allow needed funding to be reallocated to more important, pressing needs of our military. Let's pass a Defense authorization bill actually contains the requests that our military has made. Madam President, $1.75 billion for the F–22 has not been requested, and I agree with Chairman LEVIN, Senator MCCAIN, Presidents Obama and Bush.

I urge my colleagues to join in this effort to show fiscal restraint. Support the Levin-McCain amendment. The best way to defend our country is to listen to our military when it tells us to change the way we invest. Our fiscal health and our national security both depend on it.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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 I ask unanimous consent that the order for the quorum call be rescinded.

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

RECESS

Mr. LEVIN. Madam President, I ask unanimous consent that the Senate stand in recess until 2:15.

There being no objection, the Senate, at 12:12 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Acting President pro tempore.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010—Continued

The ACTING PRESIDENT pro tempore. The Senator from Kansas.

Mr. ROBERTS. Mr. President, I ask unanimous consent to proceed as in morning business to speak about the health care deliberations we are undertaking. I know we are under the Defense authorization bill. My remarks should not take that long.

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

Mr. ROBERTS. Mr. President, as I indicated, I rise today to talk about health care reform and the hard truths that have so far been not hidden but I do not think have been very much aware to many Americans.

I was inspired to come to the Senate floor today because we are holding hearings in the HELP Committee—and we are holding hearings in the Finance Committee—and a series of events in the Health, Education, Labor, and Pensions Committee made me recall the observations of a well-respected public opinion analyst, pollster Daniel Yankelovich, founder of the New York Times/Yankelovich Poll.

The HELP Committee has been struggling—well, we have been working hard; ''struggling'' probably is not the right word; and many thanks to the chairman, CHRIS DODD, our ranking member, MIKE ENZI, and the members of the HELP Committee—but we have been going through a multiweek markup that I think has been characterized by some very wishful thinking on the part of the majority members of that committee; namely, the hope or the wish that they can somehow not reveal the very real costs and tradeoffs raised by their health care reform bill. I think the American people ought to become more and more aware of this.

The bill the HELP Committee is marking up establishes all sorts of new government programs, all sorts of new government mandates and controls—all justified by the need to ''rein in health care costs'' and ''increase health insurance coverage.'' I know those are two very good and noble pursuits, which I support wholeheartedly. As a matter of fact, I think Republicans now have about six bills to do the same thing. They do not get much attention, but we have six bills.

But there is a big problem with this bill. It does neither of these things, in my opinion. It neither reduces costs, nor does it significantly increase coverage. In fact, it significantly increases costs for very little gain—''costs,'' c-o-s-t-s. Remember that word. But my colleagues on the HELP Committee continue to wish and to hope they can obscure this reality through a barrage, really, of speeches and rhetoric and what I call misleading figures.

It has been this behavior that has caused me to recall Mr. Yankelovich's observations on something called the evolution of opinion. I am going to use that as the basis of my remarks—the evolution of opinion. The article was in Fortune magazine, and it jogged my memory in this regard. But, in any event, I think it serves as an important illustration of the health care reform process so far. Mr. Yankelovich observed that the evolution of a person's opinion could be traced through a continuum of seven stages. That is a fancy way of saying there are steps you go through when you are trying to think something through.

First, we have had daunting awareness: the realization that our health care system was not working for every American and needed to be addressed. I think everybody understands that.

The second stage, greater urgency: the economy began to go south and people who used to rely on their employer for health insurance began losing their jobs.

Then there is the third stage: reaching for solutions. Our committee has held hearings and began to meet with stakeholders. The administration met with stakeholders. The stakeholders, I think, probably met in good faith. And it has only been recently they have discovered they may have signed on to something that is very illusory, to say the least.

Fourth, the stage where many on the HELP Committee and elsewhere have arrived at today: the wishful thinking stage, the well-intentioned, romantic, simplistic, perhaps naive moment where all one sees are the benefits, without considering the consequences—the law of unintended effects. For example: the totally misleading claim by the majority that the new data from the Congressional Budget Office revealed a much lower score for this bill, $597 billion—a lot of money—while still expanding health insurance coverage to 97 percent of Americans. This claim is the very definition of ''wishful thinking.'' But facts are stubborn things. The actual CBO numbers say this bill leaves 34 million people still uninsured. That is not 97 percent coverage. In order to gain anywhere near 97 percent coverage, we would have to significantly expand Medicaid—a very expensive proposition which, according to CBO, adds about $500 billion or more to the cost of this bill.

More wishful thinking: The $597 billion cost was further artificially lowered through several budget maneuvers, such as a multiyear phase-in and a long-term care insurance program that will increase costs significantly outside the 10-year budget window CBO is required to use. Here we are passing a long-term insurance bill that goes beyond 10 years that CBO cannot even score.

After taking these realities into account, a more accurate 10-year score of this bill is closer to $2 trillion. I said that right: not $1 trillion—$2 trillion.

This is when we should arrive at the fifth stage of opinion making: weighing the choices. Since the true cost of this bill is approximately $2 trillion, we must own up to the American public about the tradeoffs. We must finally understand that the tradeoffs threaten a health care system that polls tell us has a 77-percent satisfaction rate.

This is not to say we should not undertake any reforms, but we need to honestly discuss the costs and benefits of reform proposals. And the majority's proposal is high on cost and low on benefits.

The No. 1 tradeoff that Americans need to know is, higher taxes. Remember when the President promised: If you make under $250,000, you will not see your taxes increased, that you would actually see a tax cut. Well, like so many other pledges, those promises had an expiration date, and that date is rapidly approaching.

The bill raises $36 billion in the first 10 years in new taxes on individuals who do not purchase health insurance. That is a penalty. It raises another $52 billion in new taxes on employers who do not offer their employees health insurance.

As an aside, guess who suffers when the employer's taxes get raised? It certainly is not the employer. It is the employee who gets laid off or does not get a raise. It is the applicant who does not get hired. Even President Obama's own Budget Director admits this fact.

At least one economic survey estimates that an employer mandate to provide health insurance, such as the

one in the Kennedy-Dodd bill, would put 33 percent of uninsured workers at risk for being laid off—33 percent of uninsured workers. The study went on to say that ''workers who would lose their jobs are disproportionately likely to be high school dropouts, minority, and female.'' It is a job killer for the very people whom the bill ostensibly seeks to help.

These new taxes do not come close to paying for this bill, and the ideas that have been coming out of the Finance Committee, on which I am also privileged to serve, the House of Representatives—the so-called people's body—and the administration prove that these new taxes will be just the first of many.

One option: a new and higher income tax on taxpayers with earnings in the top income tax brackets—there is some press on that as of now—including small businesses—essentially a small business surtax—to pay for government-run health care. Keep in mind that this surtax is in addition to the higher income taxes the President is already calling for in his budget.

The President's budget proposal calls for raising the top two individual tax rates in 2011. Many small businesses file their tax returns as individual returns, and the National Federation of Independent Businesses, NFIB, estimates that 50 percent of the small business owners who employ 20 to 249 workers fall into the top two brackets. When these higher income taxes are combined with the proposed surtax to pay for the government-run health care, it means that a small business could see its tax bills go up by as much as 11 percent—11 percent—when this health care reform bill finally takes effect—an income tax rate increase of about 33 percent over what they pay today.

But it does not stop there. Under the proposal the House is expected to unveil, possibly today, they leave the door open for even more tax increases on small businesses. That proposal is expected to allow, in 2013, for the small business surtax to be raised by several additional percentage points if health care costs are higher than expected, which is likely.

These higher income taxes would be a devastating hit on our Nation's small businesses—the same small businesses that create roughly 70 percent of the jobs in this country and are the backbone of our economy. We should not be raising taxes on these job creators if we want our economy to rebound and grow and expand.

Small businesses in Kansas tell me they feel they are already stretched to the limit, and they worry that to pay the additional taxes called for in the President's budget, not to mention an additional small business surtax to pay for a government-run health care program, they will have to cut back elsewhere—''cut back,'' meaning layoffs; cutbacks, meaning really it is the worst thing you could do for the economic catalyst of our country, the small business community. Make no mistake, these will be difficult choices. They will have to reduce the wages and benefits of current employees. They will have to pass their costs on to their customers. They will have to lay off workers or not hire new employees. None of these are good options for workers, small businesses, or our economy.

But higher taxes are just one of the ways the majority wants to pay for this massive expansion of government. The other method? The other method will be cuts to Medicare. You heard me right: Medicare, cuts to Medicare, cuts to the reimbursements to providers to our senior citizens, cuts we have been trying to prevent, where we have added money in almost every session we have been in.

There would be $150 billion from the hospitals. The hospitals have agreed to this with their national organizations but funny thing: The hospitals from Kansas came back to me and said: Not on your life. For a person who has worked hard to prevent cuts in that market basket of provider reimbursements to keep our rural health care delivery system whole, it comes to me as a great surprise that their national organizations would sit down and say: OK, we are going to give up $150 billion, only to learn a couple days or weeks later that some in the House say: That is not enough. So they didn't have a deal—and another few hundred billion from the physicians. I haven't heard any agreement on that from the physicians.

Tens of billions from home health care agencies and radiology and home oxygen and PhRMA. Let's don't forget PhRMA, who agreed to a certain amount of cuts—I think it was $80 billion—but now they have learned that figure isn't firm. So whoever else gets strong-armed or weak-kneed into making a deal with this administration, you better be careful.

Again, when doctors and hospitals and pharmacists and home health agencies get their reimbursements slashed by Medicare or Medicaid, who pays the price? It is not the provider, at least not at first. It is the people with private insurance who pay a hidden tax to make up the difference—some $88.8 billion per year, according to a recent Milliman study. Once the provider runs out of private payers to shift this cost deficiency onto, who pays? It is the patients who lose access to a doctor or a hospital or a pharmacist or a home health agency.

In addition to cutting Medicare payments, this bill will dump, by some estimates, well over a million new people onto a government-run health care plan which will never pay providers enough to cover their costs, despite any rhetoric otherwise. As this number grows and the private market shrinks, the decrease in the number of doctors and hospitals and other providers will be inevitable. We see that already. We already have rationing. We already have shortages. We already have doctors and providers who say: I am sorry, I am not reimbursed to the extent I can stay in business and offer you Medicare. So rationing is not a scare word, it is something that is happening now. It will simply not be possible for them to keep their doors open on the margins that the government will pay them. And that is when rationing of health care will become a way of life in this country.

Oh, I can see it now. It will either be by age or by test or by the comparative effectiveness research golden ring that CMS—that is another acronym—an outfit that works for the Department of Health and Human Services. These are the bean counters who look in this way at health care and don't look at the real effects, and I see what can happen.

These are the tradeoffs the American people need to know about in this bill. Yep, $2 trillion in new spending, higher taxes, job-killing employer mandates, and rationed health care. And for what? To overhaul a system with which 77 percent of Americans are satisfied.

I offered several amendments in the HELP markup just this morning, attempting to force the committee to face stage 5—remember my Fortune magazine and my stages of evolution of thought—to truly weigh the choices, that is the next stage. My amendments would have prevented Federal health subsidies from being funded through higher taxes on employers, higher taxes on individuals and families or through cuts to Medicare. All three were defeated in a party-line vote. I wasn't alone in trying to get the committee to weigh the choices in this bill. Senator ALEXANDER spoke very credibly as a former State governor about the fiscal catastrophe that expanding Medicaid eligibility will cause for the States. Again, he was defeated by a party-line vote.

How can we ignore the very real consequences of raising taxes on individuals and employers in a recession—some say the worst recession since in the 1930s? How can we deny that further cutting Medicare will increase costs for everyone else and possibly eliminate access to health care for our seniors? How can we turn a blind eye to all the States that are already facing a financial meltdown and force them to take on billions of dollars of new Medicaid obligations?

Some are still stuck in stage 4, still hanging on to their wishful thinking.

Well, I am ready to move on to stage 6, and probably everybody else is as well here on the floor. It is called taking a stand. I hope we can all take a stand to preserve the system that works well for the vast majority of Americans and to consider a more cost-conscious, realistic, and patient-friendly approach to greater health care reform.

By far the most important stage for us is—yes, the final stage—stage 7:

making a responsible judgment. The policies in this bill are very expensive, and the American people need to know that someway, somehow they will have to pay for them. So we must thoroughly examine the cost and the tradeoffs in health care reform. We cannot simply engage in wishful thinking. The American people expect us to make responsible judgments. There is simply too much at stake.

I understand the leadership of this body is in a dash, a rush to finish the hearings in the HELP Committee to produce a bill, as well as to force the Finance Committee to come up with a markup of a bill to pay for all this. I don't know how you pay for $2 trillion while the Finance Committee is talking about $350 billion and those are very controversial. I have a suggestion. I think we ought to put a big banner right up here where the President is not, right over there. I don't think the President would mind very much, and it could just say, ''Do No Harm.'' Then maybe we could put something underneath that and say: ''Slow Down'' or maybe in the language of my State ''Whoa.'' And then put that in the back of the HELP Committee, put in the back of the Finance Committee, and let's do the job right.

Mr. WICKER. Will the Senator yield?

