, and the amendment falls.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 458

Mrs. BOXER. Mr. President, I call up amendment No. 458, and I ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment? Without objection, the clerk will report.

The bill clerk read as follows:

The Senator from California [Mrs. BOXER] proposes an amendment numbered 458.

Mrs. BOXER. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To prohibit the use of funds by the United States Government to enter into an agreement with the Government of Iraq that would subject members of the Armed Forces to the jurisdiction of Iraq criminal courts or punishment under Iraq law)

At the end of title VIII, add the following:

§ 8699. No funds otherwise made available by this Act may be used by the Government of the United States to enter into an agreement with the Government of Iraq that would subject members of the Armed Forces of the United States to the jurisdiction of Iraqi criminal courts or punishment under Iraqi law.

Mrs. BOXER. Mr. President, I ask unanimous consent that Senator LINDSEY GRAHAM be added as the principal cosponsor of this amendment.

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

Mrs. BOXER. Mr. President, I am very pleased with that. I am very pleased he is here. I am also very pleased there appears to be good support for this amendment. We are going to have a record vote because we both believe it is very important to send a loud and clear message about the subject of this amendment.

The amendment ensures that no funds in this bill will be used to enter into an agreement with the Government of Iraq that would subject U.S.
military forces in any way to the jurisdiction of Iraqi criminal courts or punishment under Iraqi law.

I think it is very important that we all understand that U.S. military forces are governed by law. They must comply with the Uniform Code of Military Justice, and they must comply with the Geneva Conventions. But, currently, U.S. military forces are immune from Iraq’s legal system, and Senator GRAHAM and I want to make sure that this will continue to be the case.

This policy was set by the Coalition Provisional Authority, Order No. 17, and it is supported by U.N. Security Council Resolution 1546. But here is the reason we think it is important for us to speak out, hopefully, with a uniform voice today. Last month, Prime Minister Nuri al-Maliki said this policy should change. He is the Prime Minister of Iraq. He said:

We believe that the immunity given to immunized troops is extremely important for American forces in Iraq. They are a part of the American people, and we don’t want to lose any of them. We want them to be protected.

So the Prime Minister said that this immunity is crucial and that it should be reconsidered. It seems, in a difficult time in Iraq—and Lord knows we won’t get into all of it—where there is disagreement among the factions there, everyone seems to agree that, in fact, changing this policy to ensure that American troops are under the Iraqi court’s jurisdiction is a good idea. They think it is a good idea. We do not, and we want to make sure it does not happen.

Prime Minister Maliki also suggested that a new law in Iraq could be passed to set a policy of immunity for American troops. Let’s look at what the Iraqi Parliament is saying about U.S. troops. We want to make sure we understand. It is not every member of the Parliament but some members of the Iraqi Parliament who have said that they have lost in excess of 2,500 troops there. They are gone, never to come home again. Every day, sadly—it feels like every day—I have to write a condolence letter to someone who lost a son or daughter. We now have in excess of 19,000 wounded. We know that we have a third of our soldiers coming back in the first year seeking mental health care. We know that we have a third of our soldiers coming back in the first year seeking mental health care. We know that we have a third of our soldiers coming back in the first year seeking mental health care. We know that we have a third of our soldiers coming back in the first year seeking mental health care. We know that we have a third of our soldiers coming back in the first year seeking mental health care. We know that we have a third of our soldiers coming back in the first year seeking mental health care.

When we hear the Speaker of the Iraqi Parliament, Mahmoud al-Mashhadani say, “The U.S. occupation is butcher’s work under the slogan of democracy, human rights and justice”—and this is someone who was part of the government, was part of the package when they put together that government—when we hear those words, we not only take tremendous offense at those words, we not only get sick about those words, whether we supported this war or voted against it, we want to make sure that not one of our soldiers comes under the jurisdiction of an Iraqi court with political statements behind it like that.

Let me tell you what else the Speaker of the Iraqi Parliament said. He called for an amnesty as he ascribed it for those who killed American soldiers, saying:

I personally think whoever kills an American soldier in defense of his country should have a statue built for him in that country.

This makes me sick, to think that we are still fighting a year after the war. Now, in my opinion—and I certainly do not speak for someone else when I say this—in this increasingly hostile situation, one that a British leader said was essentially a civil war, imagine us turning over our soldiers to the Iraqi courts when the Speaker of the Parliament, who was part of the Government of Iraq, says:

Whoever kills an American soldier in defense of his country should have a statue built for him in that country.

Then you have Abdul Aziz al-Hakim, the leader of the dominant Shiite bloc in Parliament, who called for granting an amnesty for insurgents who had fought against Americans in Iraq—in other words, an amnesty for those who hurt our soldiers—but we should allow our soldiers, who are fighting for their freedom, to go before an Iraqi court? No way. No way. That is why this amendment is so important today, and I am so pleased that Senator GRAHAM and I have proposed it.

I voted not to go to war. I am working as hard as I can to start bringing our troops home. Senator GRAHAM has different views on this which he will express. But on the issue of our troops being tried in an Iraqi court system, we are in full agreement.

This amendment is necessary because on July 6, the Washington Post reported:

An Iraqi government official, who spoke on condition that he not be named, said Mr. Maliki hoped to revise Order No. 17 when the Speaker of the Iraqi Parliament said. He is:

I think it is very important that we think about some of the things that are happening in the Iraqi criminal justice system. We can’t allow U.S. military personnel to be subjected to Iraq’s legal system.

Just this morning, GEN John Abizaid told the Senate Armed Services Committee that “sectarian violence is probably as bad as I have seen it.” He said that today in the Senate Armed Services Committee.

It was reported today that the outgoing British Army Chief of Staff,GEN John Abizaid, wrote a confidential memo to Prime Minister Tony Blair saying that “the prospect of a low intensity civil war and a de facto division of Iraq is probably more likely at this stage than a successful and substantial transition to a stable democracy.” That is a very disheartening thing for the American people to hear.

Things are very tough—as tough as they have ever been in Iraq. This is certainly not the time to leave any impression out there whatsoever that this is the time we could say that our soldiers would be somehow trapped inside the Iraqi legal system.

The Boxer-Graham amendment makes common sense. U.S. military personnel must be held accountable for their actions, but not by the Iraqi Government, by the U.S. Code of Military Justice, by the Geneva Conventions.

I am very proud to be working with my friend on this issue. I yield the floor at this time. I think, if we were to come together on this important amendment.
The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, I thank the Senator from California, Mrs. BOXER, for bringing this amendment to the floor at a very important time in our nation’s history in Iraq.

In relation to Iraq and as to what people in Iraq in political office have said, you can’t judge everyone in the country by the statement of one political leader, but the fact that a political leader said the things that Senator BOXER has just described is unnerving.

I would like the Iraqi people to know that when it comes to disciplining American service men and women serving overseas, we are a nation committed to following the rule of law and that we have status of forces agreements with Germany, Japan, and other countries where our troops have been stationed for decades. Under those status of forces agreements, we have an agreement with a host country that if a military woman commits a crime, the United States will retain jurisdiction to prosecute that person who is a military member under the Uniform Code of Military Justice.

I served in Germany for 4 1/2 years and I can tell you, I can assure you that the American military takes very seriously misconduct by its own.

This idea that Prime Minister Maliki suggests that immunity has been given to international forces is, quite frankly, wrong. There is no immunity for an Iraqi citizen that if something goes wrong on our watch by our military, they are not going to turn our soldiers and military personnel over to a legal system that is, quite frankly, not very mature yet. We have never done it in any other country. There is no need to do it.

We can with a great deal of assurance tell the Iraqi people—politicians included—that we have a great track record of having people stationed all over the world for decades and that track record is that when our people engage in misconduct found to have been proven in a court law, they are severely punished. We have never done it in any other country. There is no need to do it.

I urge every Member of this body to get on record now before these treaties have to be renegotiated and get ahead of this rhetoric that we are going to be in Iraq trying to help the cause of freedom, but we are not going to turn our soldiers and military personnel over to a legal system that is, quite frankly, not very mature yet. We have never done it in any other country. There is no need to do it.

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any others, and the burden fell on American taxpayers and American families more than any others.

So now we are in the fifth year of this war. We have been briefed from time to time about the progress we are making, but there are positive things which we should not overlook. Saddam Hussein is gone. He was rooted out of a hole in the ground. He is being held for trial. That is certainly a positive thing in the history of this world. We also know that the Iraqi people have been given an opportunity which no one might have dreamed of a few years ago, to have free elections and to elect their own government. That is a very positive thing. Of course, the courage of individual Iraqi citizens as well as the courage of our soldiers is an inspiration to all of us as we consider this situation.

But we have to say, if we are honest and objective, that the situation in Iraq is far from peaceful, it is far from stable, and we have lost 1,700 of our soldiers who were expected to return home seriously injured, many of them amputees, 2,000 of them with serious head injuries. Their lives will be quite different because of their service to our country and because of their experience in this war.

We have spent some $320 billion on this war. We are spending at the rate of $3 billion a week on the war in Iraq. We are cutting back on spending in our own home budget for things as varied as aid to education, money for our schools, cutting back at the National Institutes of Health for medical research, cutting back in so many areas because war takes money away from a country that might spend it at home. That is the reality of what we face.

We know the funds in this bill will not buy our soldiers fully prepared. The Army is $3 billion behind. The Marine Corps $340 billion behind. The Air Force $340 billion behind. The Navy is $700 billion behind. The National Guard and Reserve. LTG Steven Blum of the National Guard bureau said:

"Today, here at home, I have less than 34 percent of the equipment I'm supposed to have.

In my hometown of Springfield, IL, I visited the National Guard at the Camp Lincoln facility. I looked at their empty parking lot: 85 percent of our Guard units in Illinois have been over at least once. They have run this equipment to the extreme. They have left a lot of it behind; it was just worn out. In a war, equipment is burned up at four or five times the normal rate. I can understand that. They are racing to make sure they are safe, and it takes its toll on vehicles and equipment.

They come home now to find empty parking lots and empty equipment lockers. Our National Guard units do not have the equipment they need to train to be ready if called up again. They do not have the equipment they need to respond to homegrown emergencies, whether it is a flood or a situation they need to be there for. Of many of them have to beg, borrow, and scratch to find what they need.

According to Army officials, two-thirds of the Army's active brigades are not ready for war. There is substantial criticism of previous Presidents that we had a hollowed-out Army, an Air Force that the Army couldn't be there if we needed it. Now the Army is being very forthright and saying, yes, we have paid a heavy toll, not just in lives—and that is the most important thing—but in training and readiness and basic equipment.

The Army currently estimates that it needs $17 billion to address these readiness needs. The Marine Corps needs between $12 and $15 billion. General Blum reports the National Guard and Reserve units are even further behind. The Guard and Reserve units are now in a more dire situation than the active Army. . . . We both have the same symptoms but [the Guard] has a higher fever."

The National Guard's budget problems will only grow worse if the administration's plans are followed. The Army National Guard currently has 340,000 members, and it is working to recruit up to 350,000. There was a time in the Persian Gulf war when National Guard units and Reserve units were always there. They were in the middle of the war. They were always there. They told me they wanted to leave them at home. We will take a few of them, but we will do the job. We will tell you if we need you. It did not take long in Iraq and Afghanistan for our regular Army to understand they needed the National Guard and Reserve and needed it desperately. The Department of Defense budget only plans to fund 324,000 guardsmen over the next 5 years. When we knew, we will need 150,000. That is something we should face more realistically.

The men and women in our military and their families give everything we could possibly ask of them. I cannot tell you how many under the socialist sendoffs and welcome homes in Illinois for Guard and Reserve units. I cannot tell you what it is like unless you have been there to stand there with mom and dad in tears watching their soldier, whom they love so much and respect so much, off to war. It is a story that has been repeated many times in the history of our Nation, but it never gets easy for that family sending off someone they dearly love.

In my home State of Illinois, 85 percent of the National Guard units have been mobilized in the last 3 years and many have gone more than once. Of the 34 percent of the Illinois Guard equipment that has not been deployed, 10 percent has been deemed unacceptable due to age or lack of proper armor protection. These dish equipment shortcomings undercut the Guard unit's ability to train and be prepared.

Our guardsmen, God bless them, will find a way to serve. They will make do. They will scratch it together and they will answer the call. They always do. But we know what has happened. We have had soldiers stand up and say publicly: We have been digging through landfill to find armor to try to protect ourselves. Things are getting better. There are improvements. The humvees which we are now sending are armored up, at least to the latest threat that we face, even though the threats seems to change and grow by the day.

Our soldiers deserve the best. They deserve planning and decision making at the highest levels of Government that respects their sacrifice and provides the resources they need to fulfill their missions. We underestimated the cost of this war, it is clear. We overestimated the danger of Iraq to the United States. That is clear. We underestimated the insurgency which now threatens our troops. We underestimated the civil war which now appears to be breaking out. We have taken our soldiers and left them in a more dire situation than the active Army. . . . We both have the same symptoms but [the Guard] has a higher fever."

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The men and women in our military and their families give everything we could possibly ask of them. I cannot tell you how many under the socialist sendoffs and welcome homes in Illinois for Guard and Reserve units. I cannot tell you what it is like unless you have been there to stand there with mom and dad in tears watching their soldier, whom they love so much and respect so much, off to war. It is a story that has been repeated many times in the history of our Nation, but it never gets easy for that family sending off someone they dearly love.

In my home State of Illinois, 85 percent of the National Guard units have been mobilized in the last 3 years and many have gone more than once. Of the 34 percent of the Illinois Guard equipment that has not been deployed, 10 percent has been deemed unacceptable due to age or lack of proper armor protection. These dish equipment shortcomings undercut the Guard unit's ability to train and be prepared.

Our guardsmen, God bless them, will find a way to serve. They will make do. They will scratch it together and they will answer the call. They always do. But we know what has happened. We have had soldiers stand up and say publicly: We have been digging through landfill to find armor to try to protect ourselves. Things are getting better. There are improvements. The humvees which we are now sending are armored up, at least to the latest threat that we face, even though the threats seems to change and grow by the day.

Our soldiers deserve the best. They deserve planning and decision making at the highest levels of Government that respects their sacrifice and provides the resources they need to fulfill their missions. We underestimated the cost of this war, it is clear. We overestimated the danger of Iraq to the United States. That is clear. We underestimated the insurgency which now threatens our troops. We underestimated the civil war which now appears to be breaking out. We have taken our soldiers and left them in a more dire situation than the active Army. . . . We both have the same symptoms but [the Guard] has a higher fever."

The National Guard's budget problems will only grow worse if the administration's plans are followed. The Army National Guard currently has 340,000 members, and it is working to recruit up to 350,000. There was a time in the Persian Gulf war when National Guard units and Reserve units were always there. They were in the middle of the war. They were always there. They told me they wanted to leave them at home. We will take a few of them, but we will do the job. We will tell you if we need you. It did not take long in Iraq and Afghanistan for our regular Army to understand they needed the National Guard and Reserve and needed it desperately. The Department of Defense budget only plans to fund 324,000 guardsmen over the next 5 years. When we knew, we will need 150,000. That is something we should face more realistically.
and then by convoy, into the so-called green zone, an old palace of Saddam Hussein's which is guarded in three of our four different perimeters to make sure it was safe—and still it was not. There we have not only our personnel from the embassy and important decision makers at the highest level of the military but a lot of soldiers, a lot of marines, and a lot of sailors. Baghdad, that was the central place, the central point of our effort for security in Iraq.

Now, unfortunately, the security in that city has deteriorated dramatically, deteriorated to the point where we need thousands more American soldiers, not to mention Iraqi soldiers, to move in and make it safe.

At some point in this terrible situation, there will be a tipping point when the forces of chaos and hatred will gain the upper hand in Iraq. I hope it hasn’t been reached yet. I am afraid if we don’t change course and the Iraqi Government doesn’t change course, we will.

I understand we have a vote scheduled for 4 o’clock, so I conclude by saying I will support this bill. Although I question the policy that brought us to this point, although I question this administration’s plan to bring an end to this war in Iraq, my questions cannot be at the expense of shortchanging our troops. We must have the courage and vision to chart the right course so that the Iraqis stand up and defend their own country and that American soldiers start to come home with their mission truly accomplished.

I yield the floor.

Mr. STEVENS. Have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have been ordered.

The hour of 4 o’clock having arrived, the question is on agreeing to the Boxer amendment No. 4858.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Kentucky (Mr. BUNNING).

Further, if present and voting, the Senator from Kentucky (Mr. BUNNING) would have voted “yea.”

Mr. DURBIN. I announce that the Senator from Montana (Mr. BAUCUS) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

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

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 225 Leg.]

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The amendment (No. 4858) was agreed to.

Mr. STEVENS. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4948

Mr. STEVENS. I ask unanimous consent that there be 2 minutes equally divided on the Coburn amendment No. 4848, followed by a vote on the amendment with no second-degree amendments in order.

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

Who seeks time?

The Senator from Oklahoma.

Mr. COBURN. Mr. President, this is a simple amendment. This is transparency. This is about adding an amendment to this bill that says the earmarks we put in, we know where they go. They are transparent. We know who did them, and we know who gets the money. It allows the Defense Department to look at them in comparison to what the overall mission of the Defense Department is. It talks about the cost of administering the earmarks, assessment of the utility of the earmarks, and it is something the American people ought to see. We know some earmarks are great for the Department of Defense, but we also know some are terrible. We ought to be evaluating the pertinency and the value of those earmarks, and we ought to know whether they are valuable at a time when we are having trouble funding the war.

Mr. STEVENS. Mr. President, for the information of Senators, after the vote on this amendment, Senator Sessions will offer his amendment which deals with the conventional Trident modification, a very serious amendment.

I ask unanimous consent that the vote on this amendment be limited to 10 minutes. I say to the Senate this amendment is on the Defense authorization bill. I urged the Senator to accept a voice vote, but the Senator requested a vote. So I request a vote now.

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

Without objection, it is so ordered.

The amendment (No. 4948) was agreed to.

Mr. STEVENS. I move to reconsider the vote.

Mr. STEVENS. I have a managers’ package that I would like to describe:

Amendment No. 4774 for Senator Sessions regarding blast protection; amendment No. 4846, as modified, for Senator PEYOR regarding combat support hospitals; amendment No. 4849 for Senator BOND regarding intelligence personnel; amendment No. 4851 for Senator BIDEN regarding military bases in Iraq; amendment No. 4761, as modified, for Senator LOTT regarding UAVs;
amendment No. 4840, as modified, for Senator LEVIN regarding vehicle technology; amendment No. 4801, as modified, for Senator DEWINE regarding shipbuilding; amendment No. 4864, as modified, for Senator NELSON of Florida regarding defense and evaluation; amendment No. 4841 for Senator ALLEN regarding OEA study; amendment No. 4860 for Senator MIKULSKI regarding an intelligence project; amendment No. 4797 for Senator VONOVICH regarding portable batteries; and amendment No. 4855 for Senator DODD regarding Navy UWVs.

All of these have been approved on both sides, and they have the clearance of all concerned, to the best of my knowledge.

Mr. President, I ask unanimous consent that these amendments which I send to the desk be considered en bloc and that they be adopted en bloc and sent to the desk be considered en bloc sent that these amendments which I

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The amendments were agreed to, as follows:

AMENDMENT NO. 4774
(Purpose: To make available from Research, Development, Test and Evaluation, Army, up to $1,000,000 for blast protection research.)

At the end of title VIII, add the following:

SEC. 8109. Of the amount appropriated or otherwise made available by title IV under the heading “RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY”, up to $10,000,000 may be available for Program Element 0502787A for blast protection research.

AMENDMENT NO. 4864, AS MODIFIED
(Purpose: To make available from Shipbuilding and Conversion, Navy, up to $10,000,000 for the Carrier Replacement Program for advance procurement of nuclear propulsion equipment)

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

SEC. 8109. Of the amount appropriated or otherwise made available by title IV under the heading “SHIPBUILDING AND CONVERSION, NAVY”, up to $10,000,000 may be available for Program Element 0692787A for blast protection research.

AMENDMENT NO. 4860
(Purpose: To make available up to $8,000,000 for personnel for a certain intelligence activity)

At the appropriate place, insert the following:

SEC. 8109. Of the amounts available for the activity described on pages 149 through 159 of Volume VI, Book I of the Fiscal Year 2007 Congressional Budget Justification Book of the Intelligence Community, up to $8,000,000 may be available for personnel for that activity.

AMENDMENT NO. 4811
(Purpose: To prohibit the use of funds for establishing United States military installations in Iraq or exercising United States control over the oil resources of Iraq)

At the end of title VIII, add the following:

SEC. 8109. (a) Of the amount appropriated or otherwise made available by this Act may be obligated or expended by the United States government for a purpose as follows:

(1) military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq.

(2) to exercise United States control over any oil resource of Iraq.

AMENDMENT NO. 4821, AS MODIFIED
At the end of title VIII, add the following:

SEC. 8109. (1) Of the amount appropriated by title IV under the heading “RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY”, up to $10,000,000 may be available for military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq.

We are debating, among other things, the minimum wage-death tax compromise. It has come to my attention

SEC. 8109. (2) of the amount appropriated or otherwise made available by title IV under the heading “RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY”, up to $10,000,000 may be available for testing and evaluation activities and doctrine in the use of the Class IV unmanned aerial vehicles and ground stations associated with such vehicles.

AMENDMENT NO. 4868, AS MODIFIED
(Purpose: To make available from Research, Development, Test and Evaluation, Army, up to $10,000,000 for Combat Vehicle and Automotive Technology)

At the end of title VIII, add the following:

SEC. 8109. Of the amount appropriated or otherwise made available by title IV under the heading “RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY”, up to $10,000,000 may be available for Combat Vehicle and Automotive Technology.

AMENDMENT NO. 4815
(Purpose: To provide that, of the amount appropriated or otherwise made available by title IV under the heading “RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY”, $1,000,000 may be available for the Portable Battery Operated Solid-State Electrochemical Oxygen Generator project)

At the end of title VIII, add the following:

SEC. 8109. Of the amount appropriated or otherwise made available by title IV under the heading “RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY”, up to $1,000,000 may be available for the Carrier Replacement Program for advance procurement of nuclear propulsion equipment.

AMENDMENT NO. 4841, AS MODIFIED
(Purpose: To provide that, of the amount appropriated or otherwise made available by title IV for Operation and Maintenance, Defense-Wide, up to $2,000,000 may be available for the Office of Economic Adjustment for the Transportation Infrastructure Program, proposed for the purpose of developing a field-portable oxygen generation device to enable the quick administration of oxygen to casualties of the Armed Forces wounded in action.)

At the end of title VIII, add the following:

SEC. 8109. Of the amount appropriated or otherwise made available by title IV under the heading “OPERATION AND MAINTENANCE, DEFENSE-WIDE”, up to $2,000,000 may be available for the Office of Economic Adjustment for the Transportation Infrastructure Program, proposed for the purpose of developing a field-portable oxygen generation device to enable the quick administration of oxygen to casualties of the Armed Forces wounded in action.

AMENDMENT NO. 4797
(Purpose: To make available from Research, Development, Test and Evaluation, Navy, up to $1,000,000 for Energy Regeneration and Conversion Fuel Cell System to address Navy Unmanned Underwater Vehicle requirements)

At the end of title VIII, add the following:

SEC. 8109. Of the amount appropriated or otherwise made available by title IV under the heading “RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY”, up to $1,000,000 may be available for Energy Regeneration and Conversion Fuel Cell System to address Navy Unmanned Underwater Vehicle requirements.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. SMITH. Mr. President, since I have been a U.S. Senator, I have been an advocate of what is known as the tip credit. I have always urged for the tip credit to be included in increases in the minimum wage. In no way have I done this to try to lower someone’s wage, but to try to help employers and restaurants to keep their doors open and increase job growth.

We are debating, among other things, the minimum wage-death tax compromise. It has come to my attention

SEC. 8109. (a) Of the amount appropriated or otherwise made available by title IV under the heading “OPERATION AND MAINTENANCE, DEFENSE-WIDE”, up to $2,000,000 may be available for the Office of Economic Adjustment for the Transportation Infrastructure Program, proposed for the purpose of developing a field-portable oxygen generation device to enable the quick administration of oxygen to casualties of the Armed Forces wounded in action.

AMENDMENT NO. 4860
(Purpose: To make available from Procurement, Defense-Wide, up to $12,600,000 for the completion of the final phase of a certain intelligence activity)

At the end of title VIII, add the following:

SEC. 8109. Of the amount appropriated or otherwise made available by title III under the heading “SHIPBUILDING AND CONVERSION, NAVY”, up to $10,000,000 may be available for the completion of the final phase of the activity described on pages 337 through 339 of Volume II of Book 1 of the Fiscal Year 2007 Congressional Budget Justification Book of a component of the intelligence community.

AMENDMENT NO. 4797
(Purpose: To provide that, of the amount appropriated or otherwise made available by title IV under the heading “RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY”, $1,000,000 may be available for the Portable Battery Operated Solid-State Electrochemical Oxygen Generator project)

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

SEC. 8109. Of the amount appropriated or otherwise made available by title IV under the heading “RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY”, $1,000,000 may be available for the Portable Battery Operated Solid-State Electrochemical Oxygen Generator project.
that some of our friends in the Chamber are trying to construe the tip credit in a way that I believe is very tortuous and, frankly, very wrong. So I have come to the Chamber today to try to explain and alleviate anybody’s fears as to what the effect of this law is to be.

Let me make clear what the language of the bill is. It says:

A worker cannot be paid less than the cash wage paid such employee which is required under such law, ordinance, regulation, or order on the date of enactment.

So what employees are receiving under their State laws is what they will continue to receive. As a minimum wage increase goes into effect, the current wage level will be the floor. If a State, such as my State of Oregon, currently has a minimum wage of $7.50 an hour, this amount will be the wage the employer must pay. If one’s wage will go decrease. Yet, some are suggesting that if a State does act, or if a court misunderstands the statute, then tipped employees’ wages will be lowered. That is not the intent of this tip credit provision.

I urge my colleagues to consider the tip credit for the employee for whom we are raising this minimum and for their employer, who is simply trying to comply with this law.

In my experience, when the executive agrees to the content of a law, the legislature drafts it, and the affected stakeholders agree with it, then that is what becomes law. At this time, some continue to misrepresent the intent of the tip credit is. For that reason, I would like to include two letters with my statement. The first letter is by the U.S. Department of Labor and the second letter is from the National Restaurant Association.

The U.S. Department of Labor’s Office of the Secretary, Wage and Hour Division has written to the majority leader stating the following:

The Wage and Hour Division would read Section 402 as protecting the current minimum wages of the tipped employees in the seven States that now exclude a tipped employee’s tips from being considered as wages because to do otherwise would be inconsistent with what we understand to be the intent of Congress and the Fair Labor Standards Act, which the Wage and Hour Division enforces.

If a Republican administration is saying we will not reduce anyone’s wages, I don’t believe a Democratic administration would. A Republican House of Representatives has applied the same interpretation to the tip credit provision, and I believe a vast majority of the Senate would agree with the House’s interpretation.

But what about those affected by the tip provision, the ones who pay the wages? This is a statement from John Gay, current vice president for government affairs and public policy, of the National Restaurant Association. He writes:

The tip credit provision in the minimum wage bill protects employees wages at their current level. No provision results in the lowering of wages for any worker. The purpose of the provision is to allow employers with tipped employees to count their employee tips as wages for purposes of meeting their minimum wage obligation. There are 43 States that allow this practice now. The tip credit provision in the minimum wage bill allows the other seven—

We are talking about seven States, Oregon being one of them that allows the other seven States to do so. In those seven States, employers would only be permitted a tip credit once their State minimum wage is raised in the future. For example, if the currently $7.60 per hour in Oregon. If the current Federal minimum wage bill passed and was signed into law, the State wage would remain at $7.50.

It wouldn’t drop to $7.10, it would remain at $7.50—

until the State legislature or inflation increases the State’s minimum wage in the future. If the State minimum wage was increased, then the employer would be permitted a tip credit of the amount of the minimum wage increase.

I have never understood the belief of some that you can give employers and employees something that seems to be what is driving this attempt to misrepresent the tip credit. We are trying to be fair to employees. We are trying to help employers to continue to retain and compensate their employees.

I will simply conclude by saying again that when all parties—the ones who write the law, the ones who enforce the law, and the ones who live under the law—agree with the content of the law, then that is the law. And under this proposal, no employee’s minimum wage will be reduced. Anyone saying anything to the contrary is shooting from the peanut gallery. These people are not part of the group—the writers of the law, the enforcers of the law, and those who live under the law.

I urge its passage. If we are going to raise the minimum wage—and I support doing so—I think in fairness to the employees, we also include the tip credit. This is a good compromise. There is so much important in this bill that is essential for the health of our economy and for the setting of some important issue, including planning people’s estates, supporting airline pensions, and helping those at the lowest rung of the income scale receive a raise. I am support all of this. And I believe this provision only helps—it does not hurt—those on the minimum wage because it enables more people to have jobs.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. CHAFEE). The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I wish to express my appreciation to the Senator from Oregon for his thoughtful and careful analysis of the tip credit issue. I have heard a lot of things said about it recently, and a lot of them are quite off base, and it is good that we hear the matter carefully discussed and explained.

The amendment is as follows:

AMENDMENT NO. 4844

(Purpose: To make available from Research, Development, Test, and Evaluation, Navy, up to $77,000,000 for the Conventional Trident Modification Program)

At the end of title VIII, add the following: Snc. $109. Of the amount appropriated by title IV under the heading “Research, Development, Test, and Evaluation, Navy”, up to $77,000,000 may be available for Advanced Conventional Strike Capability (PE #66572N) for the Conventional Trident Modification Program.

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

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alabama [Mr. Sessions] proposes an amendment numbered 4844.

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

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

The amendment is as follows:

AMENDMENT NO. 4844

SEC. 8109. Of the amount appropriated by title VIII under the heading "Research, Development, Test, and Evaluation, Navy", up to $77,000,000 may be available for Advanced Conventional Strike Capability (PE #66572N) for the Conventional Trident Modification Program.

The Qua....
to demonstrate the feasibility of using existing Trident super submarine-launched ballistic missiles with non-nuclear warheads to provide the President an important strategic capability for countering serious threats to the United States in a variety of emergent situations. It will use an inert warhead—someone said it could even be concrete—and a warhead traveling at the speed that this missile travels would have sufficient impact with an inert warhead of nonexplosive capability to meet the needs of the military.

So while the Senate-passed National Defense Authorization Act for fiscal year 2007 fully funds this effort, the Senate Defense appropriation bill that is now before us would eliminate all funding for this critical program. According to the report accompanying the appropriations bill, the Defense Committee:

Believes that fundamental issues about the use of this weapon must be addressed prior to investing in this effort.

The committee also believes that other potentially less provocative alternatives have yet to be considered, it says.

I will try to address specifically these two concerns, but first allow me to remind my colleagues that this issue was thoroughly considered and debated by the Armed Services Committee prior to and during the markup of the authorization bill. The Strategic Forces Subcommittee, of which I am the chairman, held a hearing on this specific issue—the global strike capabilities—during which we discussed it in depth. During our markup, moreover, the Armed Services Committee adopted an amendment proposed by the Democratic members of the committee that would limit spending on the CTM beyond $32 million of research and development pending the submission by the Department of Defense of a report by the Secretary of Defense and the Secretary of State addressing the military, political, and international issues associated with the conventional Trident missile modification.

But I would argue that this capability is just too important for our Nation to allow another year to slip by without proceeding at least with research and development. To accommodate the concerns of some of my colleagues, the amendment before you would restore only the research and development funds associated with the CTM Program. Not included is the $50 million requested by the Department of Defense for acquisition activities related to the CTM Program. I believe this was a reasonable compromise, an effort to gain broad support for this new system. I believe further that it would provide R&D funds to demonstrate the concept, while withholding procurement funding until Congress has an opportunity to fully review the report, meets and goes beyond, really, the needs and concerns that our colleagues have raised.

To speak directly to the matter, why do we need a submarine-launched ballistic missile that can strike virtually anywhere on the face of the globe with precision, with a conventional warhead, within 30 minutes or less? Former Secretary of Defense Harold Brown, under a Democratic administration, and James Schlesinger, under a Republican administration, said it well in a recent op-ed article they wrote together, the two of them—Secretaries, veterans of wisdom and experience. They said:

In a world in which terrorist groups may have access to nuclear weapons it is imperative to give future U.S. Presidents more options in countering a crisis and to prevent the use of mass destruction.

I think that says it all. Indeed, it is likely that by the time this system is ready to be fielded, President Bush will not be here to utilize it, but his actions, and our actions as a Congress, have that future President with these needed options. To be sure, we are not dealing with an academic debate. It was reported in a 9/11 Commission report that on August 11, 1998, a cruise missile attack against bin Laden, who was then hiding in Afghanistan, missed its intended target by a few hours.” How might the course of history have been altered that day if the President had at his disposal a prompt global strike capability?

In another example, it was reported by the press that the initial attack against Saddam Hussein, at the outset of Operation Iraqi Freedom, took some 4 hours to reach the target using Stealth fighters and sea-launched cruise missiles—ample time for the enemy to escape.

In addition to targets in the war against terrorism, one can imagine other important uses for a conventional Trident missile armed with weapons of mass destruction. Such as, what if we had the capability to strike targets across the globe in minutes, for example, destroying a ballistic missile armed with weapons of mass destruction as it is being prepared to be launched against the United States; intercepting a mass destruction which is being loaded into a container ship heading for a U.S. port; or disrupting key enemy command-and-control facilities so that they cannot execute an attack plan; thwarting enemy moves to seize strategic advantage at the outset of some crisis.

It is true that some of these targets could be attacked using existing strike forces such as cruise missiles, bombers and precision-guided weapons, fighter aircraft launching from carriers or perhaps special operations forces. But each of these alternative strike platforms carries risks to U.S. personnel, require complex planning and support infrastructure, and cannot reach their target in minutes.

CTM is indeed a niche capability. But the regrets of not having this option are just too high to contemplate, given today’s security environment. Wouldn’t we want any President to have this capability?

I believe all can agree on the strategic value of the conventional Trident program. Let me address what I understand to be the principle concerns of some of its critics, which are that the launch of a conventional Trident missile might be mistaken for a launch of a nuclear-armed missile and prompt a punitive nuclear response from some third-party nation that believes it is under attack.

The Defense Department has taken seriously this concern. As a matter of fact, the first thing they have done, and decided to do from the beginning, is to be absolutely open to the world about the capability they have in these missiles and their plans to convert a nuclear missile to a conventional missile; but they have, in addition, put in place a comprehensive approach for mitigating this risk.

But before examining these specific steps, I ask my colleagues to look more carefully at the fundamental underlying concern. Would a nuclear power, such as China or Russia, perceive the launch of one or even two ballistic missiles, as an attack against its territory, starting a nuclear war? I think not. Even during the darkest days of the Cold War such an attack by a single country was considered implausible. People always talked openly, among the defense forces of all these nations, about the situation in which a single missile might be launched by mistake. It is well known if people are going to kick off a nuclear war a number of missiles, they would launch their entire fleet, hundreds of missiles at a time, trying to catch the Nation’s adversary unaware and perhaps destroy their retaliatory capability on the ground. All that was the strategy involved in Mutual Assured Destruction—a thing, basically, of the past, frankly, and thankfully it appears to be so. But we have to be concerned and cannot forget the lessons of that period.

But let’s take this further. Very few States can currently detect a launch of a missile and track the trajectory of its warhead. Very few nations have the capability of detecting our launch. The country that has the most capability in this regard would be Russia, but we are told by Defense officials that once the Russians detect a launch, their system capability is such they will know it is not aimed at them. They will know where it will land, and they will know it is not aimed at them. They will know it poses no threat. They are not going to kick off a war over this.

Assuming the above context is not enough to assuage our concerns, the Department of Defense has put into place a comprehensive strategy to mitigate risks posed by the misperception or ambiguity problems. One of the measures that they plan is advanced notification to leaders of select States. For example, the United States maintains a robust set of communication links between U.S. leaders and Russian counterparts and military counterparts all over the world. We have that capability and, in fact, communicate on a
fairly frequent basis, and additional communication links with senior Russian officials are planned, such as the Joint Data Exchange Center for shared early warning. In this case, Russian and U.S. officials would sit side by side in a jointly staffed early warning center, back to back.

What do we have as a strategy for the United States today? We are reducing significantly the number of our nuclear warheads, and we are creating a center for early warning. Our political leaders understand that risk from nuclear attack are low to nonexistent. Simply misinterpreting the launch of a conventional Trident missile would not necessarily eliminate any possibility of a mistake. There are political exchanges and military-to-military talks with Russians and other nations to inform them of our plans for the CTM. These efforts are already underway. We are right up-front with the military leaders around the world about what we are developing and why we are doing it.

Operational measures, such as distinctive command and control procedures for the conventional Trident missile, would differ from procedures for nuclear-armed Tridents, and potential visits and inspections to build confidence through transparency are planned. Our Defense Department talked about other defense department. We will take every effort to make sure there is no risk from this.