Mr. ROBERTS. I am delighted to yield.

Mr. WICKER. I thank the Senator from Kansas for his remarks. I think it is interesting and perhaps symbolic that his cell phone was ringing off the wall or off of his belt when he was beginning to make his remarks. I think perhaps that is symbolic of what we are beginning to hear in the Senate as well as in the House of Representatives from the public. It is not just from the rightwing; it is from Main Street media. It is from the Washington Post last Friday. It is from liberal commentators such as Michael Kensley last Friday who say: Let's slow down on this.

I think what the American people might be saying is that they have gone through this hierarchy of decision-making and that this is not the kind of health care they were promised last year. We were told health care would save money for Americans. Now we are hearing it is going to cost $1 trillion to $2 trillion, perhaps even $3 trillion. We were told that if Americans were satisfied with their insurance, they would be able to keep it. Now we are told they would be moved into a public plan. We didn't hear about cuts to Medicare when this was being debated last year in the Presidential campaign, and we certainly didn't hear about higher taxes on middle-income Americans.

So I was glad to help the Senator from Kansas avoid taking those phone calls while he was speaking.

Mr. ROBERTS. If my distinguished colleague—well, I will take back my time and yield back for any comments he may want to make. The person on the other end of the phone call, was he for the health care bill or was he against it?

Mr. WICKER. Well, I would not have presumed to answer the Senator's phone call. I simply put it back in the cloakroom. But I am hoping it is symbolic of the American people—

Mr. ROBERTS. Whether for or against, I hope the Senator from Mississippi would have explained that we both have some real concerns, and we hope we can get real health care reform.

Mr. WICKER. I thank the Senator.

Mr. ROBERTS. I also thank the Senator.

Let me just give one quick example of what I am talking about with regard to Medicare. The President of the Kansas Pharmacists Association is from a very small town out West. We conduct a lot of listening tours, and we go into the pharmacy. The pharmacists, we ought to give them a GS–15 salary because they are the people who deal with Medicare Part D. That is the prescription drug program we give to seniors; it is very popular.

Let's say a lady named Mildred came in to see her pharmacist there and Mildred talked to Tom, the pharmacist, and said: What is this doughnut hole? And Tom says: Well, that is where you have to pay a bigger copayment. And she says: Well, can't I get a new kind of program or something else that will help me out here? He said: Yes, there are 47 new programs you can choose from. Mildred, the one that you want is right here. She says: Good. Then I am not going to get hurt with the cost of the prescriptions I need. He says: But I can't offer it to you? Why? Because I only get reimbursed 71 percent.

That is about the national average. How on Earth can we expect every pharmacist all around the country to administer—and they are the ones doing the administering; it isn't the Area Agency on Aging or the 1–800–Medicare. So he had to tell her that the program in Medicare Part D that would cover the doughnut hole, he didn't get reimbursed enough and couldn't offer it. Well, he helped her out. All pharmacists try to do that. That is where we are.

Or if Mildred goes to the doctor and the doctor says: I am sorry, I can't take any more Medicare patients—that is happening. It is real. This bill exacerbates that—exacerbates it. That is why I am so upset and why I came to the floor today.

I will go back to the HELP Committee in good faith to work with my colleagues and we will try to make it bipartisan. I know on Thursday we are supposed to have a markup in the Finance Committee—marching orders from the leadership around here, right in the middle of a Defense authorization bill. We don't need marching orders. We need to slow down. We need to slow down and get this right.

Thank you, Mr. President. I yield back the remainder of my time.

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

Mr. KAUFMAN. Mr. President, I wish to thank the members of the Armed Services Committee for their tireless work on this bill. I thank Chairman LEVIN and Senator MCCAIN for their amendment to strike $1.75 billion in unnecessary funding for the F–22 aircraft.

I strongly support those provisions of the Defense authorization bill which aim to support critical defense spending priorities such as providing fair compensation and health care to members of the Armed Forces and their families, enhancing the capability of our troops to conduct successful counterinsurgency operations in Iraq and Afghanistan, improving our ability to counter nontraditional and asymmetric threats and terminating troubled and wasteful military spending programs in favor of those which are deemed more efficient and effective.

Also, I strongly support the recommendation of Secretary Gates that we must rebalance the Defense budget in order to institutionalize and enhance our capabilities to fight current wars as well as likely future threats. As events in Iraq and Afghanistan have demonstrated, the military challenges currently before us are unlike conventional wars of the past. I am pleased this bill provides the resources necessary to protect our troops in counterinsurgency missions by providing additional funding for Mine Resistant Ambush Protected Vehicles or MRAPs; U.S. Special Operations Command, or SOCOM, and the Joint Improvised Explosive Device Defeat Organization, as well as supporting the vital train and equip mission for Afghan security forces. This training is an essential prerequisite for achieving stability and security in Afghanistan and succeeding in our ongoing counterinsurgency mission.

These and other provisions of the bill aim to institutionalize many of the administration's recommendations regarding future Defense priorities based on the conclusion of military officials—including Secretary Gates, Admiral Mullen, and General Petraeus—that irregular warfare is not just a short-term challenge; rather, it is a long-term reality that requires realignment of both military strategy and spending. As Secretary Gates has said, this rebalancing need not come at the expense of conventional weapon programs, which are deeply embedded in the Department of Defense, in its bureaucracy, in the defense industry, and in the Congress. At the same time, we must move away from funding Cold War-era weapons programs with an eye toward the future and accept that threat requirements have changed. This requires difficult decisions, sacrifice, and change, such as ending the F–22 production line which the White House and the Department of Defense

have concluded will save valuable resources that could be more usefully employed.

As President Obama explained yesterday in a letter to the Senate, this determination was not made casually. It was the result of several analyses conducted by the Department of Defense regarding future U.S. military needs and an estimate of likely future capabilities of our adversaries.

The F–22 has never flown over Iraq or Afghanistan because it is not the most efficient or effective aircraft to meet the current needs of the military. Its readiness has been questioned, it has proven too costly, and continued production will come at the expense of more critical defense priorities. I say critical defense priorities. But this debate is really not about the future of the F–22. This is just the first test as to whether we are ready to end unnecessary spending and rebalance the defense budget to better reflect the reality of counterinsurgency missions.

Today I voice my support for the Levin-McCain amendment which terminates procurement of additional F–22 fighter aircraft when the current contract ends at 187 jets.

In December 2004, the Department of Defense concluded that 183 F–22s were sufficient to meet our military needs, especially given the future role of the F–35 Joint Strike Fighter, which is a half generation newer aircraft and more capable in a number of areas, including electronic warfare and combating enemy air defenses.

Ending the F–22 production line at 187 meets the needs of our military and allows us to purchase equipment deemed more efficient and effective. According to Secretary Gates and Admiral Mullen:

> If the Air Force is forced to buy additional F–22s beyond what has been requested, it will come at the expense of other . . . priorities—and require deferring capabilities in the areas we believe are much more critical for our national defense.

Some of my colleagues have argued that ending the procurement of F–22s will have a significant impact in terms of jobs. Of course, I share the concern of keeping jobs and am focused, first and foremost, on preserving jobs and job creation. At the same time, however, I believe job losses incurred in the F–22 line will be offset by an increased F–35 production. Moreover, I agree with my colleague, Senator MCCAIN, that ''in these difficult economic times, we cannot afford business as usual. We cannot afford to continue to purchase weapons systems that are not absolutely vital . . . '' to our national security interests.

I urge my colleagues to join me in supporting the Levin-McCain amendment which reaffirms America's commitments to our troops by ending wasteful spending and enhancing military readiness. This reflects the sound and bipartisan judgment of two U.S. Presidents, two Secretaries of Defense, three Joint Chiefs of Staff, as well as the current Secretary and Chief of Staff of the Air Force. I hope we can pass a Defense authorization bill that supports the sound judgment of our military leaders and President and avoid wasteful spending of precious national resources.

The ACTING PRESIDENT pro tempore. The Senator from Arkansas.

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

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

ENSLAVED AFRICAN AMERICANS

Mrs. LINCOLN. Mr. President, I rise today to thank the Senate for adopting my resolution that authorizes a marker to be placed in the new Capitol Visitor Center. The marker recognizes the role of African Americans in the building of this great U.S. Capitol Building.

I also thank Susan and my legislative director, Jim Stowers, who have been tireless in their work and certainly have done an incredible job in bringing forth this resolution, along with many others we have been working on to try and recognize the tremendous work and labor that was put into building this magnificent symbol of our freedom and particularly that which was done by the slave labor in this country when the Capitol was built. Those two individuals have done a remarkable job in working on this resolution. I am very grateful to them and all of the work they have put into it.

I also thank Congressman JOHN LEWIS for his unbelievable leadership in moving this resolution through the House and for his leadership of the Slave Labor Task Force. I had the privilege of serving with Congressman LEWIS in the House, and upon my election to the Senate, we worked together on a number of issues, including funding for the Little Rock Central High Visitor Center and the Slave Labor Task Force. It has been an honor to work with him on these very important issues. He is a tremendous gentleman to work with on all issues, but I have had the particular pleasure of being able to work with him on these two. It has been a great learning experience for me and certainly an honor.

The crowning feature of our Nation's Capitol is the majestic statue that stands atop its dome. It was designed by an American, Thomas Crawford, to represent ''Freedom triumphant in War and Peace.'' It has become known simply as the Statue of Freedom to those of us who come in and out of the Capitol on a daily basis.

Thomas Crawford cast the five-piece plaster model of his statue at his studio in Rome, Italy. Before it was shipped to the United States to be cast, Crawford passed away. Once it arrived in Washington, DC, problems soon arose. A workman who assembled the plaster model for all to see, just as it is downstairs, soon got into a pay dispute, and when it came time to disassemble it and move it to a mill in Maryland where it would be cast in bronze, he refused to reveal how it had been taken apart. Work on the statue stalled until a man named Philip Reid solved the mystery.

Mr. Reid was an enslaved African American who worked for the owner of the foundry selected to cast the bronze statue. Mr. Reid figured out how to disassemble the plaster model by attaching an iron hook to the statue's head, and he gently lifted the top section until a hairline crack appeared. The crack indicated where the joint was located. Then he repeated that operation until all five sections were visible.

If you go down to the Capitol Visitor Center, you can see this huge plaster cast and you can see how large it is, how cumbersome it is, and how difficult it would be to work with even in today's age with the tools and all of the mechanics we have. Yet this gentleman on his own figured it out with very little other than just a hook to be able to pull up and figure out where he would find that path of least resistance.

We know about Philip Reid today because Fisk Mills, the son of the foundry owner, told the story to a historian who recorded it in 1869. It describes Philip Reid as an ''expert and an admirable workman'' and ''highly esteemed by all who know him.''

Philip Reid's story is probably the best known among the enslaved African Americans who worked so diligently on our Nation's Capitol. Unfortunately, there are many others who worked in obscurity.

When the Capitol was first being built in the late 1700s and early 1800s, enslaved African Americans worked in all facets of its construction. They worked in carpentry, masonry, carting, rafting, roofing, plastering, glazing, painting, and sawing. These slaves were rented from their owners by the Federal Government for about $60 a year.

For nearly 200 years, the stories of these slave laborers were mostly unknown to the visitors of this great building, our Capitol. Then in 1999, old pay stubs were discovered that showed slaves were directly involved in the construction of the U.S. Capitol.

To recognize these contributions, I sponsored a resolution in July of 2000 to establish a special task force to make recommendations to honor the slave laborers who worked on the construction of this great Capitol.

The bicameral, bipartisan Slave Labor Task Force brought together historians and interested officials to work on this issue. In 2007, the task force presented the congressional leadership with our recommendations.

This resolution fulfills one of those recommendations, the resolution we passed in the Senate. It authorizes a marker to be placed in Emancipation Hall to serve as a formal public recognition of the critical role that

enslaved African Americans played in the construction of the Capitol.

Much of the original Capitol no longer stands, due to the fires of war and renovations to create more space for the ever-growing body. In fact, some of the stones that were removed when the Capitol was renovated have been stored in Rock Creek Park. It is our hope that those very stones that were quarried years and years ago by the slaves will be used to make the CVC marker we hope to place in the CVC.

I also would like to take a moment to remember one of the members of the Slave Labor Task Force, Curtis Sykes, who was a native of Little Rock, AR, and an original member of Arkansas's Black Advisory Committee.

I asked Mr. Sykes if he would come and serve on this committee. I selected him because he was, first and foremost, an educator. During his time on the task force, he was focused on the need to ensure that as many citizens as possible be made aware of the contribution of enslaved African Americans in the building of this great U.S. Capitol.

Unfortunately, Mr. Sykes passed away before our work was completed. Nevertheless, he made important and lasting contributions to our work. I know he is looking down with a great sense of pride for what we have been able to accomplish.

The heart of this effort and the mission of the Capitol Visitor Center is education. It was at the root of what Mr. Sykes stood for, and it certainly has been at the root of what our task force has been professing and wanting more than anything to create for the visitors who come through our Nation's Capitol. That is why there is no more appropriate place for this marker to recognize those who built the Capitol than our new Capitol Visitor Center, an education model in itself.