In summary, the risk of a country misinterpreting the launch of a conventionally armed Trident missile as a nuclear missile is low to nonexistent. The Department of Defense risk mitigation strategy will further eliminate that risk—indeed, eliminate it totally. In this post-September 11 world, we need strategic capabilities to respond to time-sensitive situations where airspace is restricted, such as a capability. We are confident that the United States, where time is of the essence and the regret of not acting is too high to imagine. The conventional Trident option provides our leaders the capability to go after high-value targets where the conventional option may not be available. It is a capability that will be reserved for extreme national emergencies. It is a capability we need today. It is an option any President can have if we move forward and should have.

I close by asking my colleagues to think carefully about this amendment. It is a very important issue. I can understand that people might have raised concerns. But what I want to say to my colleagues is that a hearing on the CTM is well under way. We had General Cartwright and others testify. General Cartwright is the Commander of the Strategic Command. This is under his direction. He is a very impressive general. We asked him tough questions about all these issues, and he was quite forthcoming and open about it. He answered every single one of them.

Our Armed Services Committee has voted this out in a compromise fashion to guarantee even further study before the system goes to full development. But we do not need to waste another year. We do not need to go another year without the future President of the United States having the capability that we have the power to give him, to launch a nonnuclear strike anywhere in the world and hit a target within 30 minutes. It is the right thing to do. It is very important for our Defense Department. They could strongly support it as part of their 4-year Quadrennial Defense Review. We have letters from General Cartwright, Vice Chairman of the Joint Chiefs of Staff, and others supporting this matter, and the Secretary of Defense, Donald Rumsfeld. Indeed, Secretary Rumsfeld said in his letter, just a few days ago:

The Department [of Defense] strongly supports this amendment. Failure to fund this program would delay a capability we need now to respond promptly and precisely to time-sensitive, high-value targets anywhere in the world.

This capability is within our grasp. It will work. It is simply a matter of developing the warhead and doing training with it. But the capability we have is such that these missiles can hit the most precise targets within 30 minutes anywhere on the globe.

I strongly urge my colleagues to support this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. NELSON of Nebraska. Mr. President, I join my colleague from Alabama to offer this amendment that will provide funding to enable a new and indeed needed capability known as Prompt Global Strike. In March of this year, I met General James Cartwright, of the U.S. Strategic Command, to discuss this capability. He explained to me that the need for it was urgent and why. It is designed for situations where the time to act is short and access may be denied or difficult. U.S. forces are not present, and the regret of not acting is high.

For instance, we could be in a situation where a quick strike on a mobile ballistic launcher or WMD transshipment point or high-value terrorist target or an enemy command center. In order to hit these targets in a time-critical manner, General Cartwright has asked for authorization for some Trident missiles to be modified for conventional use.

Trident missiles have longer ranges than Tomahawk cruise missiles, and in situations where airspace is restricted, are safer in comparison with nuclear delivering conventional weapons to the world.

I strongly urge my colleagues to support this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. GIAMBASTIANI of North Carolina. Mr. Chairman. I join my colleagues in this effort. I strongly urge the Senate to support this amendment.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. GIAMBASTIANI. Mr. President, I join my colleagues in this effort. I strongly urge the Senate to support this amendment.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. GIAMBASTIANI. Mr. Chairman. I strongly urge my colleagues to support this amendment.

I yield the floor.
The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I rise in opposition to the amendment proposed by the Senator from Alabama. The premise advanced by the Senator from Alabama is such a robust relationship with other nuclear powers, such as Russia, that it would be easy to coordinate this; there would be no mistake in launching a conventional missile from a Trident submarine. But I think that is contradicted by what the Russians themselves say.

General Cartwright went out and met his counterpart, General Baluyevsky, the chief of the Russian general staff, and tried to talk to him about these threats of terrorists needing to strike at long distance. And General Baluyevsky said this could be a costly move which not only won’t guarantee his destruction—referring to Bin Laden—but could provide an irreversible response from a nuclear-armed state in such a short time that what warhead is fitted on the missile.

That is the strong support, constant communication with Russia that we have today, which could easily discern and disseminate information about a potential launch of a conventional weapon from a Trident platform.

The Trident submarine contains missiles which are all armed with nuclear weapons. They are part of our strategic triad—probably the most secure part of our military. We have to determine what warhead is fitted on the missile.

That is an essential question, and the practical problem for anyone in the world is to determine, if we shoot one of these missiles at them, is it a conventional warhead or is it a nuclear warhead?

If anyone believes they have nuclear weapons and are being attacked by a nuclear device, I think there is a strong fear, on my part at least, that they would retaliate before they could ever verify what was going on.

Another aspect of this whole proposal is that we have to ask ourselves, and the practical problem for anyone in the world is to determine, if we shoot one of these missiles at them, is it a conventional warhead or is it a nuclear warhead?

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be done. I respect Senator INOUYE. He is a patriot and an expert on defense. I have seen his leadership on national missile defense, which is seen today as a very wise investment. If a single missile moved toward the United States for the first time in history, we have the capability to knock that down. In fact, in a few years, we will have a powerful capability to knock that down, but we have some capability right now. I believe we could successfully knock down one of those missiles.

I will share a few thoughts. My colleague, Senator REED, talked about the Russians, who had a meeting with our people. The Russians said they might not like it if we launched a missile like this. If we had this capability, they might not like it.

It is interesting that we are openly talking with them about the capability, and letting them know what our plans are. The experts tell us they could tell, shortly after a launch, whether or not a missile was aimed at them. Certainly we are not going to launch a missile like this. If a single missile was aimed toward them. We need to think this through.

With regard to the review and the studies, my colleague, Senator REED, on the Committee on Armed Services, and I serve together. He may have misunderstood what this amendment would do. The authorization bill we passed contained spending on this missile system required a study. It said that study must be completed and no more than $32 million could be spent until it was completed. It would require not only the Defense Department to participate but the State Department to participate. That was to allay the concerns being raised.

That language is not undermined by this amendment. This amendment does not refer to it. It would be absolutely mandating language in the Defense authorization bill. We certainly want that report. There is no attempt, I say to my colleagues, to undermine that requirement. That requirement remains in place.

The effect of failing to fund this program, a program that was based upon a need identified by the formal 4-year Quadrennial Defense Review of the Department of Defense, a study was made to identify how best to meet that need. This was not having done the Defense authorization bill. We certainly want that report. There is no attempt, I say to my colleagues, to undermine that requirement. That requirement remains in place.

Mr. STEVENS. Mr. President, I don't recall a time I have had a dispute with Senator SESSIONS on defense policy but I do on this issue. In the first place, the Defense Department provided me an authorization for the money but told us it cannot be spent until there is a study. I don't support this amendment because I do not agree with the urgency to commit to this solution and commit funds for it when we lack a full understanding of the requirement and a thorough review of the alternatives.

What we needed and what the Defense appropriations bill now provides is a comprehensive analysis. This follows the path of the Committee on Armed Services, a review that considers the military factors as well as the political and international factors of what is needed—not money upfront. Our Defense appropriations bill contains language for such a review and report. The Senate Committee on Armed Services was concerned about this capability. The subcommittee has gone one step further, and we have withheld funds for the fiscal year 2007.

Given the concerns raised by some Senate Republicans, there is no agreement we must fund this initiative now. Funding for defense is very tight, as the Senate knows. Given the serious concerns about prompt global strike, and the limited fund for defense this year, the Committee on Appropriations—in particular, our subcommittee—has carefully decided to fund only those programs that have been fully explained and justified.

There are three principal reasons why I am concerned about pursuing the conventional Trident missile, or CTM, solution. I have reservations about the international political opinion and the potential for misinterpretation of our actions. A country that deploys or identifies a CTM launch might legitimately worry whether the weapon carries a nuclear or conventional payload. This could be a provocative action, if taken. This issue is larger than the Defense Department. There are serious international implications that the State Department should be more involved before we go forward with CTM capability.

Second, the demand for a prompt strike capability is not well supported by the timeliness of our intelligence or its decision-making processes. It takes time to validate intelligence information, and the decision to strike takes time. It should be carefully analyzed before making that decision. This capability would offer the opportunity for risky, even reckless strikes, rather than deliberate, clearly thought-out action. Congress needs to thoroughly understand the implications and uses of the concept of prompt global strike.

My third concern with CTM is my preference to do more with our forward-deployed conventional strike assets which may be called back and used for the prompt concept of prompt global strike.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I don't recall a time I have had a dispute with Senator SESSIONS on defense policy but I do on this issue. In the first place, the Defense Department provided me an authorization for the money but told us it cannot be spent until there is a study. I don't support this amendment because I do not agree with the urgency to commit to this solution and commit funds for it when we lack a full understanding of the requirement and a thorough review of the alternatives.

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decision on a conventional Trident missile today. This missile is not something that is needed in the near term. Therefore, I recommend the Senate not approve this amendment and support our Defense appropriations bill which calls for further study.

Is there a quorum for the vote?
The PRESIDING OFFICER. The time is set for 6:15.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. SESSIONS. Mr. President, I have such respect for Senator INOuye and Senator Stevens, but I do want to mention a couple of things that are important for my colleagues. This is a high priority for our military leaders. They believe it is critical to have this capability.

As former Secretary of Defense Harold Brown said, along with James Schlesinger:

The detonation of a nuclear weapon in the United States by a terrorist group would be an unprecedented disaster. It is essential that Congress approve the funds for this program. Moreover, a small reprogramming action in the current fiscal year could accelerate the missiles’ initial deployments. In a world in which terrorist groups have access to nuclear weapons, it is imperative to give future U.S. presidents more options to prevent nuclear attacks.

They go on in quite a long article and deal with this.

My colleague, in talking about this, mentioned that: Well, this could be recklessly used. But any weapon we have could be recklessly used. Some have said President Clinton was not wise, but he launched a missile into the Sudan. I defended it when he did it. But he made that decision. He made that decision. That is a conventional weapon.

The only difference, really colleagues, in a conventional Trident launch and a cruise missile launch is it is quicker. We talked about there are multiple hours many times, they are not as fast, they have to be launched often from an aircraft or from ships that are not readily available to be launched. So we are talking about delays.

This would allow us the capability of launching a nonnuclear weapon, much like our cruise missiles and Tomahawk missiles, to hit a precise target that could represent a deadly threat to the people of the United States of America.

It is unbelievable, really, that we have this capability. Right now the President can do it, but the only missiles he has that he could launch that could hit a target within 30 minutes are nuclear missiles. It would be unlikely we would ever launch one nuclear weapon like that that I can imagine. It could happen, I guess, but it certainly would be cause for the greatest anguish and concern, and it would be unlikely to ever be done.

So I am just saying this is the plan that our experts, who are working on strategic defense, believe gives the President a capability and gives the Defense Department, our military, a capability that can help protect America with a conventional weapon. Maybe it will be an inert warhead, inert substance in it. I doubt that would be the case, but it is not even an explosive. And it could strike a target around the world that could save thousands and thousands of lives, tip the balance of some sort of military conflict.

So that is where we have reached some disagreement. I am very respectful of the chairman and ranking member of this Appropriations Committee. They have defended America personally, putting their lives on the line for our country. They have, for many years, preserved, protected, and defended this country through very able Defense budgets. Many times it was not so popular. But they have been there, and they have fought for them. And we now have the finest military the world has ever known. I salute them for it. We just have a disagreement on this single matter. I think it is important or I would not raise it.

I urge my colleagues to consider it.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. 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. LEAHY. 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. LEAHY. Mr. President, I ask unanimous consent that the senior Senator from Delaware, Mr. BIDEN, be added as a cosponsor to amendment No. 4827 to the fiscal year 2007 Defense appropriations bill that is already adopted.

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

Mr. LEAHY. I thank the Chair.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. SESSIONS. Mr. President, there are 2 or 3 minutes before the vote, and I will take a brief minute to summarize this matter.

The Secretary of Defense personally has written us and asked that we allow the Department to go forward with this conventional Trident missile capability saying:

Failure to fund this program would delay a capability we need now to respond promptly and precisely to time-sensitive, high-value targets anywhere in the world.

This has also been the subject of an op-ed by former Secretary of Defense Donald H. Rumsfeld, who served under both Presidents Nixon and Ford and in President Carter’s Cabinet also. They say we need this now.

They would not deploy this system but would allow research and development, and requires, before any more than $30 million is spent—before any more than $30 million is spent—that the Defense Department and the State Department must complete a study and present that to Congress before we go forward.

We do not need to delay. If we wait another year or 2, we will allow another year or 2 or 3 to go by without the President having the capability within 30 minutes to hit any target on the globe with a nuclear weapon.

The concern over misinterpretation of the missile launch intent has been dealt with openly and directly by the military. They have talked with foreign nations about it. We will make every effort to ensure that does not happen. And it is true. As I have explained earlier, should not be a problem, as these former Secretaries of Defense stated.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the Sessions amendment. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Montana (Mr. BAUCUS) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

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

The result was announced—yeas 31, nays 67, as follows:

[Rollcall Vote No. 227 Leg.]
The amendment (No. 4844) was rejected.

Mr. STEVENS. Mr. President, if we can get order, I can inform the Senators of what I know of the schedule. The Senator from Arizona, Mr. Kyl, has placed before him the amendment he wishes to discuss. It has been cleared on both sides. I understand he will take about 20 minutes. We have another managers' package, and I will continue to work on packages.

After Senator Kyl has his amendment adopted by a voice vote, we will turn to the amendment to be offered by Senator STABENOW, which I understand will take some time. I tell the Senate, after those two, I know of no other Senators who has asked to call up an amendment.

If there is no amendment to be offered and debated, I will move for third reading.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID, Mr. President, everyone should know that we have cooperated on this bill every step of the way. There was no reason to do a motion to proceed to this. We allowed this to take place, aware of the fact that there were many other things going on taking the attention of the Senators.

We have been very cooperative in offering amendments. This is a bill that is very important to the country. I think they should allow us a little bit of time to determine what is in the bill and what should be in the bill.

There are people who have amendments to offer, and for my friend, the distinguished senior Senator from Alaska, to come here and threaten us that he is going to try to stop debate on this bill is not in keeping with the decorum of the Senate.

We have amendments to offer. I have offered, starting this morning, that we come up with a list of finite amendments and finish this bill in a reasonable amount of time when we get back. We are not going to be able to finish this bill now. We have the so-called trifecta, we have the pensions program we have to deal with that affects 45 million people directly, 145 million people indirectly.

In addition to that, we have these tax extenders.

We are Democrats, didn't put us in this procedural quagmire. Had it not been for the distinguished Congresswoman from Tennessee, who said: We outfoxed the Democrats—no Democrat was outfoxed. The American people haven't been outfoxed. We didn't put anyone in this place in spite of what the majority decided to do.

Don't give us the hassle on the Defense bill. We have been ready to move to this Defense bill for a long time. But we can't do it because we are stuck on the road to legislative heaven the Republicans have, which is the estate tax repeal. So don't come here like I was born yesterday and tell me what you are going to do because I wasn't born yesterday.

We are ready to cooperate, and we have been, but don't threaten my Senators that they are not going to be able to offer amendments.

Mr. STEVENS. Mr. President, do I have the floor? I thought I had the floor.

I am pleased to hear the distinguished minority leader mention this fact. Let's be sure: Senator INOUYE and I have managed this bill now, one or the other of us, since 1981. We have never been on this floor longer than 3 days for the Defense bill. All I said was I am going to move to third reading if no one is here to offer an amendment. I didn't block anybody's amendment. All it takes, third reading, all it takes is someone to ask for the floor or offer an amendment.

Let me tell the Senate this, though: We know what is happening. When we get back, we will have other business that will come ahead of this bill. We have to get this bill passed and to the President before the end of this fiscal year. When the House comes back, we can't get to conference if we don't finish it tonight or tomorrow until after the tax work is done and it takes time to confer on a bill such as this. It takes a lot of time, staff time. It is an enormous bill now because we have added considerable money to it that the House hasn't even considered. When we come back, this bill has to be to the President before September 20. What the Senator is suggesting, as I understand it, is that we will take a couple days after we finish whatever is carried over from this session, if cloture is voted tomorrow, and this bill goes back on the calendar; do you know that? It would take unanimous consent to call it back up.

All I am saying is we manage this bill with the idea of protecting these people in uniform. Anyone can raise an amendment. I am prepared to stay all night tonight, all day tomorrow, all the next night. If you want to debate, debate. That is what we used to do in this society is be a debate society. It is not gone.

I take umbrage with the fact that the good Senator said I threatened him. I didn't threaten anybody. I said I was going to offer a motion or make a request to go to third reading if no one has an amendment to debate. I say that again. It is not a threat; it is a promise, Mr. President.

The PRESIDING OFFICER. The minority leader.

Mr. REID, Mr. President, I want to get along with everybody. I really have tried. I came here this morning at 9:30, and I said: We are ready to vote on the big bill that cloture was filed on last night. I am ready to do that. We were ready to do that this morning. I want to finish the pensions bill. I want to do something on the extenders. That is where I hoped we would have been—to have completed all this.

No one has to worry about moving this when we get back. We want this bill to be completed. We want it to be done right. No one questions the capability of Senator INOUYE and Senator STEVENS on the Defense appropriations bill. But we can see the light at the end of the tunnel.

Hey, listen, some of my Senators are leaving. They don't need to be here to vote on cloture. Some of them would like to be here to vote on cloture. What I suggest is we have a program to complete the work around here.

People have come to me—Democrats and Republicans—asking: What do you propose? I propose we vote on the so-called trifecta—I have another name for it—and do the pensions bill and try to get the extenders done. That is not easy lifting. That is a big project for us. And the Defense bill, I am sorry it was brought up when it was and it wasn't done sooner.

As I said, we have cooperated with this body. We intend to continue to do that. And if the distinguished Senator wants to stay here all night, then fine, that is fine, we will have a cloture vote in the morning. As everybody knows, after the cloture vote, there aren't going to be a lot of people around here.

I have agreed not for endless amendments—we want to finish this bill—but that we have a list of finite amendments. These two, the managers—I know when we get to these amendments, some of them will not be able to be taken, so to speak, and will be headed to the dark hole of the conference. Some amendments will have to be voted on but not many.

I said to the majority leader personally, and I say here: We will finish this bill and take no more than 2 days when we get back. I am not going to agree on this. I am not going to agree on this. I am going to try to do the pensions bill and try to do the extenders bill and try to do the Defense bill at the same time. But there is not enough time to get to conference if we don't finish it tonight or tomorrow. We do the pensions bill and try to do the Defense bill.

I said to the majority leader personally, and I say here: We will finish this bill and take no more than 2 days when we get back. I am not going to agree on this. I am not going to agree on this. I am going to try to do the pensions bill and try to do the extenders bill and try to do the Defense bill at the same time. There have been a few times—not often—I probably raised my voice a little more than I should have. If I offended anyone, I am sorry.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST, Mr. President, while we are on the Senate floor, everyone knows the business we have before us before we begin our recess, and part, I think, of what we see rise here is we have a lot to do in a short period of time. All the business is very important. Indeed, people have been very cooperative. We were supposed to go to the Department of Defense appropriations bill by unanimous consent on Wednesday night or Tuesday—was it Tuesday night? We all agreed to go to the bill. We have had a good debate and a fair number of amendments.

Now it is almost 7 o'clock and the business we need to do is the Department of Defense appropriations bill. We do
have the trifecta bill which, as everybody knows, by normal procedure will be tomorrow morning—we will agree upon a time, an hour after we come in, but we can agree to do that at 9:30. It is normal procedure. Then we do have to deal with pensions. We know how important it is to get that done before we leave.

The Democratic leader mentioned trying to do something with extenders. We have some pending amendments. I would like to keep the real world in the real world. I would like to hear the Democratic leader’s response—if we worked hard for the next 4, 5 hours and really plowed through the amendments, that we could even finish the appropriations bill and tonight go to the trifecta bill, dispose of that—however the votes fail—and we all know that will be very close. Then immediately deal with the pensions bill tonight. Then we would have everything done.

I know the response to the response will be that there is no way to finish the Department of Defense appropriations bill, given the long list of the amendments we referred to, although if we did stay here and spend 5 hours, 6, 7 hours, 8 hours, 9 hours, 10 hours, plowed through the amendments and addressed them, finish that—this has to be done by unanimous consent—go to the trifecta bill, go to pensions, and then go home. I wish we were interested in the Democratic leader’s response.

Mr. REID. Mr. President, I have worked with my caucus and I have other Senators working with each Senator. We have done a number of hotlines to find out amendments that are pending. We have a number of amendments that are pending. People feel very strongly about that. We are not going to finish the bill tonight. I guess if we worked all night, if that would be the case, it would be by attrition. I think it is just a strange way to do business. I know people want to get the work done, but we have been willing to do that this year. I have been on the floor and talked about it: Why don’t we move to the Defense appropriations bill?

We have spent all week on things, but it seems to me we should have been doing things other than estate tax repeal, which we have dealt with so many times. We are already given my speech on that. People know how I feel about that issue.

I think we are being totally reasonable. I am not telling the leader he has to file cloture on this bill. I am saying there are a lot of amendments. We have about 50 amendments on our side. We know that as time goes on they will be whittled down. These managers will accept some. The Republicans have amendments.

I come with all due respect to my friend, the distinguished majority leader—and I know his job is a lot harder than mine; I know that—we can’t finish the Defense bill tonight, as much as he wants to, and as much as the two distinguished managers want to. We just can’t do it. It just won’t happen.

As I said, no one has to file cloture. I have told you—I say it here in front of all my colleagues—I will finish the bill in 2 days when we get back. I don’t think with all the turmoil going on around the world today involving our fighting men and women—I think it might not be a bad idea to have the weekend and three nights in a row, and so does my friend from Hawaii. I don’t disagree with this procedure—it is a more humane procedure—but I do think we have a job to do, and the No. 1 job to do is to get this Defense bill to the President before the fiscal year starts.

Now, I understand we can get a commitment that we will finish by Wednesday night. Wednesday night means we can’t get the papers to the House until Thursday or Friday, and it will be the week before Labor Day. Then we will confer at least a week with the House, and that would be reasonable because both the House and Senate have other things to do than just confer with each other. We are going to get here with this bill sometime around I would say the 21st, and then guess what. Then we would probably go home—it is just before the election—and we probably wouldn’t get around to this bill because first we have to be the House—we will get it. It is a matter of fact, because it is an appropriations bill. So we are looking at getting this bill back sometime around the 26th or the 27th, if everything goes right—if everything goes right.

I would prefer to have a time agreement for Wednesday night and that we would vote at a time certain, but I will take our friend’s point of view and say: OK, we will commit as Senators that we will finish this vote on Wednesday night if we wish we could do better. I think we are going to be criticized, every one of us, for deciding to go home rather than finish this bill.

Now, I have heard a lot of rhetoric from the other side during this year. You have not had that kind of rhetoric from me so far this year, but if people want to keep it going, we can debate whether we should get this thing done and if we can get it done. I can guarantee you the Senator from Hawaii and I could finish this bill tonight if we had cooperation. There is an amendment I know of that will take all night—nothing in this bill requires something that would take all night.

So again, I am not the leader. You two are leaders. You make up your minds. I am going to get it to us, as a matter of fact, because it is an appropriations bill. We are looking at getting this bill back sometime around the 26th or the 27th, if everything goes right.

I would prefer to have a time agreement for Wednesday night and that we would vote at a time certain, but I will take our friend’s point of view and say: OK, we will commit as Senators that we will finish this vote on Wednesday night if we wish we could do better.

As a practical matter—I don’t want to get a little maudlin about this, but these amendments overseas, they are not taking August off. They are not in a rush to get on an airplane. We could finish this bill.
no question in terms of the importance of this bill. If it looks as if that is impossible, which we have heard, then we should entertain the proposal put forth by the Democratic leader of finishing Wednesday night. But if there is any way we can finish it, I think we should finish tonight. I think everybody will be willing to stay, as it is important to this country.

Again, I just heard the chairman saying we could finish it tonight. It is going to be hard, but if we stay here and work on the floor and march through the amendments with the appropriate debate, then that is what we should do. I don’t think we need to make a decision right this second because we can make it among ourselves when we are not before the American people. But if we can finish it, we should finish it.

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. REID. We all know the talent of the senator from Alaska, a wonderful man, and it is good that he hasn’t been upset with us recently. But where was my friend when we were spending all the time on gay marriage and other such things when we should have been here working on this? We don’t run this place; the majority runs the Senate. We do our best to represent our constituents. But we don’t need to be told it is our fault the Defense appropriations bill is not going forward. We have been willing to work on the Defense appropriations bill, and I say as someone who has managed a lot of bills here on the floor, if we were attempting to stall, there are a lot of other ways of doing that.

We had very short debates on these amendments. Any one of these amendments, I say to the leader, could have taken all day, but we set reasonable times for our amendments and we voted on them. I think the record is very clear that we have tried to cooperate.

However, there is too much to do, and I think it is asking too much, especially when we look down the road. I talked to one of my friends on the other side of the aisle. If we don’t do this pensions bill, we have two airline companies that are going to dump their pensions. Everyone knows it is Delta and Northwest Airlines. They are in bankruptcy. They are going to dump those pensions, affecting tens of thousands of people working for those two airlines.

So no matter how strongly the senator from Alaska feels about moving his bill forward, we have a lot of other things to do that are extremely important also. We understand the importance of the fighting men and women in this country, and we have been stalwarts in working with the majority in taking care of the Defense authorization bill, which moved quite quickly, considering all of the other things we had to do at the time.

So I say that we will continue plowing through these amendments, but we won’t finish them, no matter if we stay here all night.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. FRIST. Mr. President, I believe the various proposals are on the table in terms of how we would complete the next 24 hours. I will talk to the Democratic leader and we can talk to our colleagues. What I would suggest is that we turn the podium and the floor back over to the managers and we proceed with the amendments. I think we have a lot of amendments that are ready to go, and then we will have more to say about the schedule.

As it exists right now, unless there is some other agreement, we will be voting on the Family Prosperity Act at around 9:30 in the morning, but we may come to some other agreement in our conversations, and we will continue to vote and keep plowing ahead on this particular bill.

The PRESIDING OFFICER. The senator from Arizona is recognized.

AMENDMENT NO. 4842

Mr. KYL. Mr. President, I ask for the regular order, and I call up amendment No. 4842, and I ask unanimous consent that Senator ENNSIGN be added as a co-sponsor and indicate that I am ready to vote, and I do not call for a rollcall vote or the yeas and nays at this time.

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

The Senator from Arizona will suspend until we can hear from the Senator from Alaska.

Mr. STEVENS. Mr. President, from what I understand, if the Senator would defer for a moment, we are checking one item pertaining to that amendment.

I have another managers’ package, Mr. President. I will present it later. I thank the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Thank you, Mr. President. I am not sure what the status is now. Is the regular order to take the vote on amendment No. 4842?

The PRESIDING OFFICER. That amendment is pending.

Mr. KYL. As I said, Mr. President, I am prepared to vote and will not call for the yeas and nays.

Mr. STEVENS. I think someone should explain the amendment.

Mr. KYL. Mr. President, I am happy to explain this amendment. This amendment deals with royalty relief and requires that the Secretary of the Interior put a price threshold on any royalty relief in the future and confirms his authority to have done so in the past.

Mr. STEVENS. Mr. President, I am told it has been cleared by leadership on both sides, and under the circumstances I would ask for a voice vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 4842) was agreed to.

Mr. STEVENS, Mr. President, I move to reconsider that action.

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

The motion to lay on the table was agreed to.

AMENDMENTS Nos. 4767, 4867, AS MODIFIED, 4757, and 4866, EN BLOC

Mr. STEVENS. Mr. President, if the Senator from Michigan would allow me to, I will present a managers’ package including amendment No. 4767, for Senator SESSIONS, regarding body armor; amendment No. 4867, as modified, for Senator BYRD, regarding Camp Perry; amendment No. 4757, for Senator SANTORUM, regarding electromagnetic guns; and amendment No. 4866, for Senator CLINTON, regarding families of the Guard and Reserve.

I send these amendments to the desk, having been cleared on both sides, and I ask unanimous consent that these amendments be considered en bloc, agreed to en bloc, and that the motions to reconsider be laid upon the table en bloc.

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

The amendments were agreed to, as follows:

AMENDMENT NO. 4767

(Purpose: To make available from Research, Development, Test and Evaluation, Army, up to $1,000,000 for Thermoplastic Composites Body Armor research)

At the end of title VIII, add the following:

SEC. 8109. Of the amount appropriated or otherwise made available by title IV under the heading “Research, Development, Test and Evaluation, Army”, up to $1,000,000 may be available for Program Element 0602105A for Thermoplastic Composite Body Armor research.

AMENDMENT NO. 4757

(Purpose: To provide that, of the amount appropriated or otherwise made available by title II for the Army National Guard for operation and maintenance, up to $7,500,000 may be available to renovate and repair existing barracks at Camp Perry, Port Clinton, Ohio)

At the end of title VIII, add the following:

SEC. 8109. Of the amount appropriated or otherwise made available by title II under the heading “Operation—Maintenance, Army National Guard”, up to $7,500,000 may be available to renovate and repair existing barracks at Camp Perry, Port Clinton, Ohio.

AMENDMENT NO. 4868

(Purpose: To make available from Research, Development, Test and Evaluation, Army, up to $3,000,000 for Advanced Switching and Cooling Concepts for Electromagnetic Gun Applications)

At the end of title VIII, add the following:

SEC. 8109. Of the amount appropriated or otherwise made available by title IV under the heading “Research, Development, Test and Evaluation, Army”, up to $3,000,000 may be available for Weapons and Munitions Advanced Technology (PE #690094A) for Advanced Switching and Cooling Concepts for Electromagnetic Gun Applications.

AMENDMENT NO. 4868

On page 7 between lines 7 and 8, insert the following:

SEC. 8109. Of the amount appropriated by title II under the heading “Operation—Maintenance Defense-Wide”, up to $6,000,000 may be used for community-based programs.
that provide mental health and readjustment assistance to members of the National Guard and Reserve and their families on their return from deployment.

Mr. STEVENS. Mr. President, I thank the Senator for allowing me to go ahead.

The PRESIDING OFFICER (Mr. ALLEN). The Senator from Michigan.

Ms. STABENOW. Mr. President, I send an amendment to the desk on behalf of myself, Senator REED of Rhode Island, Senator REID of Nevada, Senator LEAHY, and Senator LEVIN.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan (Ms. T. stabenow), for herself, Mr. REID, Mr. REED, Mr. LEAHY, and Mr. LEVIN, proposes an amendment designated as an emergency resolution (S. Con. Res. 83). The amendment is as follows:

(A) To increase by $200,000,000 the amount appropriated or otherwise made available by this title, as in

(b) Of the amount appropriated or otherwise made available by this title, as in

(c) The amount made available under subsection (a) as in

Ms. STABENOW. 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:

AMENDMENT NO. 9767

(Purpose: To increase by $200,000,000 the amount appropriated or otherwise made available by title IX for the purpose of supplying needed humanitarian assistance to the innocent Lebanese and Israeli civilians who have been affected by the hostilities between Hezbollah and the Government of Israel.

On page 238, after line 24, add the following:

39012. (a) The amount appropriated or otherwise made available by this title is hereby increased by $200,000,000.

(b) Of the amount appropriated or otherwise made available by this title, as increased by subsection (a), $200,000,000 may be made available for humanitarian assistance, including food, water, cooking fuel, shelter, medicine, and other assistance, for the innocent Lebanese and Israeli civilians who have been affected by the hostilities between Hezbollah and the Government of Israel.

(c) The amount made available under subsection (a) as increased by these two countries have friends and relatives here in America who are desperately concerned about what is happening, who are asking us in America to step up and to help. The idea of sending people here back to the United States here legally on temporary protected status which we would offer on a temporary basis should be expedited as well so these visitors will have a chance, if they want, to stay in the United States in a safe place until the hostilities have ended.

Ms. STABENOW. I thank my friend and our leader from Illinois, and I commend him for this legislation. In fact, I am proud to lend my name to the legislation. I hope we move urgently to let people know that they will not be required to go home to a place where we have been evacuating thousands and thousands of people, sending ships in to evacuate Americans.

I must say, we have had over 25,000 people from Michigan alone. We have seen over 13,000 come back. Those who are still there are desperately concerned about their family members, not being able to hear from them. Often there is no phone, no computer. So the idea of sending people here back into that violence makes absolutely no sense.

I commend the Senator. I hope part of what we would do before we leave is to make it clear that we would not ask those innocent people to return to a war zone.

Mr. DURBIN. If the Senator will further yield for a question through the Chair, I am sure the Senator is aware that we have done this before. When people are visiting in the United States and hostilities break out in their homeland, we have offered them a chance to stay here on a temporary basis.

I might add, there are safeguards built into the people who are anywhere about whom we have a question as to whether or not they are safe to remain in the United States, they will not receive this temporary status.
That goes without saying. We want to make certain that the people who remain here are truly those innocent travelers—students, members of families—who are concerned about whether returning home could endanger them or their futures.

I ask the Senator from Michigan, if we are in a predicament where a family is here visiting their relatives in Chicago or Detroit and they have small children here from one of the parts of southern Lebanon that has been under fire, does it not stand to reason that we as a compassionate people would say to them: You can wait. Stay with your family. We are not going to have them leave. We have done this in the past, and I hope the Senator from Michigan believes, as I do, that it is reasonable to do it under these circumstances.

Ms. STABENOW. I say to my friend from Illinois, I could not agree more. When you talk about people who come to visit, I think about the group of families and children I met with on Saturday who actually came home from Lebanon, the family that was described, essentially, as a family of five, but were talking about their family members who are here. Bint Jbeil—that is the town in southern Lebanon where they identified a Hezbollah stronghold—is also a place that 15,000 people in Michigan call their hometown. People have come to visit in the summer, to do the things that we all do: to go to the family wedding, to visit grandpa and grandma; as older citizens, coming to visit the grandchildren. There are all kinds of families who come back and forth all the time. That we would have people that are here be forced to go back to a war zone is really unthinkable.

I commend again our distinguished Senator from Illinois for his leadership, focusing on this issue which is so critical. I hope we would in fact bring that bill before the Senate for a vote or seek unanimous consent before we leave. It is absolutely critical.

I hope, again, we are going to make it clear that for those, whether they are in Lebanon or Israel, who have found themselves without any prior warning to be in a situation where they are innocently caught in the violence that has occurred, we, as Americans, need to do what we know how to do, which is to reach out and to help and be a part of a worldwide humanitarian effort. We need to address those issues—whether it is food, clothing, shelter, those who come to so many people, tens of thousands of people, probably hundreds of thousands, who find themselves in a situation where they are looking around for someone to help them.

America needs to be an important leader in lending our support. I am hopeful this amendment of $200 million will be included as an emergency spending category in this legislation.

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

Ms. STABENOW. Yes.

Mr. KENNEDY. Want the Senator yield?
forward in this effort to provide humanitarian assistance to those in Lebanon and in Israel who are innocent citizens, caught in the middle of the violence that has occurred.

Many, many people have suffered. I hope that we will send a strong message that we will work very hard to bring humanitarian assistance.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. STEVENS. Mr. President, I ask unanimous consent that Senator LANDRIEU of Louisiana be added as a cosponsor of amendment No. 2724.

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

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SUNUNU. Mr. President, I very much appreciate what the Senator from Michigan is trying to do with the amendment. We have seen vivid images on television depict the impact and destruction of the infrastructure—bridges, powerplants, the airport in Beirut, and, of course, the huge civilian toll that has been taken in Lebanon.

We all understand there is going to be a real need, and an immediate need, for humanitarian assistance. The State Department has taken steps to provide resources and assistance both in funding and material in the pipeline. But there is no question that additional funding is going to be needed in order to help the people of Lebanon rebuild and establish normalcy once again, in addition to all the assistance and work that will be done to ensure not just a strong government but compliance with U.N. resolutions, the demilitarization of Hezbollah, which is going to be so important to that country.

The Senator from Michigan, the Senator from Illinois, and others have also worked with the State Department to ensure that there are humanitarian corridors available to get assistance to those towns and villages in southern Lebanon that have been most heavily hit in terms of civilian casualties.

We need resources and funding. We need material, but we also need those humanitarian corridors.

I want to specifically speak a little bit about the protective status legislation that I cosponsored with Senator DURBIN and others. This is essential to the development of an international disaster and famine assistance account, the emergency refugees and migration assistance account. We have no reports at all that the administration and all of the people involved in all of these activities are on the same page. Even if they did, if they are close to that, the foreign assistance bill will be before us in September that deals with these various sums.

The Stabenow amendment causes the bill to violate its 302(b) allocation by providing $200 million, if the emergency designation is not removed.

This is a rule XVI problem. This is not authorized. There are specific accounts already authorized, as I have said. The funds for this are $200 million alone $6 billion involved in the area which could provide assistance.

I raise a point of order that this violates rule XVI.

Ms. STABENOW. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. The point of order is sustained, and the amendment falls.

Ms. STABENOW. Mr. President, I ask the Senator from Alaska if he would join me in this amendment to make sure that the dollars are, in fact, available. We understand that an amount has been identified of possibly $300 million needed, at least by the State Department. It is my understanding about $100 million has been pledged by other countries, leaving a $200 million gap.

I ask the chairman if he would work with myself and others who care deeply about this to identify specific funds to be able to do this. This is a desperately needed humanitarian effort.

Mr. STEVENS. I would be happy to author along with the Senator a sense-of-the-Senate resolution that the administration should proceed as rapidly as possible to use the funds which are in existence now and, if they are not sufficient, to submit a request for those funds.