The plaster model of the Statue of Freedom, the same one that was separated by Philip Reid, now stands tall in Emancipation Hall of the CVC for all visitors to see. Visitors look at the model each and every day and can compare it to the actual statue standing atop the Capitol dome. I want to make sure every visitor who comes to the CVC, our Capitol Visitor Center, knows how that statue got up there and that they know the story of Philip Reid and the other enslaved African Americans who played such a critical part in the building of this Capitol—our symbol of freedom in this Nation.

In closing, I thank Chairman SCHUMER and Ranking Member BENNETT of the Rules Committee for their help and guidance on this resolution. I also certainly cannot finish my remarks without offering my tremendous thanks to my colleague and friend, Senator CHAMBLISS from Georgia, who, along with Senator SCHUMER, was an original cosponsor of this resolution.

Senator CHAMBLISS has done a tremendous job. He is a delight to work with, and I am not only grateful for the hard work he has put in on this issue but other issues we have worked on, but without a doubt for his friendship in working on so many issues.

Mr. President, I thank my colleagues for again adopting this resolution in the Senate. We look forward to being able to add many other of those recommendations of the task force as we move forward and as our Capitol Visitor Center continues to grow.

Mr. President, I yield the floor.

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

Mr. CHAMBLISS. Mr. President, I rise today to concur with my good friend from Arkansas with respect to H. Con. Res. 135, which acknowledges the role slave labor played in constructing the U.S. Capitol and thank her for her leadership on this issue. Once again, she and I had an opportunity to work on an issue that is important to America and to Americans.

Senator LINCOLN has been a true champion for the common man, as well as for all Americans, on any number of issues. It has been a great pleasure to work with her on any number of issues over the years. I do thank her for her great leadership on this resolution.

The story of the very building in which we are standing is a story of freedom. It is a story of how people from every corner of the globe arrived to have a chance to steer their own lives, shape their own destinies, and toil at tasks of their own choosing, not those dictated by birth or caste.

Sadly, however, that shot at freedom was not given to everyone. For those who were brought here against their will and forced to toil for someone else's gain, freedom was a vague concept—for others but not for them. Slavery will forever remain a shameful tarnish on the shining city that is America. Unbeknownst to most Americans, slave labor helped build our Nation's Capitol. It is one of the saddest ironies of our history that the very foundation of this building in which we have debated the most fundamental questions of liberty was laid by those in shackles. They labored in the heat, cold, and dust of quarries in Virginia and Maryland to cut the stone upon which rests this temple of liberty.

We know very little about these workers and artisans, and of the few records that were kept at the time, only several first names survived, next to those of their owners and sums paid for the grueling labor. From 1793 to 1826, up to 800 slaves at one time painted, roofed, sawed, glazed, and perfected this building which represents a freedom most of them were never to know. They laid the foundation still visible at the Capitol's east front. They carved the marble columns that witnessed so many of the deliberations on the future of our Nation in the old Senate Chamber. They erected and polished the tall marble columns that lend Statuary Hall such elegance and grace.

As the Civil War ripped this Nation asunder over the very issues of human liberty, a slave artisan named Philip Reid cast the statue that crowns this very building, aptly named ''Freedom.'' I am pleased to join with my colleague from Arkansas and my House colleague from my home State of Georgia, Congressman JOHN LEWIS, in the submission of S. Con. Res. 135, which directs the Architect of the Capitol to place a marker in Emancipation Hall of the Capitol Visitor Center acknowledging the role these slave laborers played in the construction of this building and to accurately reflect its history. I would especially like to thank Congressman LEWIS for his work in heading the Slave Laborer's Task Force, which recommended that such a marker be designated and erected.

This marker is a small way of showing our gratitude to these Americans, but it is a necessary and proper one.

AMENDMENT NO. 1469

Mr. President, I now wish to move to another issue. It is the issue of the McCain-Levin amendment that is before us on the Defense authorization bill. In the Defense authorization mark, we filed an amendment seeking to add seven F–22s for additional procurement by the Air Force. And as a part of that amendment, we provided all the offsets necessary within the budget to purchase those seven aircraft. That amendment passed in the full committee and now is a permanent part of the mark. The amendment by Senators McCain and Levin seeks to strip those seven airplanes out of that mark and to deny—to basically shut down—the production line for the F–22.

First, with respect to this debate, let me put it in context and draw from a statement by a Washington expert in this area who is known for being bipartisan and level-headed, and that is John Hamre, President and CEO of CSIS, and a former Pentagon Assistant Secretary under the Clinton administration. In an April newsletter, Mr. Hamre stated as follows:

> All of the systems proposed for termination by Secretary Gates in his budget have valid missions and real requirements. None of them is a wasteful program. This is a case of priorities. Secretary Gates has decided that these programs don't enjoy the priority of other programs in a constrained budget, but Congress can and should legitimately question spending priorities. Every individual has a unique calculus for prudent risk. Secretary Gates has rendered his judgment. Not only is it appropriate but necessary for Congress to pass final judgment on this question.

Mr. Hamre goes on to say:

> I admire Secretary Gates, but it is the duty and obligation of Members of Congress to question his recommendations. These recommendations merit serious and dispassionate debate, not sloganeering. Secretary Gates has made a series of recommendations. Only the Congress can decide what to do for the Nation.

Congress is the branch of government most directly connected to the American people. We have a crucial role in the budget process, which we should not shy away from. Some will say this

is a debate about jobs and pork-barrel spending, unnecessary spending and powerful defense contractors. Hopefully, Mr. Hamre's statements have at least partially dispelled what is truly a myth in this respect.

Clearly, jobs are at stake—lots of jobs—and good-paying jobs at that. About 95,000 jobs are going to be lost if the McCain-Levin amendment passes—95,000 good-paying jobs across America. Several thousand of those jobs are in my home State.

But this is not a debate about jobs. This is a debate about the security of the United States of America, and I am going to talk in greater detail about that in a minute.

Since the Korean War, our military has been able to maintain what we call air dominance and air superiority. And what that means is that our Air Force has been able to control the skies, to rid the skies of any enemy aircraft. We have been able to control the skies by having the capability of taking out any surface-to-air missile that might seek to shoot down one of our planes in any conflict with an adversary. Since the Korean War, the United States of America has not lost a foot soldier to tactical enemy aircraft because of our ability to maintain air dominance and air superiority. Well, if we do not have the F–22, our ability to maintain air dominance and air superiority is in jeopardy.

Over the years, we have been in conflicts in different parts of the world with different adversaries, and there will be additional conflicts down the road at some point in time. We hope not, but we know one thing, and that is if we have an inventory—the capability of taking away the enemy's ability to come after us—then it puts our enemy in a difficult position from the standpoint of ever wanting to engage us.

Let me respond now to some comments that Senator MCCAIN made yesterday, and which he and others have made often, about the power of the military industrial complex. Our industrial complex is powerful, but it is not all powerful. If there were not serious national security interests at stake here, we wouldn't be having this debate.

Also, there is absolutely nothing unique about the role of outside interests in the case of the F–22. Anyone involved in the current debate we are having in this body over health care, and even this week's hearings regarding Sotomayor, knows that outside interests, including industry, are intimately involved in trying to influence the process in regard to those issues. It is simply part of the process in a democracy, and there is absolutely nothing unique to it in relation to the F–22. We wouldn't be here if there were not serious national security issues at stake that are worth debating.

However, most importantly, this debate is about what kind of military we need today and what kind of military these young people who are sitting before us today are going to need in the future. It is about the balance between needing to maintain both the ability to win current wars and guard against future challenges. The United States is a global power, with global commitments and responsibilities that exceed Iraq and Afghanistan. We are also a nation that has fought and won wars through the use of technology and not just a total reliance on manpower.

Lastly, we are a nation for whom the basic war-planning assumption for the last 50 years has been that we will control the skies—air dominance and air superiority. If that assumption goes away, so does one tenet of American military strategy and the planning assumptions attached to maintaining air dominance.

A criticism of the F–22s in the bill is that it is funding something DOD does not want. Defense budgets, as enacted into law, always—and I emphasize always—contain measures, be they weapons systems or other programs, that DOD does and does not want. As John Hamre said, it is the job of Congress to assess what DOD requests and to render judgment thereon. If we do not do that, we have given up our oversight role with which the constitution entrusts us. Congress is the branch of government most connected to the American people. It has an important role to play, and we should not shirk that role and be afraid to challenge DOD's priority, when necessary, and when we know they are wrong. This is a debate about military priorities and what kind of military we need. We cannot and should not assume that future challenges will be like today. In predicting where the next threat will come from, the United States of America and our tacticians have a perfect record: We have been wrong every single time.

Jobs are at stake, and a variety of different interests are at stake but, most importantly, what is at stake is our national security and our ability to execute our global responsibilities. That is what is at stake and that is what I am going to focus on in my remarks today.

I would also like to rebut one point critics make about the F–22 not flying in missions in Iraq and Afghanistan. Senator MCCAIN and Secretary Gates have made this point often and over and over again. But there are numerous and very expensive weapon systems in this budget that we are going to be voting on in the next couple weeks that have not, and hopefully will not, be needed in Iraq and Afghanistan—the Trident missiles, the ballistic missile system, the DDG 1000. There is a long list of items that are not going to be used in Iraq and Afghanistan that are very expensive and that are contained within this authorization bill. That does not mean these systems are not needed. It is merely that they are intended to address a different threat. To argue against the need for a system because it is not being used in the current conflict is shortsighted and betrays a very short-term perspective on our national security.

Frankly, if the Pentagon had wanted to use the F–22 in the current conflicts, they could have been used. I don't know whether a conscious decision was made otherwise, but the conflict in Afghanistan is not over, and we are going to be in that area of the world for a long time to come. I suspect that before it is over, we will have F–22s flying in the region.

Let me just add that these numerous projects that DOD did not request—and there are several DOD projects which DOD did not request—have drawn little or no attention. For example, $560 million for unrequested FA–18s, $1.2 billion for unrequested MRAPs, and significant funds to support a pay raise above what was recommended by the President. We spent a lot more money on these items than what DOD requested. So to come up here and say: Well, DOD didn't request any F–22s and, therefore, we are to salute and go marching on is something we have never done, we did not do in this bill, and we should not have done in this bill.

Let me also address the veto threat regarding the F–22 funding. A veto is a serious step and one that should only be taken when the welfare of our troops or national security is at stake. After doing extensive research of Defense bills as far back as data is available, I have been unable to find one single example where a veto has been threatened or issued in relation to funding that correctly supports an unmet military requirement, as funding for the F–22s in this bill does. It is regrettable the administration needs to issue a veto threat for funding intended to meet a real national security requirement that has been consistently confirmed by our uniform military leaders.

Specifically, in his letter to Senators LEVIN and MCCAIN, President Obama states as follows:

> The Department conducted several analyses which support this position to terminate F–22 production at 187.

I am not sure who was advising the President on this, but that statement is simply not true. Of the countless studies—and I emphasize study after study after study—that DOD has done, only one recommended 187 F–22s, and that study was based on one major contingency operation that has not even been factored into our national security strategy.

There are numerous other studies—again, numerous other studies—including one commissioned by the DOD itself in 2007, which support buying a minimum of 250 F–22s, not 187.

I would also like to offer a few comments on the letter from Secretary Gates and Admiral Mullen. Like General Cartwright did at last week's hearing, Secretary Gates and Admiral Mullen talk about the importance of UAVs in obviating the need for F–22s. That means taking pilots out of the air

when it comes to destroying critical adversarial weapon systems that are on the ground or in the air trying to take out our men and women.

What they don't note is that of the UAVs we are procuring in this budget—and I am a big fan of UAVs; we need them in certain scenarios, but of the UAVs we will be procuring in this budget, that we will be procuring in additional budgets, virtually none of them will have any stealth capability, and they will be useless in a situation that requires penetrating denied airspace.

In other words, if we need to fly a UAV into a country—and there are a number of countries in the world today that have the Russian-made SU–30 surface-to-air missiles—those UAVs get shot down every single time. The F–22 is the only weapon system in our inventory that has the capability of penetrating that airspace and firing not one shot, not two shots, but three shots and getting out of that enemy territory before the enemy ever knows the F–22 is in the theater. There is nothing in our inventory or on the drawing board that has that kind of capability—certainly not the UAVs.

As they did in hearings before the Armed Services Committee, Secretary Gates and Admiral Mullen also do not address the issue of surface-to-air missiles and that the F–22 is more capable against those systems.

Lastly, their letter notes the decision to terminate the F–22 program at 187 has been consistent across administrations. Again, let me just say it was Secretary Gates himself, as the Secretary of Defense at the end of the Bush administration, who decided to procure additional F–22s. We just procured those four F–22s in the supplemental we passed a month ago, or 6 weeks ago—that is additional F–22s beyond the program of record—to keep the option for additional F–22 procurement open for the next administration. So that has not been a decision of previous administrations. It is this administration that is making the decision to terminate the best tactical airplane ever conceived in the history of the world.