I am not against the funds, but I believe that bill is coming along. The Appropriations Committee is coming along. It has a substantial amount of money in it this year. I don’t see the need to add it to this bill.

If this amendment were agreed to, it would mean that we would have to confer with even another committee when we get back in September in order to satisfy the necessity to get a conference report to the President in time. I reluctantly raised this point of order.

Mr. LEAHY. Mr. President, I rise in strong support of the amendment offered by the Senator from Michigan to provide $200 million in emergency humanitarian and reconstruction aid to Lebanese and Israeli civilians affected by the conflict between Hezbollah and Israel.

I commend Senator STABENOW for this amendment. If this conflict and the terrible loss of innocent lives and destruction of civilian infrastructure in Lebanon continues and occurred three months ago when we were debating the fiscal year 2006 emergency supplemental, there would have been no question that we would have included this aid.

Currently, the U.S. Government has pledged $30 million in humanitarian aid to Lebanon. While welcome, this is only a tiny fraction of what is needed. Over 900,000 Lebanese civilians—one in five—have fled their homes and are either displaced in Lebanon, living in schools and public buildings, or are refugees in Syria. Estimates are that 200,000 people are in immediate need of humanitarian aid including food, water, fuel, shelter and medical care. Basic goods are in short supply and hospitals in the south of Lebanon are facing electricity and water shortages. Just getting access to people who are in the greatest need has been a difficult challenge for relief organizations.

The international community has pledged assistance, but if past practice is any indicator, pledges often do not turn into actual contributions.

This additional $200 million in humanitarian and reconstruction aid would demonstrate the commitment of the United States to help the innocent victims on both sides and without this amendment will be forced to rob funds that are needed to respond to other humanitarian disasters—in Darfur, the Horn of Africa, and elsewhere.

I thank the Senator from Michigan for offering this amendment and urge its adoption.

The PRESIDING OFFICER. The Senator from New Jersey.

AMENDMENT NO. 4863

Mr. MENENDEZ. Mr. President, I call up my amendment, which is at the desk.

The PRESIDING OFFICER. The clerk will report. The assistant legislative clerk read as follows:

The Senator from New Jersey [Mr. MENENDEZ] proposes an amendment numbered 4863.

Mr. MENENDEZ. 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 make available from Operation and Maintenance, Navy, up to an additional $3,000,000 to fund improvements to physical security at Navy recruiting stations and to improve data security)

At the end of title VIII, add the following:

SEC. 8109. Of the amount appropriated or otherwise made available by title II under the heading "OPERATION AND MAINTENANCE, NAVY", up to $3,000,000 may be available to the Navy to fund improvements to physical security at Navy recruiting stations and to improve data security.

Mr. MENENDEZ. Mr. President, this amendment is in response to some breaches in our security as they relate to critical information about recruits that we are seeking in the Armed Services of the United States.

In May of this year, we learned about the security breach at the Veterans Administration that jeopardized the personnel records of 26.5 million of our Nation’s veterans. Fortunately, the stolen laptop that contained this information was recovered, but we know this is not an isolated incident.

In June of this year, nearly 28,000 Navy sailors and their family members had their information compromised when it was posted on a Web site. Informaton including their names, Social Security numbers, and birth dates was on line for anyone to see and use for any nefarious purpose. Millions of people had access to the most sensitive personal information, and the long-term damage that it may have caused cannot be measured.

But the security failures don’t end there. Just last week, we learned that in my home State of New Jersey, two laptop computers were stolen from Navy recruiting stations, and also to improve data security.

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But the security failures don’t end there. Just last week, we learned that in my home State of New Jersey, two laptop computers were stolen from Navy recruiting stations, and also to improve data security.

In view of what we learned during the course of these discussions, we come to the water’s edge because we believe that this is something that is incredibly important. If you are going to recruit people from our communities and say come join the Armed Services of the United States, in this case the Navy, and we ask for critical information from them as they make a decision to join, or to be considered and to be further recruited, we want people to have confidence that the critical information they give us about themselves—Social Security number, birth date, and other critical information—is ultimately secure, that they can feel secure that the information will be secure.

It is very important when we see these breaches that have taken place to, in fact, move forward in a way that helps us give people a sense of satisfaction that when they go to a recruiting entity, regardless of which branch of the service it is, that, in fact, the information they give will be secure.

We know identity theft jeopardizes one’s financial future, personal safety, and constitutional right to privacy, and allowing it to happen to men and women who seek to serve in our military is absolutely unacceptable.

We believe our amendment, which basically makes available from the operation and maintenance of the Navy, up to an additional $3 million to fund improvements to security at Navy recruiting stations and to improve data security is, in fact, critically important. We specifically note the Navy because it was in June and July of this year that we have seen two breaches of security.

I think it is important to ensure that at a time in which we are already pretty dramatically stretched in terms of the Armed Forces of the United States, we consider the Americans to consider joining the services, we are going to provide them a guarantee that their personal information, critical personal information, does not become public information, information that can ultimately dramatically affect them.

This amendment basically would move in the direction of trying to ensure that these Navy recruiting sites where this information is often kept—because it is the first source of where the recruiting goes on between, in this case, the Navy—communities in which the stations find themselves—can be secure so that we do not experience what we experienced in New Jersey last week.

I ask for the yeas and nays.

Mr. STEVENS. Mr. President, we are prepared to accept the amendment. If the Senator wishes the yeas and nays, he is entitled to them.

The PRESIDING OFFICER. Does the Senator withdraw the request?

Mr. REID. No.

The PRESIDING OFFICER. Is there a sufficient second?

There is on theyeas and nays.

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. STEVENS. Have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. STEVENS. Any other pending amendments?

The PRESIDING OFFICER. The only amendment pending is 4863, the Menendez amendment, which is, under the previous order, to be voted on at 8 o’clock.

The hour of 8 p.m. having arrived, under the previous order, the question is on agreeing to the Menendez amendment. The yeas and nays have been ordered.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from New Mexico (Mr. DOMENICI) and the Senator from Mississippi (Mr. LIEBERMAN).

Mr. DURBIN. I announce that the Senator from Montana (Mr. BAUCUS) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

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

The result was announced—yeas 96, nays 0, as follows:
to engage Senator ALEXANDER in a colloquy.

I agree with my friend from Tennessee and agree that the Department of Defense should consider this as an option for waste management.

Mr. ALEXANDER. I thank my friend from Tennessee and agree that the Department of Defense should consider all options when managing municipal waste on military bases and facilities.

The waste management testing that my colleague from Tennessee references suggests that waste management costs for military bases can be reduced over the long term and that landfill space needs can be greatly reduced. The technology in question addresses two major needs faced by our military bases.

First, all bases produce large amounts of municipal solid waste, which is sent to a declining number of landfills. Executive Order 13101 directs the Department of Defense to develop targets for landfill diversion and directs the Department of Defense, along with the Department of Energy, to take the lead in pollution prevention efforts.

The second need is military test and training ranges, which are often severely depleted of vegetation. The resulting soil erosion and increase of dust in the air impair our ability to rapidly train military forces at these facilities, and the application of sterilized, processed waste to vegetation depleted training grounds can reduce erosion and airborne dust. This technology could provide solutions, and I agree with my friend from Tennessee that this process should be considered by the Department of Defense when examining base waste management and overall facilities operations.

Mr. FRIST. Mr. President, I request the record be kept open and standing. I want to thank Senator ALEXANDER for his leadership on this issue, and I want to thank all the senators who have spoken and who have helped us work together to make sure that our veterans have the best health care possible. I am happy to work with them as we move this legislation through conference.

Mr. STEVENS. I move to reconsider the motion to lay on the table. The motion to lay on the table was agreed to.

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this important funding during conference negotiations.

KC–135 TANKER REPLACEMENT PROGRAM

Mr. SHELBY. Mr. President, I rise today to speak on the subject of the Air Force’s KC–135 Tanker Replacement Program. Like my colleagues, one of our biggest needs is to replace our aging tanker fleet, and I am working to ensure that our servicemembers have the best equipment possible. Our Air Force has a fleet of aging refueling tankers that are currently experiencing problems that could delay their necessary replacement. Therefore, we need to ensure that the Air Force is committed to full and open competition on the program. To protect taxpayers’ interests and national security, the Air Force must exercise a competition that is straightforward and transparent. In other words, the Air Force should rigorously follow an acquisition process based on established legal and regulatory guidelines, specifically setting aside any factors from its procurement evaluation that may improperly eliminate competition before bids are actually submitted. Our Armed Forces need the best tanker solution possible, and that means that any source with a reliable, high quality product that can provide aerial refueling services in a timely, and cost-effective fashion, should be considered.

Mr. STEVENS. Mr. President, I thank my distinguished colleagues from Alaska and Arizona.

VACCINE HEALTH CARE CENTERS

Mr. BIDEN. Mr. President, I thank the chairman and ranking member for taking the time to discuss an issue that is very important to me and to the well-being of our military personnel.

As both of you well know, the military today relies on vaccines as an element of force protection. In order to keep our military healthy and to protect against biological threats, we require personnel to be vaccinated. These vaccines are generally considered to be “safe”, but they are still drugs that are put into the body. As such, there are always a small number of personnel that have adverse reactions.

These personnel are our responsibility, and the Nation then is required to take these vaccinations. If they are made ill by that requirement, we must give them the best possible care, just as we do for those who lose a limb serving the Nation.

In 2001, Congress recognized that we needed to develop specific expertise for treating these rare and complicated cases and created the vaccine health care centers. Last year, the vaccine health care centers treated 708 personnel. That is a caseload increase of 63 percent since they began operations in 2001.

Today, the centers are unique in the Nation for their expertise in adult vaccinations and adverse reactions to them. They are a critical component of force protection, assuring our military personnel that if they become ill from a mandatory vaccination, they will get adequate care.

Mr. STEVENS. I want to thank my colleague for again raising this important issue. It has been a consistent advocate of our need to care for those injured by mandatory vaccines. The vaccine health care centers are a vital component in regular force protection. The centers help military medical providers administer vaccines in the most effective and safe manner and they provide expert care for that small number of personnel who have complicated adverse reactions.

Mr. BIDEN. I want to also thank my colleague for including $2 million specifically for the vaccine health care centers in the fiscal year 2007 Defense appropriations bill. I believe it was the committee’s intent, in a difficult budget environment, to show our support for keeping the centers intact pending the GAO report expected in mid-fiscal year 2007. Is that correct?

Mr. STEVENS. Yes. In the past, the centers have been funded with supplemental funds. Last year we provided a portion of the funding in the regular budget and sought to show our support again this year. We understand that in the past, the Army has used supplemental funds to help cover the annual costs of vaccine centers, which is approximately $6 million. This year, we sought to provide some assistance by designating a portion of the regular budget in fiscal year 2007, $2 million, for the vaccine health care centers. It is not meant to be a cap on what can and should be spent.

Mr. BIDEN. I thank my colleague. It was also my understanding, based on discussions during consideration of the last supplemental in the spring, that the Army was working on re-attaining the complete capabilities of the vaccine health care centers in their current form pending the completion of the GAO report.

As my friend knows, Congress would also like to see a plan from the Department of Defense for meeting this need. On this year’s Defense authorization bill, the Senate agreed unanimously to my amendment prohibiting the restructuring or downsizing of the current vaccine health care centers until the Department provides Congress with a report outlining their plans to meet the needs of our military personnel for pre- and post-vaccination care over the next decade.

Mr. STEVENS. Again, I agree with my colleague. I understand the Department of the Army has covered the costs of operating all these centers, even though some are located on Air Force and Navy installations. It is my hope that the Assistant Secretary for Health Affairs for the Office of the Secretary of Defense can provide that plan and look at how to support and maintain the vaccine health care centers in a joint setting. It was the committee’s understanding that these centers would be fully funded and kept intact pending the report from GAO.

Mr. BIDEN. I would ask both of my friends if they are committed to ensuring that happens?

Mr. STEVENS. Yes.

Mr. INOUYE. Yes.

Mr. BIDEN. I thank my colleagues for their assistance. I hope that next year we will have a comprehensive and
useful GAO report and a DOD report that will help us ensure that we are meeting the unique force protection needs created by mandatory vaccinations in the best possible way. Until then, I greatly appreciate their commitment to ensuring that we do not lose the capabilities that have been established to date and are regularly utilized by our military personnel.

FUNDS FOR IMPROVING POLYGRAPHS

Mr. CRAIG. Mr. President, I engage my colleague the distinguished chairman of the Appropriations Subcommittee in a short colloquy to clarify the intended use of funds provided in the fiscal year 2007 Department of Defense appropriations bills.

Mr. STEVENS. I would be glad to engage in a colloquy with my friend the distinguished senior Senator from Idaho.

Mr. CRAIG. Mr. President, the current standard in polygraph use is woefully outdated. Last year’s Defense appropriations bill included funding for a project that would improve the use of polygraphs within the Department of Defense. The project will ultimately benefit all institutions that use polygraphs for security. The project research will lead to the polygraph becoming a fully standardized, machine administered, scientifically based test, thus getting rid of the flaws that are inherent in the current use of polygraphs. Boise State University in my home State of Idaho is well qualified to do this research and develop the standardized technology. It is my hope that the funds that were appropriated in fiscal year 2006 will be made available soon and that the funds in the fiscal year 2007 Senate defense appropriations bill will be available to continue the work that will begin with last year’s appropriation. Is it the expectation of the distinguished Chairman of the Defense Appropriations Subcommittee that the Department of Defense make last year’s funds available as soon as possible to assure that this important research goes forward and that fiscal year 2007 funds be used to continue this important work?

Mr. STEVENS. The Senator raises a valid concern. It is this chairman’s expectation that the funds provided by our subcommittee in last year’s bill be made available quickly by the Department of Defense and that this important research be conducted in an expeditious manner.

Mr. CRAIG. I thank my colleague from Alaska for clarifying this point and for his interest in this issue.

LUPUS

Mr. SCHUMER. Mr. President, I wish to speak about lupus, a chronic and devastating autoimmune disease which affects a growing number of military personnel, their family members, and veterans. I would like to have this disease included in the Department of Defense Peer Reviewed Medical Research Program. I am glad to see my friend Chairman Stevens is on the floor to discuss this issue with me.

Mr. STEVENS. I am happy to discuss this program with the Senator from New York.

Mr. SCHUMER. For the past 2 years, Congress has included lupus as one of the diseases eligible for research funding under the highly restricted DOD Appropriations Program. The program is proving effective in filling essential gaps in research efforts funded by private industry and other public sources.

Mr. STEVENS. The Senator from New York is correct. This disease has been listed in the program by the Congress for priority consideration.

Mr. SCHUMER. This disease predominantly affects women and African Americans, which are a growing demographic in today’s military. This debilitating disease damages vital organs and can cause disability or even death. Despite its prevalence and seriousness, lupus is notoriously difficult to diagnose, and no new treatments have been developed in more than 25 years.

Chairman Stevens, because of the expertise research that is conducted in this area through the Peer Reviewed Medical Research Program, I hope you agree, and support adding lupus to the list of diseases eligible for funding under the DOD Peer Reviewed Medical Research Program.

Mr. STEVENS. I assure the Senator from New York I will do everything I can in conference to add this disease to the peer reviewed medical research list for consideration by the Department of Defense.

Mr. SCHUMER. I thank the chairman for his commitment.

TISSUE ENGINEERING RESEARCH

Mr. SANTORUM. Mr. President. I wish to engage in a brief colloquy with the distinguished chairman of the Defense Appropriations Subcommittee regarding innovative research being used to treat our soldiers.

Tissue engineers in the U.S. are applying the sciences of biology and engineering to grow human replacement tissue for virtually every part of the human body—tissues that will replace those damaged by disease or injury. Recently, enormous national attention was focused on the creation of fully functioning tissue-engineered bladders—bladders grown in the laboratory and implanted in children with spina bifida. One day, tissue engineering may eliminate the need for organ transplants. The scientific field of biomedicine has developed several products for immediate use, some of which have important implications for wounded military personnel.

Novel biological scaffolds for wound treatment are being developed to eliminate the need for skin grafts. The work is based on extensive preliminary research that shows biologic scaffolds from extracellular matrix—a component of virtually every tissue—can promote tissue growth that very closely mimics the original tissue. The scaffolds, called urinary bladder matrix, or UMB, have two layers: a membrane surface upon which skin cells may grow and differentiate quite readily and a lower surface that may integrate well into the underlying wound bed. This UBM scaffold represents new hope for soldiers who have a need for skin grafts.

A significant amount of this work is being done at the Pittsburgh Tissue Engineering Initiative’s Soldier Treatment and Regeneration Consortium, STRaC. The potential benefits of this research are boundless, and I am proud to have consistently supported STRaC and its mission. I thank the distinguished Chairman for his past support of this research.

As part of this initiative, scientists are working to develop a tissue-engineered ear utilizing a patient’s own cells to grow a replacement ear for one severely damaged in combat in Iraq. In the first phase of this 12-month project a small biopsy of healthy tissue will be taken and, using known techniques, scientists will isolate cells and from millions of them will be grown in the lab. A specially modified scaffold prepared from an FDA-approved implant will be “seeded” with these cells. After biocompatibility and long-term durability of this implant are established in an animal model, a biopsy will be taken from a soldier currently awaiting treatment at Brooke Army Medical Center in San Antonio. Cartilage and skin cells will be used to create a patient-specific ear replacement. This research is bound to be useful in replacement therapies for numerous other body parts for our soldiers returning from Iraq and Afghanistan.

Mr. President, I will ask unanimous consent that a letter be printed in the Record from COL John Holcomb, Commander of the U.S. Army Institute of Surgical Research at Fort Sam Houston, TX, that expresses his views on this line of research. Colonel Holcomb’s facility is the primary receiving site for all significantly burned casualties from the war in Iraq. He stipulates that integrating the opportunities currently underway in regenerative medicine are important for both short- and long-term advances for military medical research and clinical care.

Mr. President, I ask the distinguished chairman of the Defense Appropriations Subcommittee to comment on the research described and which the Army has been using to the benefit of our men and women returning from Iraq and Afghanistan.

Mr. STEVENS. Mr. President, the research the Senator from Pennsylvania is describing is exactly the reason that the committee provided $45 million for the Peer Reviewed Medical Research Program. We need to get innovative treatments to our men and women in uniform as quickly as possible. I urge all colleagues to consider the tissue engineering research proposal described by the Senator from Pennsylvania full and fair consideration.
Mr. SANTORUM. I ask unanimous consent that the letter to which I re-
ferred be printed in the RECORD.

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

DEPARTMENT OF THE ARMY, U.S.
ARMY INSTITUTE OF SURGICAL RE-
SEARCH,
Fort Sam Houston, TX, July 24, 2006.

DR. ALAN RUSSELL,
Director, Institute for Regenerative Medicine,
University of Pittsburgh School of Medicine
Pittsburgh, PA.