In relation to the letter sent yesterday from Secretary Gates and Admiral Mullen, I would like to quote from a letter I received from Rebecca Grant, a military expert who is at the Mitchell Institute for Air Power Studies. Here is what she says:

> In the letter of July 13, from Admiral Mullen and Secretary Gates, the characterization of F–35 as a half generation newer aircraft than F–22 and more capable in a number of areas such as electronic warfare and combating enemy air defenses is incorrect and misleading. Air Force Secretary Donley and General Schwartz have repeatedly stated, ''The F–22 is unquestionably the most capable fighter in our military inventory.'' And citing a Washington Post article of April 13, 2009:
>
> The F–22 was designed with twice the fighting speed and altitude of the F–35, to preserve U.S. advantages in the air even if adversaries can test our countermeasures or reach parity with us. If electronic jamming fails, the speed, altitude and maneuverability advantages of the F–22 remain. The F–35 was designed to operate after F–22s have secured the airspace, and does not have the inherent altitude and speed advantages to survive every time against peers with electronic countermeasures. America has no unmanned system programs in production today that can cope with modern air defenses such as those possessed by Iran. The Navy UCASS demonstrator program may produce such a system in several years for carrier-based operations only. However, together, China and Russia have 12 open production lines for fighters and fighter bombers. Only 5 F–35s are flying today. The F–35 has completed less than half its testing. Developmental tests will not be complete until 2013. It is impossible to assess the full capabilities of the F–35 until operational test is complete in 2014.

Let me just add right here, in the history of the United States of America, when it comes to tactical aircraft, we have never ever purchased a tactical air fighter while it was still in test and development stage. We always allow that to be completed because we know there are going to be deficiencies.

Going back to the letter from Ms. Grant:

> The United States Air Force will not have a robust F–35 force structure for another 10 years. In addition, the Pentagon removed funding for the F–35 to reach the rate of 110 per year as desired by the Air Force. Departing Air Force Secretary for Acquisition Sue Payton recently warned of potential cost growth in F–35, upon her departure. Cost growth, or a Nunn-McCurdy breach, could slow down the rate at which the United States Air Force takes delivery of the F–35. The letter misrepresents the position of former Chairman of the Joint Chiefs of Staff General Richard Myers.

I ask unanimous consent to have that letter printed in the RECORD.

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

From Rebecca Grant, Director, Mitchell Institute for Airpower Studies, Air Force Association.

In the letter of July 13 from Admiral Mullen and Secretary Gates, the characterization of F–35 as a ''half generation newer aircraft than F–22 and more capable in a number of areas such as electronic warfare and combating enemy air defenses'' is incorrect and misleading.

Air Force Secretary Donley and General Schwartz have repeatedly stated: ''The F–22 is, unquestionably, the most capable fighter in our military inventory.'' (Washington Post, April 13, 2009.)

The F–22 was designed with twice the fighting speed and altitude of F–35 to preserve US advantages in the air even if adversaries contest our electronic countermeasures or reach parity with us.

For example, the Russian-made Gardenia series jammer fits the Su–27 or MiG–29 aircraft and detects radar signal threats and defeats them by processing and returning the same signals with jamming modulation. This jammer has been exported to nations such as Israel which may have modified and improved the jammer. It is made by the Kaluga Scientific Institute of Radio Technology which has other advanced jammers in the works.

New digital technologies enable advanced SAMs to switch rapidly between different frequencies for jamming which greatly complicates our electronic countermeasures. The advanced SAMs are therefore much more difficult to defeat than the analog SA–6s and SA–2s designed in the 1960s.

If electronic jamming fails, the speed, altitude and maneuverability advantages of F–22 remain. The F–35 was designed to operate after F–22s secured the airspace and does not have the inherent altitude and speed advantages to survive every time against peers with electronic countermeasures.

America has no unmanned systems programs in production today that can cope with modern air defenses such as those possessed by Iran. (The Navy UCAS demonstrator program may produce such a system in several years for carrier-based operations only.) However, together China and Russia have 12 open production lines for fighters and fighter-bombers.

Only five F–35s are flying today. The F–35 has completed less than half its testing. Developmental test will not be complete until 2013. It is impossible to assess the full capabilities of F–35 until operational test is complete in 2014.

The USAF will not have a robust F–35 force structure for another ten years. In addition, the Pentagon removed funding for the F–35 to reach the rate of 110 per year as desired by the Air Force.

Departing Air Force Assistant Secretary for Acquisition Sue Payton recently warned of potential cost growth in F–35 upon her departure. Cost growth or a Nunn-McCurdy breach could slow down the rate at which the USAF takes delivery of F–35.

The letter misrepresents the position of former Chairman of the Joint Chiefs of Staff General Richard Myers.

Mr. CHAMBLISS. As I mentioned earlier, we see this debate and vote about the need to maintain the ability to win current wars and to guard against future challenges. While respecting Secretary Gates and his desire to emphasize winning current conflicts, we feel his stance with respect to the F–22 does not adequately account for other kinds of threats.

Specifically, I find DOD's assumption that F–22s will only be required in one major contingency or theater to be totally unrealistic. This is the assumption the 187 number is based on. Given the ability and proliferation of advanced surface-to-air missiles which require stealth to counter, and numerous hostile nations' desire for these SAMs, the likelihood of an adversary outside east Asia requiring these systems in the near to midterm is increasingly likely.

In fact, in the press recently there have been reports about a potential adversary seeking to buy the S–30s from Russia. The F–22 is the only weapon system America has that is capable of penetrating the S–30. There is a follow-on, more sophisticated surface-to-air missile being produced by the Russians today. That missile, again, will proliferate around the world at some point in time, and the only weapon system in the inventory of the United States that has capability of penetrating airspace where those weapons exist is the F–22.

The administration's current plan for F–22 basing would result in no F–22s being stationed in Europe or being

available to address a crisis situation requiring penetrating denied airspace in the Middle East.

At the press conference announcing his budget recommendations on April 6, 2009, Secretary Gates said there was no military requirement—I emphasize that, ''military requirement''—beyond 187 F–22s, and the Air Force agreed.

On this specific issue, either Secretary Gates misspoke or he was given incorrect information. In any case, this statement has been repeatedly contradicted by his Air Force leadership.

The Chief of Staff of the Air Force, General Schwartz, in February of 2009, said he suggested he would request some additional 60 F–22s and present analysis supporting that number to the Secretary of Defense during formulation of the fiscal year 2010 budget. He commented that this request was driven by analysis as opposed to some other formulation and spoke of 243 as being a moderate-risk number of F–22s.

On April 16, 2009, after Secretary Gates's budget announcement, while speaking at a National Aeronautics Association event, General Schwartz stated, regarding the F–22: ''243 is the military requirement.'' He commented that 243 would have been a moderate-risk inventory.

On May 19, 2009, before the House Armed Services Committee, General Schwartz testified 243 is the right number of F–22s. Before the Senate Armed Services Committee on April 21 of this year, General Schwartz said he gauged the risk of a fleet of 187 F–22s as ''moderate to high.''

Mr. President, 187 F–22s puts America in a ''moderate to high'' risk category, according to the Chief of Staff of the United States Air Force.

There have been other generals who have made statements with respect to the F–22. I commend these gentlemen because they are, frankly, putting their military future at risk. I know they probably received some harsh phone calls from the leadership. But I know this too. They have also received a lot of calls from majors and captains and lieutenants and Air Force academy students today, as well as Army foot soldiers, just like I have. I know they have gotten those phone calls because I have gotten those phone calls thanking me for being willing to stand up and say: Mr. Secretary, you are wrong about this, and we need more F–22s.

Air Combat Command holds the need for 381 F–22s to provide air superiority to our combatant commanders and protect against potential adversaries.

General Corley, who is the Commander of Air Combat Command, stated that a fleet of 187 F–22s puts execution of our national military strategy at high risk in the near to midterm. Air Combat Command analysis shows a moderate risk force can be obtained with an F–22 fleet of approximately 250 aircraft.

The F–22 underpins our ability to dissuade and defer. Simply put, 243 gives us the required global coverage with 180 combat-coded jets versus 115 to 126 combat-coded jets that we are going to get if we terminate this program with 187 F–22s being purchased.

Mr. President, 180 combat deployed F–22s allows us to quickly win major contingencies with a moderate risk. Lower numbers of F–22s would sacrifice global coverage during a major contingency, encouraging adversaries to take advantage of a diminished ability to ensure air sovereignty. Out of dozens of studies conducted by DOD regarding the F–22, every study except one recommended procuring at least 243 F–22s.

The one study that did not was conducted by the DOD staff without any Air Force input and was based on the assumption that F–22s would only be required in one scenario, which, as stated earlier, is an unrealistic assumption.

General Schwartz and Secretary of the Air Force Donley have spoken often on this issue in the last several months, including an op-ed they put in the paper on April 13. I understand there is another letter coming from them. I look forward to reading it, although I am not sure it can say anything new.

In order to better understand his position, I, along with six other Senators, sent General Schwartz a letter on May 4 of this year. Let me quote from his letter. General Schwartz stated:

> We have been consistent in defining a long-term requirement of 381 F–22s as the low-risk fleet, and 243 as the moderate-risk for both warfighting capability and fleet sustainment. The F–22 program of record represents the minimum number for current force planning at higher risk. While 60 more F–22s are desirable, they are simply unaffordable.

I think these comments from General Schwartz confirm what we all already know, that the decision to limit production to 187 is budget driven, pure and simple, and 187 is a high-risk fleet and does not meet the full military requirement.

I would simply like to ask my colleagues: Why should the United States of America accept a moderate to high-risk situation in our ability to carry out the mission of the United States Air Force in the first place?

Substituting F–22s with other aircraft will not serve the Nation's interest. Some have suggested filling the remaining F–22 requirements with other aircraft such as the F–35, the Joint Strike Fighter. I am a big fan of the Joint Strike Fighter. It is going to be a great airplane. But as Ms. Grant stated, we have five flying today that are being tested. We are simply a long way away from the F–35 reaching a full production rate and having the capability for which it was designed. That mission that the F–35 is being designed for is entirely different from the mission of the F–22.

The Joint Strike Fighter is designed for multirole strike missions and not optimized for the air dominance mission of the F–22. All the force structure studies have determined that a complementary mix of F–22 and F–35s is the best way to balance risk, cost, and capability. The F–22 is the only proven fifth-generation fighter in production.

The Air National Guard is charged with providing homeland air defense for the United States and is primarily responsible for executing the air sovereignty alert mission. In addition to the over 1,600 Air National Guard men and women who carry out this mission on a daily basis, the Air National Guard relies on legacy F–15 and F–16 fighter aircraft.

The projected retirements of these legacy aircraft—and we have in this budget that we are going to retire 250 F–15 and F–16s. I have no reason to think we will not retire at least another 250 next year, and this trend is going to continue.

Those retirements leave the Guard short of the required number of aircraft to execute this mission. GAO has commented:

> Unless the Air Force modifies its current fielding schedules or extends the service lives of the F–15s and F–16s, it will lack viable aircraft to conduct ASA operations at some of the current ASA sites after fiscal year 2015.

The F–15 has been a great airplane. The F–16 has been a great airplane. It has served us so well over the 30 to almost 40 years we have been flying those airplanes. In my home State at Robins Air Force Base, we have an Air Force Depot, a maintenance depot for aircraft. Last year, an F–15 literally fell out of the sky. It crashed.

Those airplanes were immediately sent to Robins Air Force Base. A number of those airplanes were sent to Robins Air Force Base to be checked out. They figured out what the problem was. We have now fixed the problem. But that is the kind of aircraft we are putting our brave men and women who are flying for the U.S. Air Force in today, and we are talking about extending the life of those airplanes for a period of time to meet the mission of the National Guard.

No plan has been developed to fill the shortfall through either modernized legacy aircraft or new aircraft procurement if we stop the production of F–22s at 187. Some 80 percent of the F–16s will be gone in 8 years.

According to LTG Harry Wyatt, the Director of the Air National Guard, the nature of the current and future asymmetric threats to our Nation requires a fighter platform with the requisite speed and detection to address them. The F–22's unique capability in this arena enables it to handle a full spectrum of threats that the Air National Guard's current legacy systems are not capable of addressing. Basing F–22 and eventually F–35s at Air National Guard locations throughout the United States, while making them available to rotationally support worldwide contingency operations, is the most responsible approach to satisfying all our Nation's needs.

So the F–22 is not just needed to counter international threats, but as

we look at a map of the United States and we look at our various Air National Guard locations around the country, we need the F–22, according to the Air National Guard, to supplement the support that is going to be required for the mission of the Air National Guard.

Let me, for 1 minute, talk about another issue that is a part of this overall long-term mission of the F–22, and that is foreign military sales. The F–22 is such a technologically advanced weapons system that a decision was made several years ago that we were not going to share this technology with other countries, as we have done with the F–16 and the F–15, and heretofore basically all our aircraft.

That was probably the right decision, to a point. But today, with respect to the F–35, we are sharing technology on that airplane, which is based upon the technology of the F–22, with the Brits, who are our primary partner with respect to the development and the production of the F–35.