DEAR DR. RUSSELL: I am writing to share
with you our continuing interests in your
work on Regenerative Medicine. I am the
Commander of the US Army Institute of Sur-
gical Research at Fort Sam Houston, Texas and the
Army Surgeons General Trauma Consultant. I have been in Iraq 8 times since
the war started and my facility is the pri-
mary receiving site for all significantly
burned casualties from the war. Our expe-
riences have convinced us that partnering
with your world-class research programs and
integrating the capabilities currently un-
derway in regenerative medicine are impor-
tant for both short and long term advances
for military medical research and clinical
care.

Areas of particular interest for us continue
to be hemostasis, resuscitation, bone tissue
injury) soft tissue injury, trauma infor-
mation and trauma research. These six areas all focus on saving soldiers’
lives and returning them back to duty as
soon as possible. Collaboration with you con-
tinues to help us in our medical mission to
serve these soldiers.

I sincerely look forward to our continuing
important partnership and using the tech-
technologies available today and in the fu-
ture so we can meet these increasingly com-
plex challenges to better serve our
warfighters.

Sincerely,

JOHN B. HOLCOMB,
Colonel, U.S. Army,
Chief, Trauma Divi-
sion, Trauma Con-
sultant for the Sur-
geon General Com-
manding.

MR. PYOR. Mr. President, I have an
amendment that calls for a Pentagon
report on several aspects of the assist-
ance we provide to the widows and chil-
dren of our fallen soldiers. In his sec-
ond inaugural address, President Lin-
coln said, “Let us strive on to finish the
work we are in, to bind up the nation’s
wounds, to care for him who shall have
borne the battle and for his widow, and
his orphan.” That simple, eloquent phrase has become the motto of the De-
partment of Veterans Affairs Affair but it
certainly applies to programs run by
the Department of Defense as well.

Today we are considering the bill that
funds the Department of Defense, in-
cluding the offices that provide bene-
fits to the survivors of our servicemen
and servicewomen killed in Iraq and
Afghanistan.

I have recently seen and heard about
enough instances of wives who are hav-
ing problems getting the survivor ben-
efits they should be getting, of delays in
implementing a new health care benef-
fit for the children of servicemembers
who died on active duty, and similar
problems that I think the Congress
should hear from the Pentagon about
them. In 18 months the regulations for
this new health care program are not
finished. That is costing a widow
money or it is keeping her children
from the health care they need. Or both.
I would like to hear from the
Pentagon what we can do to
speed things up.

A number of problems and delays I
have heard or read of in the various
benefit programs may be attributable
to a simple lack of enough personnel
to process claims and get pay-
ments out. I want to hear from the
Pentagon if there are enough people
on board to get this important job done
so that the families of our fallen soldiers
do not suffer any more hardship than
they already must.

I do commend the Defense Depart-
ment for setting up a new call center
that is designed to help survivors nav-
gate the process through which they
sign up for and receive these various
benefits. I also want to know how
this is working.

I am introducing an amendment that asks the Secretary of Defense to report back
to Congress on these questions. It is
fine for us to establish benefit pro-
grams but just as important to keep an
eye on them and make sure they work,
and without delays. I hope this amend-
ment will be adopted, and I ask my col-
leagues for their support.

Mr. MCCONNELLE. Mr. President, I
would like to discuss the Kennedy
amendment, as modified. I believe that
the Senate earlier today by unanimous consent.
This amendment would require that
the Director of National Intelligence submit to Congress a new National In-
elligence Estimate on Iraq’s security
situation. At the outset, I would note
that Senators ROBERTS and STEVENS
should both be applauded for their ef-
forts to improve the original Kennedy
amendment.

That said, I would like to make clear
my understanding of the Kennedy
amendment, as modified. I believe that
the Kennedy amendment, if enacted,
should be interpreted to mean that the
intelligence community should under-
take an objective analysis of the situa-
tion in Iraq. The original Kennedy
amendment included questions that ap-
peared to drive toward predetermined
answers, thus potentially distorting
the intelligence value of the report. I
believe the administration should take
notice of the changes that were made
to the original amendment language and recognize that these
changes, which moved the amendment
toward requesting information in a
more objective manner, were the rea-
son the amendment was able to pass by
unanimous consent.

I share the majority leader’s concern
that those in the intelligence commu-
nity should take the time they need to
conduct a dispassionate analysis of the
Iraq situation and not be swayed by the
political constraints of which this
amendment was initially offered.

Mr. FEINGOLD. Mr. President, I am
pleased that the Senate is considering
the Defense Department appropriations
bill. As many of my colleagues have
noted, this bill provides essential fund-
ing for the men and women in uniform
who are serving bravely around the
world. It provides a well-deserved 2.2
percent across-the-board pay raise for
military personnel but the appropriation
funding to help equip and resup-
ply our military, which has been
strained to the breaking point by the
war in Iraq.

Before I discuss what I believe are
the broader implications of this bill, I
would like to express my sincere grati-
tude to the men and women in uniform
and their families, who are bearing the
heaviest burden of our Nation’s mili-
tary operations around the world. The
brave men and women who make up our
military are serving in desolate, harsh,
and too often deadly conditions
throughout the world, and their profes-
sionalism, dedication, and honor are
appreciated by all of us in this body.

I specifically commend the men and
women of Wisconsin who are currently
serving, or have served, in the mili-
tary. Wisconsin has lost 58 of its sons
and daughters in Iraq, and 4 in Afghan-
istan. I am proud of the service and ac-
complishments of the citizens of my
State and am grateful for their con-
tributions to our country.

The greatest tribute we could pay to
the men and women of the Armed
Forces, however, would be to create a
national security posture that addresses
the most serious threats to our coun-
try, and that makes all of us more se-
cure. Unfortunately, the administra-
tion has failed to provide such a pol-
icy—in fact, its Iraq policy has actu-
ally undermined our national secu-
rit[y—and this appropriations bill fails
to put things right. While this bill pro-
vides necessary and valuable support for
our military and their families, this
bill does not address the fundamental
failures of our nation’s strategy that are
being asked to put their lives on the
line in Iraq for a policy that has not
succeeded, has very little chance of
succeeding, and does not appear to
have any end in sight. And let’s not
forget that the American taxpayer is
footing the enormous and growing bill
for this unsuccessful policy.

Much of the funding in the bill is as-
sociated with the fallout of this admin-
istration’s failed policy in Iraq, and
the national military that has been
damaging strategy there. It is

For anyone following developments
in Iraq, it is abundantly clear that this
administration is pursuing a flawed
and damaging strategy there. It is
clear that the presence of 130,000 U.S.
military personnel in Iraq is not con-
tributing to political stability in Iraq
or anywhere else and the administration has failed to articulate
a policy or strategy for establishing
long-term stability in Iraq; that

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the administration failed to take into account what an unending and devasting commitment in Iraq could do to our military capability and to our national security.

Sectarian violence is on the rise. Security is not getting better in Iraq. The United Nations has reported that an average of 100 civilians were killed per day in June. The U.N. just released a report suggesting that over 6,000 civilians were killed in the past 2 months. And the administration seems unable to settle on an appropriate strategy to address these worsening conditions. Just 2 months ago General Casey came to Washington to discuss the significant drain on U.S. troops from Iraq. Now, just a few weeks later, troop deployments are being extended beyond a year, and we are no closer to helping Iraqis establish stability in their country than we were over a year ago.

It is clear that our current approach in Iraq is not going to establish stability in Iraq. We need a new strategy—political and economic strategy—that will address the lack of long-term stability in Iraq. Perpetuating America's long presence of U.S. forces in Iraq is not the answer. We need a new strategy in Iraq so that we can repair our military and strengthen our national security. Anything short of a change in course will ensure more of the same.

It is also clear that the war in Iraq is having a negative—and dramatic—effect on our military's capability and readiness levels. Because of the heavy usage of our equipment in Iraq, the Army National Guard's 34 brigades are not combat-ready, and it will be an easy task getting our physical capacity back up to full strength. While I applaud the efforts of Senators DODD and REED of Rhode Island to include in this bill sufficient “reset” funds for the U.S. Army and Marine Corps, I think it is imperative to remember that this is a war of choice. This is this administration designed and pressed on the American people as “urgent.” This is a war that was based on false pretenses, launched with poor planning, and implemented without any concept whatsoever of how significant the drain on our national resources would be. This is a war that the administration chose the “time and place” for but that now cannot seem to end. And now, after years, it is apparent that stability cannot be won militarily. What is happening in Iraq are devastating, they are endless, and they are not advancing our national interests—particularly when our military is losing its capacity to respond to future threats globally and to defend our country from the terrorist networks that attacked us on 9/11.

I would like to quote the Army Chief of Staff, General Peter Schoomaker, who testified in front of the House in June. “... and in dire picture of our military’s equipment in Iraq: This sustained strategic demand has placed a tremendous strain on the Army’s people and equipment which have been employed in the harsh operating environments of Iraq and Afghanistan. In Operation Iraqi Freedom, for example, crews are driving tanks in excess of 3,000 miles a year, five times more than the programmed annual usage rate of 600 miles. Army helicopters are experiencing usage rates roughly two to three times programmed usage rates per year, experiencing some of the most pronounced problems of excessive wear, operating at five to six times programmed rates.

This testimony highlights not only the physical strain that military operations in Iraq are having on our military capability but also the strain on our readiness to deal with the serious threats to our national security around the world. We were ill prepared for our operations in Iraq, and now Iraq is making us ill prepared to respond to other crises.

Lieutenant General Blum, head of the National Guard, also painted a dire picture yesterday when he noted that three-quarters of the National Guard are not ready for combat. A significant portion of our Special Forces personnel are deployed to Iraq, and there is no doubt about the draining effect that operations in Iraq are having on the rest of our government.

This is a war of choice. While this bill includes some important funds to help restore readiness levels, we are not addressing the root causes of what is placing such a strain and limitation on our military.

With that said, I would like to shift to the very work—reconstruction—that was originally designed to help develop a sound political and economic infrastructure in Iraq and, as the administration has consistently repeated, help set the “conditions for success.” Unfortunately, there isn’t much to report.

Reconstruction efforts in Iraq are troubled. The SIGIR released a new quarterly report this week on U.S. reconstruction efforts in Iraq, and it is obvious that the billions of taxpayer dollars have been spent, major obstacles remain. SIGIR has concluded that large unforeseen security costs, massive corruption within the Iraqi Government, administrative overhead, and waste have crippled original reconstruction strategies and have prevented the completion of up to half of the work originally called for in critical sectors such as water, power, and electricity.

It is all too troubling that the recent SIGIR report suggests that there still is no strategy for transitioning the responsibility for reconstruction efforts in Iraq from the United States to the Iraqi Government. Reconstruction efforts in Iraq have been dominated for more than 2 years by U.S. funding and companies, and now as it comes time to transfer the responsibility and management of reconstruction efforts to the Iraqis, it has become clear that Iraqis don’t have the capacity to complete the many projects left unfinished.

Most troubling, in my mind, is the fact that the GAO has recently reported that there does not currently exist a strategy that links reconstruction efforts to broader political and strategic goals in Iraq. I am not sure how we will achieve any goals in Iraq if we don’t have a sense of how reconstruction efforts, political efforts, and security efforts fit together. Given that in Iraq we are only one step away from a political and economic progress, it is troubling to know that no strategy exists to link any of this together.

While this bill doesn’t address reconstruction funding, it is clear that unless there is a comprehensive strategy to bring these efforts together, security conditions in Iraq won’t get better. This has a direct impact on the troops currently in Iraq, which in turn has a direct impact on our national security.

Mr. President, our ongoing military presence in Iraq is hurting our national security. It is putting a tremendous strain on our military itself and it is limiting our capacity to deal with other crises around the world, including Lebanon, Iran, North Korea, Somalia, and Afghanistan.

We need a drastic change of course in Iraq. We need to redeploy our troops so we can focus on these very real threats to our national security, and on al-Qaeda and its allies. We need a strong military, and we also need a strong national security strategy that honors the men and women in uniform who serve in this country selflessly around the world.

Mr. SCHUMER. Thank you, Mr. President. I rise to speak about amendment No. 473 which has been filed and accepted into this bill.

I would like to thank my colleagues, Chairman STEVENS and Ranking Member INOUYE, for agreeing to accept this amendment and for their management of this bill which is so critical to funding the needs of those who serve our country.

When our service men and women, fighting so bravely in the face of such grave danger, go into battle, they should have all the resources and technology they need to not only get the job done but come home healthy and safely to their families.

This is why I was dismayed to learn that our troops in Iraq and Afghanistan are not equipped with the medical bandages they need to stop heavy bleeding potentially from wounds. These hemostatic agents—which are small enough to be easily carried by all soldiers—can literally save lives.

Unfortunately, these supplies are being stockpiled in medical units and soldiers are writing home to their friends and families to say that they need these bandages on the front lines.

Take a moment to think about that. Imagine a mother or father, sitting in their living room, scared stiff every day that they might not see their son or daughter alive again, reading a letter begging them to send bandages so their son or daughter can take care of themselves if they are hurt.
We need to do better because sending these men and women into harm’s way without the medical equipment they need is simply unacceptable.

Hemostatic agents are chemical compounds that have been tested and proven to help save soldiers’ lives by forming powerful clots which halt blood loss so a wounded soldier has a better chance of getting to an operating room.

Stopping rapid blood loss from a wound is critically important because, according to the American Red Cross, half of all military deaths on the battlefield are a result of excessive blood loss.

Distribution problems can be no excuse. We must ensure that every single soldier has at least one of these bandages or packets with them at all times. And, of course, the medical units should have as many as they see fit.

Mr. President, it is more than obvious that our men and women who are risking their lives should have access to any and all life saving items, such as these hemostatic agents.

A group on Long Island called Jacob’s Light Foundation has taken matters into its own hands and is raising money to buy these bandages and packets to send them directly to soldiers. I am grateful for their efforts, but the bottom line is, this is the military’s responsibility, not the families’.

Families who have already sacrificed so much should not have to dip into their own pockets to ensure their children survive an attack.

That is why when we debated the Department of Defense Authorization bill a few weeks ago, we added language to ensure that there are plenty of the bandages to go around.

My amendment on this bill, which I am proud to note that Senators COLEMAN and CLINTON have joined me on, will ensure that sufficient funds are available during the fiscal year to make that happen. It provides $11 million to purchase these hemostatic agents and get them to our troops on the front lines.

Mr. President, we have the means to prevent unnecessary deaths on the battlefield instead, we are nickel and diming our troops.

Mr. FRIST. Mr. President, Lonnie Stubblefield is 17, a recent graduate of Macon County High School in Lafayette, TN. He enjoys Sudoku puzzles and brainteasers—he likes to challenge himself. He doesn’t look the part, but he’s in the Army now.

Zach Khan is 38, a small business owner and an insurance agent. He wanted to do something meaningful in life. He was looking for something with plenty of future opportunities, great benefits, and maybe even a little prestige. He’s in the Army now.

Linda Yanez is 19, a first generation American with Mexican roots who calls herself “a small-town girl from the woods.” She was looking for a way to make “a difference somewhere to someone.” She’s in the Army now.

Jesse Alexander is also 19, a 2003 grad of Maplewood High in Nashville, TN. He’s a student majoring in education at Tennessee State University, and works part-time as a security guard. He’s earnest, self-disciplined—and he’s in the Army now.

Why do I mention Lonnie, Zach, Linda, and Jesse? Because they have something in common. Each walked into a local recruiting office in the Volunteer State—Tennessee—and joined America’s Volunteer Army.

I cannot tell you how very proud I am of them.

Soon, they will join the ranks of the many thousands of Tennesseans already risking their lives—day-in and day-out—to defend our freedom. Currently, roughly 14,000 Tennesseans serve in the National Guard.

Across the globe, in more than 130 countries, some 247,000 troops and civilians are on the frontline. Every day, they are risking their lives to defend our freedom—and the freedom of the people in whose countries they are stationed.

No one would have guessed, almost 5 years ago, now, that we would be free from having suffered another major terrorist attack on our soil. We have been extraordinarily fortunate.

And we have been safe because our brave fellow Americans are putting their lives on the line to protect this country.

Our troops provide us an invaluable service—fighting daily to defend our priceless ideals. These are young Americans—men and women who have never seen the world. Yet they have the pride and the courage—and most importantly, the faith—to join our military and become our bravest defenders.

Mr. President, we owe our troops a debt of honor. For their invaluable service, we owe them the very best resources. And as U.S. Senators, it’s our responsibility to provide those resources to them.

That is why the bill before us today—the Defense Appropriations bill—is so very important. It provides our soldiers with the resources, training, technology, equipment, and authorities they need to win the global war on terror.

From cutting edge technologies to personnel protection systems—the spending bill keeps our military strong so that our men and women in uniform can keep America safe.

The bill provides nearly $470 billion in resources for the Department of Defense—funding key readiness programs critical to combating terrorism and enhancing homeland defense.

It includes an additional $55 billion in emergency funding for operations in Iraq and Afghanistan—that is, operations related to the global war on terror.

And it contains provisions aimed at improving the quality of life of our service members—including a 2.2 percent across-the-board pay raise for all military personnel.

I am confident that the bill before us today will enable our troops to continue anticipating and meeting the challenges and threats of tomorrow—while maintaining high levels of readiness today.

Our brave men and women place their lives at grave risk when they volunteer to join our military and become our Nation’s defenders at the frontline. We owe them nothing less than first-class training, the latest in modern technology and equipment, and quality infrastructure.

Senators STEVENS and INOUYE have worked hard to ensure that the bill before us now delivers the funding for the cutting edge resources and service our troops deserve. I thank them for their dedication to seeing this bill through.

As we wrap up debate on this bill, I urge my fellow Senators to join me in supporting this bill. I ask them to join me in providing the funding critical to keeping our troops prepared and at the ready.

America’s security depends on our troops. And our troops are depending on us.

THE PRESIDING OFFICER. The majority leader.

NOTICE
Incomplete record of Senate proceedings.
Today's Senate proceedings will be continued in Book II.
HIGHLIGHTS

Senate passed H.R. 4, Pension Protection Act.
Senate agreed to H. Con. Res. 467, Adjournment Resolution.

Senate

Chamber Action

Routine Proceedings, pages S8671–S8723

Measures Introduced: Sixty bills and nine resolutions were introduced, as follows: S. 3780–3839, and S. Res. 548–556. (See next issue.)

Measures Reported:

S. 843, to amend the Public Health Service Act to combat autism through research, screening, intervention and education, with an amendment in the nature of a substitute. (S. Rept. No. 109–318)

S. 1838, to provide for the sale, acquisition, conveyance, and exchange of certain real property in the District of Columbia to facilitate the utilization, development, and redevelopment of such property, with amendments.