So we have made a decision we are going to share the stealthy technology primarily that is available on the F–22 and the F–35 with the Brits. The F–22 and the F–35 contain a lot of other technologically advanced assets. But we now have the opportunity to develop and produce a somewhat toned-down version of the F–22 to other countries. For the last several years, we have had interest expressed in a very serious way from other countries. One of those countries has been to see me, about 3 weeks ago, and said they are dead serious about looking it purchasing the F–22 as soon as the foreign sales version can be made available.

I happen to know there are other countries that have talked to the contractor as well as the Department of Defense about the potential, down the road, for the purchase of that airplane. Obviously, the contractor cannot get involved in it, but the Department of Defense has consistently said: We have made a decision to this point that we are not going to share that technology with other countries.

Well, we live in an entirely different global world today than we did 10 years or 20 years ago. So it is time we started thinking about the potential for foreign sales of the F–22. Japan has been a very trusted and reliable ally. They need the best aircraft available to defend themselves over the long haul. Because they are an ally of ours in the part of the world in which they exist and because that part of the world has the potential for the development of future adversaries, it is critically important that we continue—and I emphasize that because we have sold them tactical aircraft in previous years—it is important that we continue to share the latest, most technologically advanced weapons systems with friends and allies such as the Japanese.

Let me read you a statement from former Chairman of the Joint Chiefs of Staff GEN Richard Myers regarding the need for an exportable version of the F–22. General Myers stated:

> Japan's F–15J force, once top of the line, is now outclassed by the new generation of Chinese fighters such as the SU–30MKK. Moreover, China's air defenses, which include variants of Russian-made long-range SA–10s and SA–20s, which is the S–300 family missiles, can only be penetrated by the fast, high-flying stealthy Raptor or the F–22. Japan's defense ministry has studied the problem closely and has produced a very impressive tactical rationale for buying the F–22 if its sale is approved by the United States Congress.

Only under the umbrella of air superiority that the Raptor provides can U.S. military endeavors succeed.

Let me quote from another well-recognized individual, retired GEN Barry McCaffrey, on the need for adequate numbers of F–22s. This statement is about a year and a half old, but it is applicable today.

> There is no single greater priority for the coming 10 years for the U.S. Air Force than funding, deploying, and maintaining 350 F–22 Raptor aircraft to ensure air-to-air total dominance of battlefield airspace in future contested areas.
>
> The F–22 provides a national strategic stealth technology to conduct—long-range (Cruises at high supersonic speed without afterburner) penetration (at altitudes greater than 15 kilometers)—undetected into any nation's airspace at Mach 2-plus high speed—and then destroy key targets (aircraft or missiles on the ground, radar, command and control, nuclear stockpiled weapons, key leadership targets, etc)—and then egress with minimal threat from any possible air-to-air or air defense system. It cannot be defeated in air combat by any known current or estimated future enemy aircraft.

That is coming from a ground soldier, somebody who depends on that F–22 and, heretofore on the F–15, to maintain air dominance and air superiority so the ground troops under his command can have the assurance in knowing that they can move freely without the threat of enemy aircraft.

Without more than 187 aircraft, we are not going to be able to guarantee the foot soldier on the ground that capability. The F–22 Raptor is in production and is operationally deployed around the world. Continued F–22 acquisition is low risk, as the aircraft has successfully completed its development program and passed a stringent set of real-world tests. By all measures, the F–22 is now a model program and continues to establish industry benchmarks for an aircraft production program.

The F–22 program is on budget. The contractor team is currently delivering 20 F–22s per year under a 3-year multiyear program that was approved by Congress 3 years ago. The multiyear contact is firm, fixed price, meaning that the U.S. Government is buying a proven capability with no risk of cost growth. It is ahead of schedule. In 2008, every F–22 delivery was ahead of contract schedule.

This ahead-of-schedule performance continues into 2009. Since early 2006, every F–22 has been delivered on or ahead of contract schedule. The contractor is producing a high-quality aircraft. In military aircraft production, the highest standard for quality is zero defect. A zero-defect aircraft is evaluated by the customer to be perfect in all respects. In 2008, nearly one-half of the F–22 deliveries were evaluated to be zero defect—an exceptionally high level of aircraft quality.

Still to this day, no one can say for sure, with any analysis to back them up, that 187 F–22s is enough. The F–22 should be viewed in the collective as a tool in the toolbox.

Detractors argue that the F–22 is single-purpose. Throughout history, we have been effective in adapting the tools we have to the needs we have. All one has to do is to look at what we are doing today with the B–52. That airplane is 50 years old—older than that; it may be 60 years old. There was a point in time when we thought we would retire all of the B–52s. It is a bomber. What are we doing with the B–52 today? Today, the B–52 is flying close air support for our troops in Afghanistan. The SSBNs are being used by our special operations men and women, and they are doing a very effective job.

A general once said that the most tragic error a general can make is to assume, without much reflection, that wars of the future will look much like wars of the past. If we are going to pass a budget and develop a weapons system inventory that is based upon the wars of the past, then we are headed in the wrong direction. The war we are fighting today is entirely different from any conflict in which we have ever been engaged. We have been wrong every single time when it comes to predicting the next adversary we will have.

Senator MCCAIN mentioned the July 10 Washington Post article on the performance and maintainability of the F–22. Let me say that we know nothing appears on the front page of the Washington Post by accident, particularly the week before an important vote. I guess I ought to be flattered by the attention. But for the record, the same reporter who wrote that article on the day of an important hearing in relation to the F–22 multiyear contract in 2006 is the same author of the July 10 article.

The article in question bore absolutely no relation to the issues at stake. Nevertheless, it led to a new study on the savings that would be achieved through a multiyear contract, a study which was conducted at government expense. Despite the article's obvious attempts to obscure the facts and issues in the situation, that new study, done pursuant to request of this body, concluded that the multiyear contract would save twice as much as the previous study.

Just briefly in relation to the Washington Post article, by close of business the day the article was published, the Air Force had already issued a rebuttal. It concluded that of the 23 claims in the article, only 4 were true,

4 were misleading, 10 were false, and 5 required greater explanation and context beyond what the Post article reported.

I ask unanimous consent that a copy of the Air Force statement in rebuttal to the article in the Washington Post be printed in the RECORD.

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

10 July 2009

RESPONSE TO F-22 WASHINGTON POST ARTICLE BY JEFF SMITH

<table>
<tr><td>CLAIM</td><td>...30 hours of maintenance for every hour in the skies... (Para 1)</td></tr>
<tr><td>AF RESPONSE</td><td>True based on the DOT&E Report from 2007 at 34 hours.</td></tr>
<tr><td>CLAIM</td><td>...hourly cost of flying to more than $44,000... (Para 1)</td></tr>
<tr><td>AF RESPONSE</td><td>The total variable cost per flying hour includes: aircraft part repairs (depot level repairs [DRLs]), replenishment spares, consumables, engine parts and aviation fuel. The F-22 FY08 total variable cost per flying hour (17,711 total hours flown) was $19K and the F-15 FY08 total variable cost per flying hour (122,762 total hours flown) was $17K.

Costs included in the variable cost per flying hour are a subset of total operational cost per flying hour. For the F-22, contractor support is included in both the variable cost per flying hour and the operational cost per flying hour. Contractor costs which meet the definition of a variable cost are included in the $19,750 Variable CPFH, along with appropriate government costs. Other contractor support costs are added in, along with appropriate government costs, to obtain the total $49,808 Operational CPFH.

F-22 vs. F-15
2008 Cost Comparison Breakdown
<table>
<tr><td></td><td>Costs Variable w/ Flying Hours</td><td>Costs Variable w/ # of a/c</td><td>Fixed Costs</td></tr>
<tr><td>F-22</td><td>$19,750 CPFH*</td><td>$2.5M cost per a/c</td><td>$276M total</td></tr>
<tr><td>F-15</td><td>$17,465 CPFH*</td><td>$2.4M cost per a/c</td><td>$318M total</td></tr>
<tr><td>Major Activities: (by category)</td><td>Repairs (DLRs)
Spares
Consumables
Fuel</td><td>Depot Maintenance
Base Operations</td><td>Engineering
Tech Data
Program Mgmt
Indirect Costs</td></tr>
</table>
Cost comparison includes all O&S costs (both CLS and organic)
Once costs are bucketed into categories, F-22 and F-15 costs are similar
Note: * Costs variable with flying hours are preliminary estimates.</td></tr>
<tr><td>CLAIM</td><td>...radar-absorbing metallic skin is the principal cause of its maintenance troubles, with unexpected shortcomings --... (Para 2)</td></tr>
<tr><td>AF RESPONSE</td><td>True.</td></tr>
</table>

CLAIM	...such as vulnerability to rain and other abrasion... (Para 2)
AF RESPONSE	Not true. Rain is not the cause of skin issues.
CLAIM	... aircraft fleets become easier and less costly to repair as they mature, key maintenance trends for the F-22 have been negative in recent years, and on average from October last year to this May...(Para 3)
AF RESPONSE	Not true. Have been improving.
CLAIM	...just 55 percent of the deployed F-22 fleet has been available to fulfill missions guarding U.S. airspace, the Defense Department acknowledged this week. The F-22 has never been,...(Para 3)
AF RESPONSE	Fleet average 64.5 and Operational Fleet (LAFB, EAFB, HAFB) 61.5. The mission capable rate has improved from 62% to 68% percent from 2004 to 2009.
CLAIM	... only 1.7 hours .... (Para 5)
AF RESPONSE	True based on the FOT&E Report. The F-22 program does not measure mean time between critical failure. However, Mean Time Between Maintenance (MTBM) has dramatically matured from 0.97 in 2004 to 3.22 as demonstrated by Lot 6 aircraft performance.
CLAIM	...$350 million apiece.... (Para 5)
AF RESPONSE	$350 million then-year cost is true for the programs average unit cost (PAUC) for 184 aircraft, which includes all RDT&E and procurement costs. The fly away cost of the F-22 is $142.6M each for Lot 9 aircraft.
CLAIM	...Structural problems that turned up in subsequent testing forced retrofits to the frame ...(Para 19)
AF RESPONSE	Misleading. The F-22 had a series of structural models that were tested throughout its development in a building block manner. Lockheed Martin completed static and fatigue testing in 2005 on two early production representative airframes. The results of those tests required upgrades to the airframe in a few highly stressed locations. Follow up component level testing was completed and structural redesigns were verified and implemented into the production line. For aircraft that were delivered prior to design change implementation, structural retrofit repairs are being implemented by a funded program called the F-22 Structural Retrofit Program.
CLAIM	... changes in the fuel flow...(Para 19)...
AF RESPONSE	False. The F-22 fuel system has NOT required redesign. The F-22 program has improved the reliability of individual fuel system components as part of our reliability and maintainability improvement program.

CLAIM	...forced the frequent retesting of millions of lines of code,...(Para 19)
AF RESPONSE	False. Diagnostic software is designed to automatically detect and isolate system faults. Currently it detects system faults 64% of the time and isolates the fault 92% of the time. This is up from 42% and 63% respectively in 2006. The F-22 program continues to incorporate diagnostic improvements as part of our reliability and maintainability improvement program. We do not see anything inherent in the way the software is written that makes it hard to change. The avionics systems, air vehicle systems and engine systems and their operating software require highly qualified personnel to implement changes and require an increased amount of system-level integration testing. Very strict coding and documentation standards are used in the design and development of the F-22 software. Adherence to these standards is what positions the code to allow for future changes.
CLAIM	... Skin problems ...(Para 20)
AF RESPONSE	The issues noted from the FOT&E 2 Report are: 1 abrasion, 1 canopy, 3 missing filler, 4 roll up, 12 tip breaks and ~150 tip/edge damages.
CLAIM	...Over the four-year period, the F-22's average maintenance time per hour of flight grew from 20 hours to 34, ...(Para 21)
AF RESPONSE	Misleading, the two numbers cited are from FOT&E 1 and FOT&E 2 averages respectively. The F-22 program does not measure mean time between critical failure. However, Mean Time Between Maintenance (MTBM) has dramatically matured from 0.97 in 2004 to 3.22 as demonstrated by Lot 6 aircraft performance.
CLAIM	...The Air Force says the F-22 cost $44,259 per flying hour in 2008; the Office of the Secretary of Defense said the figure was $49,808. The F-15, the F-22's predecessor, has a fleet average cost of $30,818. ...(Para 22)
AF RESPONSE	The total variable cost per flying hour includes: aircraft part repairs (DLRs), replenishment spares, consumables, engine parts and aviation fuel. The F-22 FY08 total variable cost per flying hour (17,711 total hours flown) was $19K and the F-15 FY08 total variable cost per flying hour (122,762 total hours flown) was $17K. Costs included in the variable cost per flying hour are a subset of total operational cost per flying hour. For the F-22, contractor support is included in both the variable cost per flying hour and the operational cost per flying hour. Contractor costs which meet the definition of a variable cost are included in the $19,750 Variable CPFH, along with appropriate government costs. Other contractor support costs are added in, along with appropriate government costs, to obtain the total $49,808 Operational CPFH. **F-22 vs. F-15** **2008 Cost Comparison Breakdown**

	Costs Variable w/ Flying Hours	Costs Variable w/ # of a/c	Fixed Costs
F-22	$19,750 CPFH*	$2.5M cost per a/c	$276M total
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Major Activities: (by category)	Repairs (DLRs) Spares Consumables Fuel	Depot Maintenance Base Operations	Engineering Tech Data Program Mgmt Indirect Costs

Cost comparison includes all O&S costs (both CLS and organic)
Once costs are bucketed into categories, F-22 and F-15 costs are similar
Note: * Costs variable with flying hours are preliminary estimates.