S. 2679, to establish an Unsolved Crimes Section in the Civil Rights Division of the Department of Justice, and an Unsolved Civil Rights Crime Investigative Office in the Civil Rights Unit of the Federal Bureau of Investigation, with an amendment in the nature of a substitute.

S. 2823, to provide life-saving care for those with HIV/AIDS, with an amendment in the nature of a substitute.

S. 3721, to amend the Homeland Security Act of 2002 to establish the United States Emergency Management Authority, with an amendment in the nature of a substitute. (See next issue.)

Measures Passed:

Middle East Crisis: Senate agreed to S. Res. 548, expressing the sense of the Senate regarding the need for the United States and the international community to take certain actions with respect to the hostilities between Hezbollah and Israel. (See next issue.)

Pension Protection Act: By 93 yeas to 5 nays (Vote No. 230), Senate passed H.R. 4, to provide economic security for all Americans, clearing the measure for the President. (See next issue.)

Combating Autism Act: Senate passed S. 843, to amend the Public Health Service Act to combat autism through research, screening, intervention and education, after agreeing to the committee amendment in the nature of a substitute, and the following amendment proposed thereto: Santorum Amendment No. 4878, to make certain technical corrections. (See next issue.)

YouthBuild Transfer Act: Senate passed S. 3534, to amend the Workforce Investment Act of 1998 to provide for a YouthBuild program, after agreeing to the following amendment proposed thereto: Frist (for Enzi) Amendment No. 4879, in the nature of a substitute. (See next issue.)

Indian Child Protection and Family Violence Prevention Act Amendments: Senate passed S. 1899, to amend the Indian Child Protection and Family Violence Prevention Act to identify and remove barriers to reducing child abuse, to provide for examinations of certain children, after agreeing to the committee amendment in the nature of a substitute, and the following amendment proposed thereto: Frist (for McCain) Amendment No. 4880, to make certain revisions to the bill. (See next issue.)

Superior Court of the District of Columbia: Senate passed S. 2068, to preserve existing judgeships on the Superior Court of the District of Columbia. (See next issue.)

Pets Evacuation and Transportation Standards Act: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of H.R. 3858, to amend the Robert T. Stafford
Disaster Relief and Emergency Assistance Act to ensure that State and local emergency preparedness operational plans address the needs of individuals with household pets and service animals following a major disaster or emergency, and the bill was then passed, after agreeing to the following amendment proposed thereto: (See next issue.)

Frist (for Lautenberg) Amendment No. 4881, in the nature of a substitute.

Veterans Choice of Representation Act: Senate passed S. 2694, to amend title 38, United States Code, to remove certain limitations on attorney representation of claimants for veterans benefits in administrative proceedings before the Department of Veterans Affairs, to make certain improvements in the area of memorial affairs, after agreeing to the committee amendment in the nature of a substitute, and an amendment to the title. (See next issue.)

2005 District of Columbia Omnibus Authorization Act: Senate passed H.R. 3508, to authorize improvements in the operation of the government of the District of Columbia, and the bill was then passed, after agreeing to the committee amendment in the nature of a substitute, clearing the measure for the President. (See next issue.)

Printing Authority: Senate agreed to S. Res. 554, authorizing the printing with illustrations of a document entitled “Committee on the Budget, United States Senate, 32nd Anniversary, 1974–2006”.

Committee Records Production Authority: Senate agreed to S. Res. 555, to authorize the production of records by the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs. (See next issue.)

Channel Islands National Park: Senate agreed to S. Res. 468, supporting the continued administration of Channel Islands National Park, including Santa Rosa Island, in accordance with the laws (including regulations) and policies of the National Park Service. (See next issue.)

U.S. Advisory Commission on Public Diplomacy Reauthorization: Senate passed S. 3836, to reauthorize the United States Advisory Commission on Public Diplomacy. (See next issue.)

National Peripheral Arterial Disease Awareness Week: Senate agreed to S. Res. 556, supporting National Peripheral Arterial Disease Awareness Week and efforts to educate people about peripheral arterial disease. (See next issue.)

Children and Families Day: Committee on Health, Education, Labor, and Pensions was discharged from further consideration of S. Res. 532, encouraging the adults of the United States to support, listen to, and encourage children so that they may reach their potential, and the resolution was then agreed to. (See next issue.)

Recognizing Kellogg Achievements: Committee on the Judiciary was discharged from further consideration of S. Res. 545, recognizing the life and achievements of Will Keith Kellogg, and the resolution was then agreed to. (See next issue.)

Adjournment Resolution: Senate agreed to H. Con. Res. 467, providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate. (See next issue.)

Department of Defense Appropriations Act: Senate continued consideration of H.R. 5631, making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, taking action on the following amendments proposed thereto:

Adopted:

Stevens (for Smith/Wyden) Amendment No. 4777, to make available from Research, Development, Test and Evaluation, Air Force, up to $4,000,000 for the Transportable Transponder Landing System.

Pages S8674–75

Stevens (for Landrieu) Amendment No. 4821, to make available from Operation and Maintenance, Marine Corps Reserve, up to $3,500,000 for the Individual First Aid Kit.

Pages S8674–75

Stevens (for Stabenow) Amendment No. 4837, to make available from Research, Development, Test and Evaluation, Army, up to $8,000,000 for the Advanced Tank Armament System.

Pages S8674–75

Stevens (for Bennett) Amendment No. 4837, to make available from Research, Development, Test and Evaluation, Army, up to $1,000,000 for the development of a Lightweight All Terrain Vehicle.

Pages S8674–75

Stevens (for Durbin) Amendment No. 4823, to make available from Defense Health Program up to $500,000 for a pilot program on troops to nurse teachers.

Pages S8674–75

Stevens (for McCain) Amendment No. 4838, to clarify the treatment of Committee report guidance on certain projects.

Pages S8674–75

Coburn/Obama Amendment No. 4787, to limit the funds available to the Department of Defense for expenses relating to conferences. (By 36 yeas to 60 nays (Vote No. 223), Senate earlier failed to table the amendment.)

Pages S8675–76, S8681–82

Coburn Modified Amendment No. 4784, to require the posting of certain reports of the Department of Defense on the Internet website of the Department of Defense.

Pages S8676–78
By a unanimous vote of 96 yeas (Vote No. 224), Coburn Modified Amendment No. 4785, to ensure the fiscal integrity of travel payments made by the Department of Defense.

Stevens (for Santorum) Amendment No. 4755, to make available from Research, Development, Test and Evaluation, Navy, up to $2,500,000 for Navy research and development activities on the Wireless Maritime Inspection System as part of the Smartship Wireless Project of the Navy.

Stevens (for Nelson (FL)) Amendment No. 4808, to make available from Research, Development, Test and Evaluation, Army, up to $5,000,000 for the Virtual Training and Airspace Management Simulation for Unmanned Aerial Vehicles.

Stevens (for Reed) Amendment No. 4847, to make available from Research, Development, Test and Evaluation, Defense-Wide, up to $3,000,000 for Small and Medium Caliber Recoil Mitigation Technologies.

Stevens (for Chambliss) Amendment No. 4828, to make available from Research, Development, Test and Evaluation, Army, up to $1,000,000 for the Automated Communications Support System for WARFIGHTERS, Intelligence Community, Linguists, and Analysts.

Kennedy Modified Amendment No. 4802, to require a new National Intelligence Estimate on prospects for security and stability in Iraq.

Bond Modified Amendment No. 4827, to clarify the availability of funds for the National Guard for National Guard and Reserve equipment.

By a unanimous vote of 97 yeas (Vote No. 225), Boxer/Graham Amendment No. 4858, to prohibit the use of funds by the United States Government to enter into an agreement with the Government of Iraq that would subject members of the Armed Forces to the jurisdiction of Iraqi criminal courts or punishment under Iraq law.

By 96 yeas to 1 nay (Vote No. 226), Coburn Amendment No. 4848, to require notice to Congress and the public on earmarks of funds available to the Department of Defense.

Stevens (for Sessions) Amendment No. 4774, to make available from Research, Development, Test and Evaluation, Army, up to $1,000,000 for blast protection research.

Stevens (for Pryor) Modified Amendment No. 4846, to provide that, of the amount appropriated or otherwise made available by title IV for the Army for research, development, test and evaluation, up to $10,000,000 may be available for the Combat Support Hospital—Mobile Support Hospital.

Stevens (for Bond) Amendment No. 4849, to make available up to $8,000,000 for personnel for a certain intelligence activity.

Stevens (for Biden) Amendment No. 4851, to prohibit the use of funds for establishing United States military installations in Iraq or exercising United States control over the oil resources of Iraq.

Stevens (for Lott/Clinton) Modified Amendment No. 4761, to make available from Research, Development, Test and Evaluation, Army, up to $10,000,000 for experimentation and refinement of tactics and doctrine in the use of the Class IV unmanned aerial vehicles and ground stations associated with such vehicles.

Stevens (for Levin) Modified Amendment No. 4840, to make available from Research, Development, Test and Evaluation, Army, up to $10,000,000 for combat vehicle and automotive technology.

Stevens (for DeWine/Voinovich) Modified Amendment No. 4801, to make available from Shipbuilding and Conversion, Navy, up to $10,000,000 for the Carrier Replacement Program for advance procurement of nuclear propulsion equipment.

Stevens (for Nelson (FL)) Modified Amendment No. 4864, to require a cost-benefit analysis of significant proposed realignments or closures of research and development or test and evaluation installations, activities, facilities, laboratories, units, functions, or capabilities of the Air Force.

Stevens (for Allen) Amendment No. 4841, to provide that, of the amount appropriated or otherwise made available by title II for Operation and Maintenance, Defense-Wide, up to $2,000,000 may be available for the Office of Economic Adjustment of the Department of Defense to conduct a traffic study and prepare a report on the improvements required to the transportation infrastructure around Fort Belvoir, Virginia, to accommodate the increase in the workforce located on and around Fort Belvoir resulting from decisions implemented under the 2005 round of defense base closure and realignment.

Stevens (for Mikulski) Amendment No. 4860, to make available from Procurement, Defense-Wide, up to $12,600,000 for the completion of the final phase of a certain intelligence activity.

Stevens (for Voinovich/DeWine) Amendment No. 4797, to provide that, of the amount appropriated or otherwise made available by title IV for the Army for research, development, test and evaluation, up to $1,000,000 may be available for the Portable Battery Operated Solid-State Electrochemical Oxygen Generator project.
Stevens (for Dodd/Lieberman) Amendment No. 4855, to make available from Research, Development, Test and Evaluation, Navy, up to $1,000,000 for Energy Regeneration and Conversion Fuel Cell Systems to address Navy Unmanned Underwater Vehicle requirements.

Pages S8703–05

Kyl/DeWine Amendment No. 4842, to prohibit the suspension of royalties under certain circumstances, to clarify the authority to impose price thresholds for certain leases.

Pages S8698, S8713

Stevens (for Sessions) Amendment No. 4767, to make available from Research, Development, Test and Evaluation, Army, up to $1,000,000 for Thermoplastic Composite Body Armor research.

Pages S8713–14

Stevens (for Byrd/DeWine) Amendment No. 4867, to provide that, of the amount appropriated or otherwise made available by title II for the Army National Guard for operation and maintenance, up to $7,500,000 may be available to renovate and repair existing barracks at Camp Perry, Port Clinton, Ohio.

Pages S8713–14

Stevens (for Santorum) Amendment No. 4757, to make available from Research, Development, Test and Evaluation, Army, up to $3,000,000 for Advanced Switching and Cooling Concepts for Electromagnetic Gun Applications.

Pages S8713–14

Stevens (for Clinton) Amendment No. 4868, to make available from Operation and Maintenance, Defense-Wide, certain funds may be used for community-based programs that provide mental health and readjustment assistance to members of the National Guard and Reserve and their families on their return from deployment.

Pages S8713–14

By a unanimous vote of 96 yeas (Vote No. 228), Menendez Amendment No. 4863, to make available from Operation and Maintenance, Navy, up to an additional $3,000,000 to fund improvements to physical security at Navy recruiting stations and to improve data security.

Pages S8716–18

Rejected:

By 31 yeas to 67 nays (Vote No. 227), Sessions Amendment No. 4844, to make available from Research, Development, Test, and Evaluation, Navy, up to $77,000,000 for the Conventional Trident Modification Program.

Pages S8705–11

During consideration of this measure today, the Senate also took the following action:

Stevens point of order against Coburn Amendment No. 4784, to require the posting of certain reports of the Department of Defense on the Internet website of the Department of Defense, as being in violation of Rule XVI of the Standing Rules of the Senate, which prohibits legislation on an appropriation bill, was withdrawn when the amendment was subsequently modified.

Page S8677

Coburn defense of germaneness relative to Coburn Amendment No. 4784, to require the posting of certain reports of the Department of Defense on the Internet website of the Department of Defense, was rescinded.

Page S8677

Chair sustained a point of order against Nelson (FL) Amendment No. 4853, to appropriate funds for a Cuba Fund for a Democratic Future to promote democratic transition in Cuba, as being in violation of Rule XVI of the Standing Rules of the Senate, which prohibits legislation on an appropriation bill, and the amendment thus fell.

Pages S8698–99

Chair sustained a point of order against Stabenow Amendment No. 4875, to increase by $200,000,000 the amount appropriated or otherwise made available by title IX for the purpose of supplying needed humanitarian assistance to the innocent Lebanese and Israeli civilians who have been affected by the hostilities between Hezbollah and the Government of Israel, and the amendment thus fell.

Pages S8714–16

A unanimous-consent agreement was reached providing for further consideration of the bill at 11 a.m. on Tuesday, September 5, 2006. (See next issue.)

Estate Tax and Extension of Tax Relief Act/Family Prosperity Act: Senate continued consideration of the motion to proceed to consideration of H.R. 5970, to amend the Internal Revenue Code of 1986 to increase the unified credit against the estate tax to an exclusion equivalent of $5,000,000, to repeal the sunset provision for the estate and generation-skipping taxes, and to extend expiring provisions.

(See next issue.)

During consideration of this measure today, Senate also took the following action:

By 56 yeas to 42 nays (Vote No. 229), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate failed to agree to the motion to close further debate on the motion to proceed to consideration of the bill.

(See next issue.)

Subsequently, Senator Frist entered a motion to reconsider the vote (Vote No. 229), by which cloture was not invoked on the motion to proceed to consideration of the bill.

(See next issue.)

Pension Security and Transparency Act Agreement: A unanimous-consent agreement was reached providing that it not be in order to consider any conference report on H.R. 2830, to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to reform the pension funding rules, during this Congress.

(See next issue.)

Amtrak Reauthorization—Agreement: A unanimous-consent agreement was reached providing that at a time to be determined by the Majority Leader with concurrence of the Democratic Leader, Senate
proceed to the consideration of S.1516, to reauthorize Amtrak, that the committee-reported substitute be withdrawn and the managers amendment at the desk be agreed to as original text for the purpose of further amendment, the Harkin Amendment at the desk be agreed to and that the only other amendments in order be the following: McCain on rail security, Sununu on long distance trains, Sununu on competition, Sessions on Amtrak debt, that there be 1 hour equally divided on each of the amendments and 1 hour of general debate on the bill, that following the disposition of amendments and the use or yielding back of time, the managers substitute, as amended, if amended, be agreed to, the bill as amended be read a third time, and the Senate then proceed to a vote on passage of the bill; further, that no points of order be waived by virtue of this agreement. (See next issue.)

Authorizing Leadership To Make Appointments—Agreement: A unanimous-consent agreement was reached providing that notwithstanding the adjournment of the Senate, the President of the Senate, the President Pro Tempore, and the Majority and Minority Leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate. (See next issue.)

Authority for Committees: A unanimous-consent agreement was reached providing that notwithstanding the adjournment of the Senate, all committees were authorized to file legislative and executive reports on Wednesday, August 30, 2006, from 10 a.m. until 12 noon. (See next issue.)

Signing Authority—Agreement: A unanimous-consent agreement was reached providing that during this adjournment of the Senate, the Majority Leader, Senators McConnell and Domenici, be authorized to sign duly enrolled bills or joint resolutions. (See next issue.)

Nominations Agreement: A unanimous-consent agreement was reached providing that all nominations received by the Senate during the 109th Congress remain in status quo, with the following exceptions: (See Nominations Returned to the President). (See next issue.)

Nomination—Agreement: A unanimous-consent agreement was reached providing that at 4:30 p.m., on Tuesday, September 5, 2006, Senate proceed to consideration of Kimberly Ann Moore, to be United States Circuit Judge, with one hour of debate equally divided, to be followed by a vote on confirmation at 5:30 p.m., with no intervening action or debate. (See next issue.)

Executive Reports of Committees: Senate received the following executive report of a committee:


Treaties Approved: The following treaties having passed through their various parliamentary stages, up to and including the presentation of the resolution of ratification, upon division, two-thirds of the Senators present having voted in the affirmative, the resolutions of ratification were agreed to:

Council of Europe Convention on Cybercrime (Treaty Doc. 108–11) with 6 reservations and 5 declarations; and

Convention on Supplementary Compensation on Nuclear Damage (Treaty Doc. 107–21) with a declaration and a condition. (See next issue.)

Nominations Confirmed: Senate confirmed the following nominations:

Jennifer M. Anderson, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Ronald E. Meisburg, of Virginia, to be General Counsel of the National Labor Relations Board for a term of four years.

Peter Schaumber, of the District of Columbia, to be a Member of the National Labor Relations Board for the term of five years expiring August 27, 2010.

Arthur F. Rosenfeld, of Virginia, to be Federal Mediation and Conciliation Director.

Peter Schaumber, of the District of Columbia, to be a Member of the National Labor Relations Board for the term of five years expiring August 27, 2010 (Recess Appointment).

Mark D. Acton, of Kentucky, to be a Commissioner of the Postal Rate Commission for a term expiring October 14, 2010.

James S. Simpson, of New York, to be Federal Transit Administrator.

Benedict S. Cohen, of the District of Columbia, to be General Counsel of the Department of the Army.

Ronald E. Meisburg, of Virginia, to be General Counsel of the National Labor Relations Board for a term of four years (Recess Appointment).

Arthur F. Rosenfeld, of Virginia, to be Federal Mediation and Conciliation Director (Recess Appointment).

Mickey D. Barnett, of New Mexico, to be a Governor of the United States Postal Service for a term expiring December 8, 2013.

Katherine C. Tobin, of New York, to be a Governor of the United States Postal Service for a term expiring December 8, 2012.
Mark V. Rosenker, of Maryland, to be Chairman of the National Transportation Safety Board for a term of two years.

Paul A. Denett, of Virginia, to be Administrator for Federal Procurement Policy.

Frances Marie Tydingco-Gatewood, of Guam, to be Judge for the District Court of Guam for the term of ten years.

Kevin Owen Starr, of California, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2009.

Katherine M. B. Berger, of Virginia, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2010.