CLAIM	... of "catastrophic loss of the aircraft."...(Para 28)
AF RESPONSE	False. The Air Force has determined that there is no need for costly repairs, now or in the future. Boeing reported to USAF that for a limited number of F-22 titanium fuselage boom structures fabricated up to that time period, the titanium material used did not meet stringent F-22 specifications. It had different fatigue mechanical properties than what was certified for production. After extensive review of the titanium by Program experts it was determined that the as-fabricated fuselage boom structural assemblies did not require costly production repairs or scrapping of these high-cost fuselage boom assemblies. However, additional structural inspections had to be imposed on these particular parts to satisfy airworthiness certification requirements per the F-22 Aircraft Structural Integrity Process. These inspections are now in place and conducted in a routine manner per F-22 maintenance instructions.
CLAIM	...through increased inspections over the life of the fleet, with expenses to be mostly paid by the Air Force....(Para 28)
AF RESPONSE	False. Fair and reasonable consideration was provided by the contractor to the AF for additional inspection burden.
CLAIM	...It delaminates, "loses its strength and finish"....(Para 31)
AF RESPONSE	False. Each F-22 canopy costs $120k. Canopies do not lose strength over time and are removed due to optical degradation NOT safety of flight. The F-22 canopy coating life requirement is 800 hrs. Canopy coatings are unique to the F-22 system. The requirement was achieved and demonstrated in laboratory tests in Engineering and Manufacturing Development. During early operation usage the program discovered previously unknown impacts due to environmental effects that reduced coating durability. Presently, canopy coatings last an average of 331 flight hours. The program

	has incorporated several coating improvements. Coating life continues to improve.
CLAIM	...$120,000 refurbishments at 331 hours of flying time, on average, instead of the stipulated 800 hours...(Para 32)
AF RESPONSE	Misleading. Each F-22 canopy costs $120k. Canopies do not lose strength over time and are removed due to optical degradation NOT safety of flight. The F-22 canopy coating life requirement is 800 hrs. Canopy coatings are unique to the F-22 System. The requirement was achieved and demonstrated in laboratory tests in Engineering and Manufacturing Development. During early operation usage the program discovered previously unknown impacts due to environmental effects that reduced coating durability. Presently, canopy coatings last an average of 331 flight hours. The program has incorporated several coating improvements. Coating life continues to improve.
CLAIM	... it fully met two of 22 key requirements...(Para 33)
AF RESPONSE	There are only 11 key performance parameters.
CLAIM	... After four years of rigorous testing and operations, "the trends are not good...(Para 35)
AF RESPONSE	False. The mission capable rate has improved from 62% to 68% percent from 2004 to 2009. The F-22 program does not measure maintenance time per repair. Direct Maintenance Man-Hours per Flying Hour (DMMH/FH) has improved from 18.10 DMMH/FH in 2008 to 10.48 DMMH/FH in 2009.
CLAIM	....It will, among other things, give F-22 pilots the ability to communicate with other types of warplanes; it currently is the only such warplane to lack that capability.... (Para 38)
AF RESPONSE	Provides the F-22 to transfer digital data to other (Multi-function Advanced Data Link) MADL equipped aircraft.
CLAIM	... One of the last four planes Gates supported buying is meant to replace an F-22 that crashed during a test flight north of Los Angeles on March 25, during his review of the program...(Para 40)
AF RESPONSE	Misleading. All 4 Lot 10 aircraft will be combat coded.
CLAIM	Paragraph 40-41
AF RESPONSE	Cannot comment on this information because the report has not been released yet.

Mr. CHAMBLISS. The Washington Post article is unique in some ways. I guess it may be SOP for articles that are somewhat vicious and where they contain as many errors as the Air Force has pointed out with the facts supporting the errors that were made; that is, the July 10 Washington Post article was based upon unnamed sources. It was based upon a couple of folks who said they were fired either by the contractor or by the Air Force. We take that for what it is worth.

One of the complaints cited in that article was the fact that there are problems with the skin on the F–22. Let me back up a minute and talk about the sophistication of this airplane. There is a problem with the skin. That has been a problem. What we have to remember is that we have never had an airplane that could fly with the capability that this airplane has, that could fly completely undetected, completely through any radar system of the most sophisticated nature of any potential adversary in the world. The reason this airplane can do that is because it is made of substance and material that is unique and different to this airplane, including the skin on the airplane. Are we going to have problems with something that is that unique and has never been used before on any tactical air fighter? You bet we are.

The position of the folks who are in support of this amendment is that we ought to stop production of the F–22 and buy the F–35 at a faster rate. Even if we do that, if we have F–35s flying tomorrow, they are going to have exactly the same maintenance issues as the F–22. The F–22 is the model upon which the Joint Strike Fighter is based. So let's don't kid ourselves. We are not taking an airplane that costs X and substituting it with an airplane that costs half or three-quarters of X. That is not going to be the case. Mistakes have been made—surely—but it is the first time we have ever had a weapons system like the F–22 manufactured by anybody in the world. From the mistakes we have learned. We are going to have a better F–35. But that F–35 is going to have the same skin problem. It is going to have the same weight problem the F–22 had, the F–15 had, the F–16 had, and probably every airplane we have ever developed. It is going to have the same maintenance issues we are having with the F–22 today.

Although the article was wrong in one major area with respect to maintenance, the article says the maintenance of the airplane was having a success rate of 55 percent. That is wrong. As the Air Force points out, between 2004 and today, the successful maintenance rate on those airplanes has gone from 64 to 69 percent.

The future of TACAIR for the United States likely does reside in the F–35 and not with the F–22. Even if we keep buying F–22s, it will never match the number of F–35s we will eventually buy. Everyone hopes, as I do, that the F–35 succeeds. But as the chair and the ranking member of the Armed Services Committee themselves have stated, there is a good deal of risk in the F–35 program, and there is additional risk in what we need to put in place today when it comes to the lives of our men and women who are fighting our conflicts and who are flying these airplanes.

The history of Defense programs, and aviation programs in particular, has been remarkably consistent, particularly when it comes to building programs that represent a leap in technology. They cost more. They take longer. They have more problems than we expect. GAO has criticized the F–35 approach, and they, as well as the leadership of our committee, have stated that not performing sufficient development testing before we proceed to procurement is one of the primary drivers for cost increases and schedule delays in major programs. That is exactly what is being proposed with respect to the F–35.

I am a supporter of the F–35. We are going to build far more of them than we are F–22s. But I am not the only observer to state that we should think twice about staking the future of our TACAIR fleet on a program that has only five test aircraft flying today.

I wish to talk briefly about the offsets included in our amendment which are in the mark used to fund the purchase of these additional seven F–22s. Senator LEVIN talked about the offset at length. I would like to respond to some of his comments. Most importantly, there is absolutely nothing in the offset we used and nothing that has not been used by the Senate Armed Services Committee or the chairman himself in previous bills.

Just last year, Senator LEVIN reduced military personnel funding by $1.1 billion, which is significantly more than what my amendment reduced it by. For the MILPERS and O&M reductions in my amendment and the markup, in each case the amendment takes either less or approximately the same amount as the House Armed Services Committee bill did for this year. In every case, the amendment takes less than the GAO reported average under-execution/unobligated balances in those accounts. This includes the cuts the Senate Armed Services Committee already took in their mark.

The SASC bill itself notes that GAO estimates that DOD has $1.2 billion in unobligated O&M balances and $588 million under-execution in the Air Force civ pay accounts. This is from actual language in the Senate report.

In the civilian personnel area, the GAO reports conclude that more funding is available than what my amendment takes. The GAO report takes into account the expansion of acquisition personnel who will be hired this year.

Regarding MILPERS, GAO analysis suggests that there is on average $1 billion available. My amendment leaves a balance of $200 million in that account.

The chairman also commented on the provision in my amendment that assumes savings based on acquisition reform legislation authored by Senators LEVIN and MCCAIN. Let me say that my inspiration for this particular offset was Senators LEVIN and MCCAIN. I thought they did a great job with that bill. I hope we can continue to improve it because it is an area where we have to work harder to avoid wasteful spending.

The chairman included a nearly identical provision as mine in S. 1416, which was the Senate version of the fiscal year 2002 Defense authorization bill. That bill assumed a savings of $1.6 billion based on acquisition reform bills and the SASC bill for that year. However, unlike my provision, which assumes savings already in law because of passage of the Levin-McCain bill, savings assumed by the chairman were based on provisions that were not yet enacted and, based on the conference process, may never have been enacted. Based on inflation and large increases in the DOD budget since then, that is probably the equivalent of $2 to $2.5 billion today. In any case, this is a tremendous amount of savings, and my amendment would assume far less. The offset is based upon predicted savings in the fiscal year 2010 budget based on recently passed acquisition reform legislation such as the Weapons System Acquisition Reform Act, Public Law 111–23, also the business process reengineering provision in the SASC mark and other management efficiencies and business process reforms.

Senators MCCAIN and LEVIN and President Obama are correct. Savings from this acquisition reform measure could greatly exceed that number, because in their press conference after the successful passage of that bill, they all three talked about the tremendous savings. I agree with them. That is going to happen. That is what we used as part of our offset.

I want to end where I started, by agreeing with John Hamre. John Hamre says:

> Congress can and should legitimately question spending priorities.
>
> Not only is it appropriate but necessary for the Congress to pass final judgment on this question.
>
> Secretary Gates has rendered his judgment. . . .But it is the duty and obligation of members of Congress to question his recommendations [and his analysis].

There is absolutely nothing unique or in the least bit wrong about what we are doing. Not to do so would be to abdicate the role with which the Constitution and the American people have entrusted us. If President Obama believes the additional funding for these F–22s warrants a veto threat, even though that funding addresses an unmet military requirement, then that is his decision. Our job in Congress, as John Hamre has indicated, is to look at the facts, weigh the risks, and render the judgment. That is our role—our independent role—in the process, and we should accept it and use our best judgment to decide what is right for the Nation.

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

Mr. MCCAIN. Mr. President, I rise for two purposes. One is to make a quick response to the remarks of Senator CHAMBLISS concerning the F–22 and a couple of remarks about what I understand is going to be next on the agenda which will be proposed by the majority leader, which is a hate crimes bill, which is very difficult for me to understand.

Senator CHAMBLISS very appropriately pointed out that many times when we put together an authorization bill, we find offsets, as we call them—ways of paying for whatever item we want to add in the authorization bill. But I think it is important for us to point out that the Chambliss amendment during the markup, while putting this bill together, provided $1.75 billion for F–22 procurement. It took funds from presumed unobligated balances of several accounts. In all candor, they were unjustified assumptions.

The amendment cut $850 million from O&M accounts, which is operations and maintenance. That means the operating, the maintenance, the equipping, the replacement of very much needed parts and supplies that provide for the readiness of our troops, enabling them to stay ready for today's conflicts and for tomorrow's challenges. The account also covers day-to-day costs of the Department. This includes items such as training, maintenance of ships, aircraft, combat vehicles, recruiting, education support, procurement of general supplies and equipment, and repairs and maintenance of Department of Defense facilities.

Our military is engaged around the world. It is irresponsible to cut the resources they rely on to prepare successfully for their mission to protect the United States and its security interests worldwide. We owe it to our military to provide them with every resource. Based on historical data, the reductions that are in the Chambliss amendment to pay for the additional $1.75 billion would affect the following areas: Army's training and operating tempo, including training additional helicopter crews for irregular warfare missions; Navy's depot maintenance for surface ships; Air Force's depot maintenance and contractor logistical support for critical aircraft and unmanned vehicles; and the special operations command missions support and training of its forces.

Furthermore, a reduction of this magnitude would affect the Secretary's initiatives to hire and train additional acquisition professionals needed to improve the Department's ability to contract, develop, and procure weapon systems and to replace contractors with Federal employees, thereby reducing the $1.2 billion in savings that is reflected in the budget.

In addition, these accounts will have to absorb the increased cost of fuel that has occurred since the budget was submitted and additional civilian pay raises. That assumes the Congress sets the civilian pay raises at the same level as the military pay raise of 3.4 percent.

The other two ''offsets'' are $400 million from military personnel funding. Much of the funding in the military personnel accounts is entitlement driven. Thus, there is limited flexibility to absorb these reductions without affecting the readiness of U.S. forces. These reductions will directly translate into cuts to recruiting and retention bonuses incentives and other important programs such as covering the cost to move members and their families to new assignments. It will affect unit readiness by hindering the services' ability to meet end strength goals and fully staff operational units with critical personnel prior to deployment. If Congress sustains these reductions, the services will need to submit a reprogramming action to make sure our military forces are fully supported.