Karen Brosius, of South Carolina, to be a Member of the National Museum and Library Services Board for the remainder of the term expiring December 6, 2006.

Karen Brosius, of South Carolina, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2011.

Ioannis N. Miaoulis, of Massachusetts, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2010.

Christina Orr-Cahall, of Florida, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2010.

Victoria Ray Carlson, of Iowa, to be a Member of the National Council on Disability for a term expiring September 17, 2007.

Chad Colley, of Florida, to be a Member of the National Council on Disability for a term expiring September 17, 2007.

Lisa Mattheiss, of Tennessee, to be a Member of the National Council on Disability for a term expiring September 17, 2007.

John R. Vaughn, of Florida, to be a Member of the National Council on Disability for a term expiring September 17, 2007.

Ellen C. Williams, of Kentucky, to be a Governor of the United States Postal Service for the remainder of the term expiring December 8, 2007.


Christina B. Rocca, of Virginia, for the rank of Ambassador during her tenure of service as U. S. Representative to the Conference on Disarmament.

John H. Hill, of Indiana, to be Administrator of the Federal Motor Carrier Safety Administration.

Patrick W. Dunne, of New York, to be an Assistant Secretary of Veterans Affairs (Policy and Planning).

Anna Blackburne-Rigsby, of the District of Columbia, to be Associate Judge of the District of Columbia Court of Appeals for the term of fifteen years.

Phyllis D. Thompson, of the District of Columbia, to be Associate Judge of the District of Columbia Court of Appeals for the term of fifteen years.

Charles D. Nottingham, of Virginia, to be a Member of the Surface Transportation Board for a term expiring December 31, 2010.

Colleen Conway-Welch, of Tennessee, to be a Member of the Board of Regents of the Uniformed Services University of the Health Sciences for a term expiring May 1, 2011.

C. Thomas Yarington, Jr., of Washington, to be a Member of the Board of Regents of the Uniformed Services University of the Health Sciences for a term expiring May 1, 2011.

Robert L. Sumwalt III, of South Carolina, to be a Member of the National Transportation Safety Board for the remainder of the term expiring December 31, 2006.

Robert L. Sumwalt III, of South Carolina, to be a Member of the National Transportation Safety Board for a term expiring December 31, 2011.

Troy A. Eid, of Colorado, to be United States Attorney for the District of Colorado for the term of four years.

R. Alexander Acosta, of Florida, to be United States Attorney for the Southern District of Florida for the term of four years.

Margo M. McKay, of Virginia, to be an Assistant Secretary of Agriculture. (Prior to this action, Committee on Agriculture, Nutrition, and Forestry was discharged from further consideration.)

Randall M. Fort, of Virginia, to be an Assistant Secretary of State (Intelligence and Research).

Drue Pearce, of Alaska, to be Federal Coordinator for Alaska Natural Gas Transportation Projects for the term prescribed by law.

Nancy Montanez-Johner, of Nebraska, to be Under Secretary of Agriculture for Food, Nutrition, and Consumer Services. (Prior to this action, Committee on Agriculture, Nutrition, and Forestry was discharged from further consideration.)

Michael V. Dunn, of Iowa, to be a Commissioner of the Commodity Futures Trading Commission for a term expiring June 19, 2011. (Prior to this action, Committee on Agriculture, Nutrition, and Forestry was discharged from further consideration.)

Nancy Montanez-Johner, of Nebraska, to be a Member of the Board of Directors of the Commodity Credit Corporation. (Prior to this action, Committee on Agriculture, Nutrition, and Forestry was discharged from further consideration.)

Manfredi Piccolomini, of New York, to be a Member of the National Council on the Humanities for a term expiring January 26, 2012.
Kenneth R. Weinstein, of the District of Columbia, to be a Member of the National Council on the Humanities for a term expiring January 26, 2012.

Jay Winik, of Maryland, to be a Member of the National Council on the Humanities for a term expiring January 26, 2012.

Josiah Bunting III, of Rhode Island, to be a Member of the National Council on the Humanities for a term expiring January 26, 2012.

Wilfred M. McClay, of Tennessee, to be a Member of the National Council on the Humanities for a term expiring January 26, 2012.

Mary Habeck, of Maryland, to be a Member of the National Council on the Humanities for a term expiring January 26, 2012.

Karl Hess, of Illinois, to be a Member of the National Science Board, National Science Foundation, for the remainder of the term expiring May 10, 2008.

Thomas N. Taylor, of Kansas, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2012.

Richard F. Thompson, of California, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2012.

Mark R. Abbott, of Oregon, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2012.

Camilla Persson Benbow, of Tennessee, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2012. (Prior to this action, Committee on Health, Education, Labor, and Pensions was discharged from further consideration.)

John T. Bruer, of Missouri, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2012.

Patricia D. Galloway, of Washington, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2012.

Jose-Marie Griffiths, of Pennsylvania, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2012.

Sean T. Connaughton, of Virginia, to be Administrator of the Maritime Administration.

Jay M. Cohen, of New York, to be Under Secretary for Science and Technology, Department of Homeland Security.

Timothy Shanahan, of Illinois, to be a Member of the National Institute for Literacy Advisory Board for a term expiring November 25, 2007.

Carmel Borders, of Kentucky, to be a Member of the National Institute for Literacy Advisory Board for a term expiring November 25, 2008.

Donald D. Deshler, of Kansas, to be a Member of the National Institute for Literacy Advisory Board for a term expiring January 30, 2008.

Bruce I. Knight, of South Dakota, to be Under Secretary of Agriculture for Marketing and Regulatory Programs. (Prior to this action, Committee on Agriculture, Nutrition, and Forestry was discharged from further consideration.)

Bruce I. Knight, of South Dakota, to be a Member of the Board of Directors of the Commodity Credit Corporation. (Prior to this action, Committee on Agriculture, Nutrition, and Forestry was discharged from further consideration.)

Nathaniel F. Wienecke, of New York, to be an Assistant Secretary of Commerce.

Philip S. Goldberg, of Massachusetts, to be Ambassador to the Republic of Bolivia.

Henry M. Paulson, Jr., of New York, to be United States Governor of the International Monetary Fund for a term of 5 years; United States Governor of the International Bank for Reconstruction and Development for a term of 5 years; United States Governor of the Inter-American Development Bank for a term of 5 years; United States Governor of the African Development Bank for a term of 5 years; United States Governor of the Asian Development Bank; United States Governor of the African Development Fund; United States Governor of the European Bank for Reconstruction and Development.

Richard W. Graber, of Wisconsin, to be Ambassador to the Czech Republic.

Mark R. Dybul, of Florida, to be Coordinator of United States Government Activities to Combat HIV/AIDS Globally, with the rank of Ambassador.

Karen B. Stewart, of Florida, to be Ambassador to the Republic of Belarus.

Charles R. Christopherson, Jr., of Texas, to be a Member of the Board of Directors of the Commodity Credit Corporation. (Prior to this action, Committee on Agriculture, Nutrition, and Forestry was discharged from further consideration.)

Wilma B. Liebman, of the District of Columbia, to be a Member of the National Labor Relations Board for the term of 5 years expiring August 27, 2011.

James H. Bilbray, of Nevada, to be a Governor of the United States Postal Service for the remainder of the term expiring December 8, 2006. (Prior to this action, Committee on Homeland Security and Governmental Affairs was discharged from further consideration.)

Routine lists in the Foreign Service, National Oceanic and Atmospheric Administration.

(See next issue.)

Nominations Received: Senate received the following nominations:
Cynthia A. Glassman, of Virginia, to be Under Secretary of Commerce for Economic Affairs.

Brigadier General Bruce Arlan Berwick, United States Army, to be a Member of the Mississippi River Commission.

Colonel Gregg F. Martin, United States Army, to be a Member of the Mississippi River Commission.

Brigadier General Robert Crear, United States Army, to be a Member and President of the Mississippi River Commission.

Rear Admiral Samuel P. DeBow, Jr., NOAA, to be a Member of the Mississippi River Commission.

William H. Graves, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority for a term expiring May 18, 2007.

John K. Veroneau, of Virginia, to be a Deputy United States Trade Representative, with the Rank of Ambassador.

Gerald Walpin, of New York, to be Inspector General, Corporation for National and Community Service.

Rachel K. Paulose, of Minnesota, to be United States Attorney for the District of Minnesota for the term of four years.

Nelson M. Ford, of Virginia, to be an Assistant Secretary of the Army.

1 Army nomination in the rank of general.

Routine lists in the Air Force, Navy.

Nominations Returned to the President: The following nominations were returned to the President failing of confirmation under Senate Rule XXXI at the time of the adjournment of the 109th Congress:

Terrence W. Boyle, of North Carolina, to be United States Circuit Judge for the Fourth Circuit.

William James Haynes II, of Virginia, to be United States Circuit Judge for the Fourth Circuit.

William Gerry Myers III, of Idaho, to be United States Circuit Judge for the Ninth Circuit.

Tracy A. Henke, of Missouri, to be Executive Director of the Office of State and Local Government Coordination and Preparedness, Department of Homeland Security (Recess Appointment).

William Ludwig Wehrum, Jr., of Tennessee, to be an Assistant Administrator of the Environmental Protection Agency.

Mark Myers, of Alaska, to be Director of the United States Geological Survey.

John Ray Correll, of Indiana, to be Director of the Office of Surface Mining Reclamation and Enforcement.

Measures Read First Time:

Executive Communications:

Petitions and Memorials:

Executive Reports of Committees:

Additional Cosponsors:

Statements on Introduced Bills/Resolutions:

Additional Statements:

Authorities for Committees to Meet:

Privileges of the Floor:

Record Votes: Eight record votes were taken today. (Total—230) Pages S8681, S8682, S8703, S8710–11, S8718 (continued next issue)

Adjournment: Senate convened at 9:30 a.m. and, pursuant to the provisions of H. Con. Res 467, adjourned at 12:43 a.m., on Friday, August 4, 2006, until 11 a.m., on Tuesday, September 5, 2006. (For Senate’s program, see the remarks of the Majority Leader in the next issue of the Record.)

Committee Meetings

GLOBAL WAR ON TERRORISM

Committee on Armed Services: Committee concluded open and closed hearings to examine Iraq, Afghanistan and the global war on terrorism, after receiving testimony from Donald H. Rumsfeld, Secretary of Defense; General Peter Pace, USMC, Chairman, Joint Chiefs of Staff; and General John P. Abizaid, USA, Commander, U.S. Central Command.

STATE OF THE OCEANS 2006

Committee on Commerce, Science, and Transportation: Subcommittee on National Ocean Policy Study concluded a hearing to examine state of the oceans in 2006, focusing on the final report of the U.S. Commission on Ocean Policy and the role of National
Oceanic and Atmospheric Administration (NOAA) in implementing components of the Administration’s response to the report entitled “U.S. Ocean Action Plan”, after receiving testimony from Vice Admiral Conrad C. Lautenbacher, Jr., USN (Ret.), Under Secretary of Commerce for Oceans and Atmosphere, National Oceanic and Atmospheric Administration; Leon E. Panetta, Co-Chairman, and Paul Kelly, Member, both of the Joint Ocean Commission Initiative Task Force; Mike Chrisman, California Resources Agency, Sacramento; and Michael K. Orbach, Duke University Marine Laboratory, Beaufort, North Carolina.

NOMINATIONS

Committee on Energy and Natural Resources: Committee ordered favorably reported the nominations of Drue Pearce, of Alaska, to be Federal Coordinator for Alaska Natural Gas Transportation Projects, and John Ray Correll, of Indiana, to be Director of the Office of Surface Mining Reclamation and Enforcement, and Mark Myers, of Alaska, to be Director of the United States Geological Survey, both of the Department of the Interior.

NUCLEAR FUEL MANAGEMENT AND DISPOSAL ACT

Committee on Energy and Natural Resources: Committee concluded a hearing to examine S. 2589, to enhance the management and disposal of spent nuclear fuel and high-level radioactive waste, to ensure protection of public health and safety, to ensure the territorial integrity and security of the repository at Yucca Mountain, after receiving testimony from Senators Reid and Ensign; Edward F. Sproat, III, Director, Office of Civilian Radioactive Waste Management, Department of Energy; Martin J. Virgilio, Deputy Executive Director, Materials, Research, State and Compliance Programs, Office of the Executive Director for Operations, United States Nuclear Regulatory Commission; Robert L. Loux, Nevada Agency for Nuclear Projects, Office of the Governor, Carson City; David A. Wright, South Carolina Public Service Commission, Columbia, on behalf of National Association of Regulatory Utility Commissioners; J. Barnie Beasley, Jr., Southern Nuclear Operating Company, Birmingham, Alabama; Geoffrey H. Fettus, Natural Resources Defense Council, Washington, D.C.

TAX REFORM

Committee on Finance: Committee held a hearing to examine individual income tax policy, focusing on efforts to streamline and simplify the tax code, receiving testimony from former Senator Connie Mack, III, former Senator John Breaux, and Elizabeth Garrett, University of Southern California Gould School of Law, Los Angeles, all on behalf of the President’s Advisory Panel on Federal Tax Reform; David M. Walker, Comptroller General of the United States, Government Accountability Office; Jane G. Gravelle, Senior Specialist in Economic Policy, Congressional Research Service, Library of Congress; and James Poterba, Massachusetts Institute of Technology Department of Economics, Cambridge.

Hearing recessed subject to the call.

BUSINESS MEETING

Committee on Finance: Committee ordered favorably reported S. 2010, to amend the Social Security Act to enhance the Social Security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, with an amendment in the nature of a substitute.

NOMINATION

Committee on Foreign Relations: Committee concluded a hearing to examine the nomination of Mary Martin Ourisman, of Florida, to be Ambassador to Barbados, and to serve concurrently and without additional compensation as Ambassador to St. Kitts and Nevis, Saint Lucia, Antigua and Barbuda, the Commonwealth of Dominica, Grenada, and Saint Vincent and the Grenadines, after the nominee, who was introduced by Senators Warner and Allen, testified and answered questions in her own behalf.

NOMINATIONS

Committee on Foreign Relations: Committee concluded a hearing to examine the nominations of Cesar Benito Cabrera, of Puerto Rico, to be Ambassador to the Republic of Mauritius, and to serve concurrently and without additional compensation as Ambassador to the Republic of Seychelles, Cindy Lou Courville, of Virginia, to be U.S. Representative to the African Union, with the rank of Ambassador, and Donald C. Johnson, of Texas, to be Ambassador to the Republic of Equatorial Guinea.

DEPARTMENT OF DEFENSE FINANCIAL MANAGEMENT

Committee on Homeland Security and Governmental Affairs: Subcommittee on Federal Financial Management, Government Information, and International Security concluded a hearing to examine financial management at the Department of Defense, focusing on the components of the Financial Improvement and Audit Readiness Plan to improve the overall financial management health of the Department of Defense, including an understanding of other plans involved in improving the financial management infrastructure at the Department, after receiving testimony from David M. Walker, Comptroller General
of the United States, Government Accountability Office; and J. David Patterson, Principal Deputy Under Secretary (Comptroller), Teresa McKay, Deputy Chief Financial Officer, and Thomas F. Gimble, Acting Inspector General, all of the Department of Defense.

BUSINESS MEETING
Committee on the Judiciary: Committee ordered favorably reported the following business items:

S. 2679, to establish an Unsolved Crimes Section in the Civil Rights Division of the Department of Justice, and an Unsolved Civil Rights Crime Investigative Office in the Civil Rights Unit of the Federal Bureau of Investigation, with an amendment in the nature of a substitute; and

The nominations of Frances Marie Tydingco-Gatewood, to be Judge for the District Court of Guam, and Troy A. Eid, to be United States Attorney for the District of Colorado, Department of Justice.

Also, Committee began consideration of S. 2453, to establish procedures for the review of electronic surveillance programs, agreeing to an amendment in the nature of a substitute, and subpoenas relating to American Bar Association (ABA) reports, but did not take final action thereon, and recessed subject to call.

BUSINESS MEETING
Select Committee on Intelligence: Committee met in closed session to consider pending intelligence matters.

Committee recessed subject to the call.

House of Representatives

Chamber Action
The House was not in session today. The House is scheduled to meet at 4 p.m on Friday, August 4, 2006, unless it sooner has received a message from the Senate transmitting its adoption of H. Con. Res. 467, in which case the House shall stand adjourned pursuant to that concurrent resolution until 2 p.m. on Wednesday, September 6, 2006.

Committee Meetings
No committee meetings were held.

NEW PUBLIC LAWS
(For last listing of Public Laws, see DAILY DIGEST, p. D 890)

H.R. 4456, to designate the facility of the United States Postal Service located at 2404 Race Street in Jonesboro, Arkansas, as the “Hattie W. Caraway Station”. Signed on August 2, 2006. (Public Law 109–258)

H.R. 4561, to designate the facility of the United States Postal Service located at 8624 Ferguson Road in Dallas, Texas, as the “Francisco ‘Pancho’ Medrano Post Office Building”. Signed on August 2, 2006. (Public Law 109–259)

H.R. 4688, to designate the facility of the United States Postal Service located at 1 Boyden Street in Badin, North Carolina, as the “Mayor John Thompson ‘Tom’ Garrison Memorial Post Office”. Signed on August 2, 2006. (Public Law 109–260)


H.R. 4995, to designate the facility of the United States Postal Service located at 7 Columbus Avenue in Tuckahoe, New York, as the “Ronald Bucca Post Office”. Signed on August 2, 2006. (Public Law 109–262)

H.R. 5245, to designate the facility of the United States Postal Service located at 1 Marble Street in Fair Haven, Vermont, as the “Matthew Lyon Post Office Building”. Signed on August 2, 2006. (Public Law 109–263)


S. 310, to direct the Secretary of the Interior to convey the Newlands Project Headquarters and Maintenance Yard Facility to the Truckee-Carson Irrigation District in the State of Nevada. Signed on August 3, 2006. (Public Law 109–265)

S. 1496, to direct the Secretary of the Interior to conduct a pilot program under which up to 15 States may issue electronic Federal migratory bird hunting stamps. Signed on August 3, 2006. (Public Law 109–266)
COMMITTEE MEETINGS FOR FRIDAY, AUGUST 4, 2006

(Committee meetings are open unless otherwise indicated)

Senate
No meetings/hearings scheduled.

House
No committee meetings are scheduled.
Next Meeting of the SENATE
11 a.m., Tuesday, September 5

Senator Chamber

Program for Tuesday: Senate will resume consideration of H.R. 5631, Department of Defense Appropriations Act. Also, at 4:30 p.m., Senate will begin consideration of the nomination of Kimberly Ann Moore, to be United States Circuit Judge, with a vote on confirmation of the nomination to occur at 5:30 p.m.

Next Meeting of the HOUSE OF REPRESENTATIVES
2 p.m., Wednesday, September 6

House Chamber

Program for Wednesday: To be announced.