Finally, the Senator from Georgia assumes $500 million in first-year savings from the Weapon Systems Acquisition Reform Act, which he referred to in his remarks. I am very proud to have worked under the leadership of Senator LEVIN and together coming up with a very important piece of legislation, strongly supported by the President and the Secretary of Defense, to reform the way we acquire weapon systems. The cost overruns have been outrageous, as we know, throughout the past few years. But there is no one—no one in our wildest imagination—who believes that in the first year of acquisition reform we will save $500 million. I would love to see that happen. I would love to see pigs fly. But we are not going to save $500 million in the first year of a piece of legislation that has not been implemented and would not be for some period of time.

So I am very flattered by the reliance of Senator CHAMBLISS on $500 million in savings from the legislation we recently passed through the Congress and that has been signed by the President of the United States, but in all due respect, it is totally unrealistic. So what we are really doing is adding $1.75 billion and not accounting for ways to reduce spending or impose savings in any other way.

But I also understand and appreciate the passion, commitment, knowledge, and contributions of Senator CHAMBLISS of Georgia. There is no more valued member of the Senate Armed Services Committee. We simply have an honest disagreement on this issue. I appreciate the many qualities of the F–22 aircraft and the enormous contribution it makes to our Nation's security, but the fact is, we don't need any more of them. That comes from the Secretary of Defense, the Secretary of the Air Force, and others involved in these issues for a long period of time.

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

Mr. DORGAN. Mr. President, I will perhaps come back later to speak on the F–22 and the work my colleagues, Senator LEVIN and Senator MCCAIN, have done. But I want to speak about another amendment I have offered that I hope might gain acceptance as we move forward, and that is an amendment to the Defense authorization bill that would require contracting officials in the Pentagon to take into account evidence of bad past performance by a contractor when deciding who should get future contracts.

You might think that contracting officials would already be required to take past performance into account. But the fact is, that is not now required over in the Pentagon. I want to go through some thoughts with you about this issue very quickly.

I have held 19 hearings on contractor waste, fraud, and abuse. I have to say, going back some years now, we have had the greatest amount of waste and fraud and abuse by contractors than we have seen in the history of this country. Let me give you some examples.

Shown on this chart is a man named Efraim Diveroli, 22 years old. Oh, by the way, he is the CEO of a company. That is right, the president and CEO of a company. The company is a shell company his father used to have. But he took it over, and he hired a vice president, as a matter of fact. The vice president's name is David Packouz, 25 years old, the former vice president of the company. He is a massage therapist. So this is a company in Miami, FL, that does business out of an unmarked door. Through the best evidence, there are only two employees—a 22-year-old president and a 25-year-old massage therapist who is the vice president. Well, guess what. These two guys got $300 million in contracts from the U.S. Government. Can you imagine, $300 million in contracts from the Pentagon?

There have been arrests in this case. But the question is, Why? I called a three-star general to my office to say: How on Earth could you have done that? How could you possibly have done that? Did you not check?

I checked. These guys also had some small contracts with the State Department which turned out to be bad contracts. But they could have at least done a small amount of checking before committing $300 million of the American taxpayers' money. What they did for that money was ship a bunch of shoddy products over to Afghanistan to the military, bullets and guns that were dated from the 1960s. That is one of the reasons this company and these fellows ran afoul of the law. But the question is, How did all this happen?

This guy, as shown in this picture, with a striped shirt is named Frank Willis. This is he, in the striped shirt. He is holding a Saran-wrapped pack of money. This is part of a couple million dollars that went to a company called Custer Battles. This is he, by the way, in Iraq. He said: Our motto was, You bring a bag because we pay cash. He is talking about defense contracting.

Custer Battles is alleged to have taken—they were going to provide security for the Baghdad Airport, which had no commercial airplanes flying in and out. It was alleged they took the forklift trucks off the airport and put them in some sort of machine shed and repainted them blue and then sold them to the Coalition Provisional Authority. So you bring a bag because we pay cash, it was said.

Here is what the guy over at the Baghdad Airport said. I am just telling you all this because I held 19 hearings. I have done 19 of them. Here is what the guy who is the airport director of security said in a memo to the Coalition Provisional Authority. Here is what he said about Custer Battles, which was given the contract. They got over $100 million in contracts.

Custer Battles have shown themselves to be unresponsive, uncooperative, incompetent, deceitful, manipulative and war profiteers. Other than that they are swell fellows.

Think of it. So what do we think of these contractors? They got a lot of the taxpayers' money.

This is a picture of Cheryl Harris with her son Ryan Maseth, a Green Beret, Special Forces. Ryan, unfortunately, tragically was killed in Iraq—no, he was not shot by some insurgent; he was electrocuted in the shower. His mother Cheryl was told that they thought maybe he went into the shower carrying a radio and therefore was electrocuted. It turns out that was not the case at all. The fact is, he took a shower in a place where the wiring had been done improperly. Why? Because Kellogg, Brown, and Root, which was paid to do the wiring, hired third-country nationals in most cases who could not speak English and did not know the wiring codes, and they wired up a shower and this poor soldier lost his life because he was electrocuted in the shower.

I held hearings about that. Eric Peters, who was working in Iraq as an electrician, said: Third-country nationals performed the majority of KBR's electrical work. Most have absolutely no knowledge of the National Electric Code or British Standards, and the quality of their work reflects that. Much of this work is not clearly inspected by licensed electricians. I personally have refused to sign off on work they have performed because I knew it was not up to code. That is what we paid for, and some soldiers have lost their lives.

This list goes on and on and on.

Eric Peters, a brave soul who worked in Iraq to do electrical work, worked for KBR. He came back and testified: I concluded that KBR was not capable of performing quality, legal, electric installations in Iraq. I worried every day that people would be seriously injured or killed by this defective work.

The reason I want to tell you about this is, not only have soldiers lost their lives, but the task orders for which that work was done resulted in award fees, bonus fees, to the company that did shoddy work.

As a result of my hearing, they sent a task force over to investigate all of the buildings in Iraq. The fact is, we have testimony and evidence that there was a massive amount of wiring that was done improperly that put soldiers at risk. Yet the Pentagon provided award fees, which are fees designed only for excellent performance, of $83 million of the taxpayers' money to a company that did shoddy work; work sufficient so we had to come back around and do what is called, I believe, a corrective action request order, where you had to go back and inspect everything and redo the work. The question is, How is all this going on?

Let me describe the story of Bunny Greenhouse. A lot of people do not know Bunny Greenhouse. What an extraordinary person she is. She grew up in southern Louisiana in a family who had nothing. Two in their family teach college. Her brother is Elvin Hayes, one of the top 50 basketball players of all time. Bunny Greenhouse has a couple of master's degrees, is very well educated, and rose to become the highest civilian in the Corps of Engineers over in the Pentagon. Here is what she testified to with respect to some of the contracting that went on. She lost her job as a result of having the courage to speak publicly.

I can unequivocally state that the abuse related to contracts awarded to KBR represents the most blatant and improper contract abuse I have witnessed during the course of my professional career.

For that, she lost her job.

It is not just KBR. I mentioned Custer Battles, Efraim Diveroli. How about Parsons Corporation?

This, by the way, is a photograph every American should remember when you talk about waste and fraud and abuse. This is called ''The Whale.'' This picture is a picture of a prison in Iraq that was never completed and will never be used. Mr. President, $31 million was paid to the Parsons Corporation for building a prison the Iraqis said they did not want and would not use. The $31 million was colossally wasted in unbelievably bad construction. That is after this same company was given a couple hundred million dollars to rehabilitate 140 health clinics in Iraq, and we were told later that most of those health clinics are imaginary, quote/unquote. They do not exist. Well, the money is gone. The $200 million is gone. But the health clinics are imaginary.

Well, the same company was contracted to build the prison in Iraq. It is called the Kahn Bani Sa'ad prison, but it is referred to as ''The Whale.'' Here is what it looks like, as shown in this picture. We spent $40 million. The first $31 million was paid to Parsons. Another $9 million was paid to an Iraqi contractor. And here it sits in the desert, never ever to be used, paid for by the American taxpayer, and paid to contractors who did shoddy work and were kicked off the site.

The question is, What do we do about all that?

I have proposed an amendment that is pretty simple. It is interesting. There is currently no requirement that contracting officials over in the DOD have to take into account shoddy work practices or shoddy performances by contractors. There is a requirement they take into account criminal actions, civil fines, that are leveled against contractors. But there is no requirement they must consider bad past performance. It is unbelievable, but it is true.

I offer an amendment that says, Do you know what, the time is past when bad performance by big contractors gets you a slap on the wrist and a pat on the back and another contract. It is time—long past the time—we put an end to this.

I know my colleagues, Senator LEVIN and Senator MCCAIN, feel strongly about this issue as well. I appreciate the work they have done. All of us need to do everything we can to assure the American taxpayers they are getting their money's worth. Defense is something we invest in for this country. It is very important.

As I conclude, I want to say this: I put together a chart, and I am going to speak about it in the next day or two. But it relates to this question of the F–22. This chart shows Federal budget deficits. We are on an unsustainable path. It is not a Republican path or a Democratic path. It is just an unsustainable path that cannot work for this country's future.

Take a look at this chart. Here is the middle of a deep recession, $1.9 trillion in deficits, and then it gets a little better, and then goes back down.

We are on an unsustainable path, and it does not matter what you are talking about, whether you are talking about an airplane or some other area of Federal budget responsibility. We finally have to decide: Things have changed. We have to invest in things that provide dividends for this country's future. We cannot continue to spend money we do not have on things we do not need. That is not a sustainable course for this country.

So I will speak more about these issues, including the F–22, at some other point. But let me thank my colleague, Senator LEVIN, and my colleague, Senator MCCAIN as well.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, very briefly, let me thank Senator DORGAN for his extraordinary work in the area of waste, fraud, and abuse, not just in the area of the Department of Defense but in so many other areas as well. He is surely a foremost leader in this institution in this effort, and the oversight work he has been able to do is surely cutting-edge with the kind of leadership he has undertaken. We appreciate it. We need it. We need more of it. We are grateful for it. Every taxpayer in America ought to be grateful to Senator DORGAN.

Mr. President, let me urge Members who are going to be speaking on the F–22 to let us know and come to the floor because we are hopeful to conclude this debate no later than early tomorrow morning and to bring it to a vote. We are making every effort to see if we can agree on that.

I yield the floor.

The PRESIDING OFFICER (Mr. KAUFMAN). The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, just for a minute, because I know colleagues are waiting, it is my understanding that following the disposition of this amendment, which we hope would happen tomorrow morning, the majority leader will move to take up a hate crimes bill. The hate crimes bill is, to say the least, a very controversial piece of legislation and may deserve the debate and discussion of the Members of this body. But the fact is, it has nothing to do with the Department of Defense authorization bill. What the Defense authorization bill has a lot to do with is the training, equipping, taking care of reenlistment and retention, and all of the things necessary to defend our Nation's national security.

We are in two wars. We are in two wars, and we need to pass this legislation. So the majority leader's priority is a hate crimes bill—a hate crimes bill which has nothing to do with the Defense authorization. I hope if the majority leader does that, it will be the last time he will ever complain about an unrelated amendment being brought up by this side of the aisle.

Look, there are important amendments that need to be debated and considered on this legislation. This has to do with the defense of this Nation. So what are we going to do? We are going to tie up the Senate for a number of days. For a number of days we are going to tie up the Senate on a totally unrelated, very controversial, very emotional issue that has nothing to do with defending this Nation.

So I urge my colleagues on this side of the aisle, I urge the distinguished chairman, I urge the majority leader, let's move forward with addressing the defense needs of this country, save the hate crimes bill for another day, and do what is necessary for the men and women in our military rather than putting an agenda item that has nothing to do with defense next before this body.

I predict again that when this bill comes up, if the hate crimes bill is proposed by the majority leader and agreed to by the distinguished chairman, it will lead to a great deal of controversy and unnecessary debate and discussion on a defense bill. If the majority leader, who controls the agenda, wants to bring up a hate crimes bill, I would imagine he would be able to bring it up on his own. Instead, he wants to stick it on to the bill that the men and women who are serving in our military and are in harm's way today are depending on. It is not right. It is not the right thing to do.

I hope the majority leader and the chairman of the committee will reconsider their position and wait and bring up a hate crimes bill as a separate piece of legislation for deliberation and discussion and vote from this body and not tie it to the Defense authorization bill.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I rise to speak on another amendment I have filed that is at the desk, but I know there is a pending amendment, so I suppose I should ask to speak as in morning business for 10 minutes.

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

AMENDMENT NO. 1528

Mr. LIEBERMAN. Mr. President, this amendment I rise to speak about is numbered 1528. I am hopeful before too long it will be the pending business. I know it has now, and I believe it will, enjoy broad bipartisan support.

This amendment would increase the authorization for the Active-Duty end strength of the U.S. Army over the next 3 years by 30,000 additional soldiers. I wish to say right at the outset it is an authorization; it is not an appropriation. It says within its terms that it is contingent on a decision by the Secretary of Defense that he chooses to fill these positions, and if he does, then he has two major options.

One is to reprogram from other funds under his control to support these additional troops, and the second, of course, is to return to Congress for a supplemental appropriation.

In my opinion, for all we have said and done in expression of our concern about the stress the members of the U.S. Army are feeling and their families are feeling, based on the fact that they are carrying the overwhelming burden of the wars in which we are involved in Iraq and Afghanistan—we have done a lot to improve living conditions, to offer more support for physical and mental health services, to provide better housing for families, but this is about how much time the soldiers can be back at their home bases and back with their families. I will get to this in detail as we go on.

Last month, the House and Senate Armed Services Committees voted to give the Secretary of Defense the authority to increase the Army's end strength by an additional 30,000 soldiers for fiscal years 2011 and 2012 but not 2010, for reasons that I will describe as somewhat arcane. This new authorization will provide the Secretary of Defense with the ability to increase the size of the Army to the extent he thinks it is necessary for the national defense or for other purposes such as reducing the stress to which I have referred on our troops today.

I was privileged to introduce the amendment along with Senator THUNE, my ranking member on the Airland Subcommittee, during the Senate Armed Services Committee, as well as Senator GRAHAM, to provide this authorization, and I am glad to be joined in introducing this amendment No. 1528 with my bipartisan group, including the two formerly mentioned Senators, and others.

This amendment would extend this authorization where it logically must begin to fiscal year 2010 beginning on October 1 of this year, 2009. We introduced this amendment because it will provide our soldiers with the reinforcements they will need to execute the missions we as a nation have sent them on. Indeed, our soldiers will be under even more stress in the coming months because of this fact. As we begin the responsible strategy for drawdown in Iraq based on the extraordinary success of our troops and the Iraqis in turning around the war in Iraq, we are also deploying additional soldiers under the direction of our Commander in Chief, President Obama, to Afghanistan at an even faster pace than they are returning home.

GEN George Casey, the Army's Chief of Staff, warned us in the Armed Services Committee earlier this year that the effect of these two facts—a slow and methodical drawdown in Iraq of our Armed Forces, Army, and an increase in deployment to Afghanistan—means that the total number of soldiers deployed to combat will be increasing through the rest of this calendar year and into the next.

As General Casey said to us, this matter of dwell time, which I will speak about in more detail in a moment, is a matter of supply and demand: How many soldiers do we have, and what is the demand for them in the battle zones, the war zones.

GEN James Cartwright, Vice Chairman of the Joint Chiefs of Staff, recently confirmed the critical challenges the U.S. Army will face in the near term and the importance of increasing Army Active Duty end strength. Speaking before the Senate Armed Services Committee just last week, General Cartwright said:

> There is that period of 2010 and 2011 in particular where that stress is going to be there. During 2010 because of execution, and in 2011 because [units will be] coming back, refilling and trying to retrofit. You're going to have stress on the Army in a significant way.

And I add, stress on the Army means stress on the families of those who serve us in the Army.

General Cartwright continued by stating that the Joint Chiefs of Staff are working with the Army to find a range for growth that would reduce this strain on the service. ''We have looked at this, we have worked in a range''—and I add here of increasing Army Active Duty—''from about 15,000 to 25,000 . . . 30,000 would give us the range in which to work to allow us to do that.''

That is exactly what this amendment would do, give the Secretary of Defense, the Joint Chiefs, and the Secretary of the Army the latitude to increase the Army temporarily by as

much as 30,000. Why? To increase the dwell time. That is the time our troops can spend at home and, thereby, reduce the stress in a most significant way imaginable.

I deeply appreciate that General Cartwright would speak so clearly about the Army's requirements of additional soldiers in the coming months and how hard he and Secretary Gates are working to support our troops. I believe it is our duty to make sure they have all the authority required to do so.

Let me speak more about what dwell time is. Dwell time is time soldiers have between Active Duty deployments, time they spend recovering and preparing for their next deployment and, most significant to our soldiers, I would guess, precious time they can spend at home with their families. This dwell time ratio for many of our soldiers today is little more than 1 to 1, which means they have but 1 year at home for every year they spend in the theater. Everyone agrees—everyone agrees—that this dwell time is absolutely unacceptable. It may also be unsustainable.

When General Casey testified before the Senate Armed Services Committee earlier this year, he said it is his goal to get to a point where we have at least 2 years back home for every year our soldiers spend deployed. In fact, he said his ultimate goal at which he believes the Army would be most effective would be to have 3 years at home for every year in the field.

General Casey hopes that a responsible drawdown from Iraq will allow him to achieve that goal. I share the general's hopes. But, frankly, I do not believe we can bet the well-being of our Army on them without providing authority to the Army and the Secretary of Defense to expand the troops to reach those dwell-time goals of at least 2 to 1 about which General Casey talked.

The Chairman of the Joint Chiefs, Admiral Mullen, told our committee this year that the ''light at the end of the tunnel'' is still more than 2 years away for the Army, and that is only if everything goes according to plan in Iraq. I believe that 2 years is too long to wait, especially when we can take steps now to turn on the light, if you will, to provide our soldiers with the reinforcements and relief they need.

I think it is important for my colleagues to know this amendment has the strong support of many of our soldiers and those organizations that fight for them.

Mr. President, I ask unanimous consent to have printed in the RECORD two letters, one from GEN Gordon Sullivan, president of the Association of the U.S. Army, and, second, from ADM Norbert Ryan, writing on behalf of the Military Officers Association of America.

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

ASSOCIATION OF
THE UNITED STATES ARMY,
Arlington, VA, July 13, 2009.

Hon. JOSEPH LIEBERMAN,
United States Senate,
Washington, DC.

DEAR SENATOR LIEBERMAN: On behalf of the more than 100,000 members of the Association of the United States Army, I want to thank you for your floor amendment to S. 1390, the FY 2010 Defense Authorization Act, which would provide authority to increase Army active-duty end strengths for fiscal years 2010 through 2012.

As you know, the troop increases in Afghanistan will precede decreases in Iraq, causing the number of deployed soldiers to increase into next year. The Chairman of the Joint Chiefs of Staff testified to Congress that it will be difficult to increase dwell time at home over the next 18 to 24 months with our current end strength. Factor in the more than 30,000 soldiers who are on the rolls but not deployable, and it's obvious what a strain that would be to our current troop levels. You get this, and I hope your floor amendment will help your fellow Senators see it, too.

The Army is in dire need of sufficient troops to increase dwell time for active duty soldiers, increase support for operational missions, and help the Army achieve reorganization objectives. Thanks to your recognition of this gap in end strength planning, we have a chance at giving the Army the resources our Soldiers deserve.

We say that we want to ease the stress and strain on soldiers and their families, and now is the time to do the one thing that will provide immediate relief. Your actions to make this a reality show that you are a true ally to the Armed Forces. Thank you for introducing the Lieberman Amendment to S. 1390 which will authorize the Army to increase its size now, I hope that your fellow Senators also lend their support to your worthy cause.

Sincerely,

GORDON R. SULLIVAN,
General, USA Retired.

MILITARY OFFICERS
ASSOCIATION OF AMERICA,
Alexandria, VA, July 10, 2009.

Hon. JOE LIEBERMAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR LIEBERMAN: On behalf of the 370,000 members of the Military Officers Association of America (MOAA), I am writing to express MOAA's strong support for your proposed FY2010 Defense Authorization Act amendment that would authorize an additional 30,000 end strength increase for the Army in FY2010.

Today's combat forces and their families are paying a terrible price in family separation and stress for our past failure to grow our armed forces at a pace sufficient to accommodate the extraordinary wartime deployment requirements of the past seven years.

For years, we have relied on the patriotism, dedication, and resilience of our men and women in uniform to bear 100% of the nation's wartime sacrifice. But with thousands experiencing their third or fourth combat tour since 2001 and the prospect of a decade of persistent conflict ahead, reasonable leaders must take responsible action to ease the extreme strain our military members and families have been required to absorb for so long.

Your amendment recognizes that the only way to do so in the face of increasing deployment requirements in the near term is to authorize a substantial increase in Army end strength for FY2010.

MOAA applauds your strong and persistent leadership in pursuing this important personnel readiness initiative, and we pledge to do all we can to ensure it is sustained in the final defense bill.

Sincerely and with deep gratitude for your leadership,

NORBERT RYAN.

Mr. LIEBERMAN. Mr. President, General Sullivan is a retired former Chief of the U.S. Army, a great American soldier. I quote, briefly, from his letter to me about this amendment supporting the amendment:

As you know, the troop increases in Afghanistan will precede decreases in Iraq, causing the number of deployed soldiers to increase into next year. The Chairman of the Joint Chiefs of Staff testified to Congress that it will be difficult to increase dwell time at home over the next 18 to 24 months within our current end strength. Factor in the more than 30,000 soldiers who are on the rolls but not deployable, and it's obvious what a strain that would be to our current troop levels. . . . I hope your floor amendment [and the debate of it] will help your fellow Senators see [that].

The Army is in dire need of sufficient troops to increase dwell time for active duty soldiers, increase support for operational missions, and help the Army achieve reorganization objectives.

He concludes:

We say that we want to ease the stress and strain on soldiers and their families, and now is the time to do the one thing that will provide immediate relief.

And that is to increase the authorization of the U.S. Army end strength as the number of troops it can have actively deployed by 30,000 and to fill that 30,000 increase.

Second, Admiral Ryan, another distinguished servant of the United States, a patriot, says:

On behalf . . . of the Military Officers Association of America . . . Today's combat forces and their families are paying a terrible price.

This is a very personal letter. I will start again.

Today's combat forces and their families are paying a terrible price in family separation and stress for our past failure to grow our armed forces at a pace sufficient to accommodate the extraordinary wartime deployment requirements of the past seven years.

For years, we have relied on the patriotism, dedication, and resilience of our men and women in uniform to bear 100 percent of the Nation's wartime sacrifice. But with thousands experiencing their third or fourth combat tour since 2001 and the prospect of a decade of persistent conflict ahead, reasonable leaders must take responsible action to ease the extreme strain our military members and families have been required to absorb for so long.

And then he says:

[This] amendment recognizes that the only way to do so in the face of increasing deployment requirements in the near term is to authorize a substantial increase in Army end strength for FY2010.

That is exactly what this amendment would do. The authority provided in the amendment is temporary in nature and will expire in 2012. We hope and pray that by that time, we will be able to return the Army end strength to 547,000. If Congress increases the end strength of the Army now, as this

amendment would authorize, we would be able to reevaluate that judgment as conditions on the ground and in the world justify.

I say, in conclusion, again, there is no money attached to this amendment. This gives authority to the Defense Department to raise the Army end strength, the number of troops on Active Duty by 30,000. If Secretary Gates decides, in his judgment, it is necessary to do in our national interest, then he will either have to come back and ask us for the money to do so or he will reprogram funds that are now under his control.

I ask my colleagues for their support when this amendment comes up, and I hope it comes up soon.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I ask unanimous consent to speak as in morning business for up to 15 minutes.

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

COMMUNITY COLLEGE INITIATIVE

Mr. ALEXANDER. Mr. President, President Obama was in Warren, MI, today, and a little while ago he made an announcement. He announced a new $12 billion national community college initiative. That sounds very good at first. As a former Governor and Secretary of Education for the United States, I am a big fan of community colleges. I think they are our secret weapon for helping men and women in this country go from one job to the next and to improve our workforce.

But I respectfully suggest that what the President, his Education Secretary and his economic advisers—and I think his Education Secretary may be his very best appointee of all—I say this with respect, I think they ought to be asked to stay after school at the community college and write on the blackboard 100 times that in a year in which we have run the Federal deficit up by another $1.8 trillion, I will never again add another penny to entitlement mandatory spending. Then I think we in the Congress, as we legislate this year, ought to do some truth in lending. To do that, we would have to put a little card with every 1 of the 15 million student loans, if the President's proposal goes through, and say: The interest you are paying on the money you are borrowing is almost all being used to pay for somebody else's scholarship in the President's community college initiative.

I think it is important to say that because, as good as it sounds to say: Let's help the community colleges, I am afraid this is a familiar refrain we have been hearing from the White House for the last 6 months. Instead of reducing entitlement spending the President is again adding to mandatory spending. Entitlement spending, which is driving up our debt to unbelievable numbers, a situation where the President's proposal for the next 10 years is more new debt than we spent, three times as much money as we spent in World War II. This is one more Washington takeover, in addition to banks and insurance companies and car companies and maybe health care. It is now the student loans of the country.

It also changes the way we fund higher education, which is usually to take almost all our money and give it to students in Pell grants and student loans and let them choose the college, rather than to give grants the way we do with K–12.

Let me take a few minutes to explain why I am saying this. The idea the President has is to spend $2.5 billion for community college facilities, buildings. Every State has community colleges. One of our major jobs as governors and state legislators is to fund those community colleges. Traditionally, the Federal Government gives scholarships, and the Pell grants often pay for almost the entire tuition at a community college, making them very important to American students. But this moves the Federal Government into construction and renovation of community colleges, as well as $9 billion for competitive challenge college grants to increase graduation rates and $500 million for online curriculum. So the choice is, instead of more money for Pell grants and administration of student loans, we are going to spend it on direct grants to some community colleges. In other words, we are going to start funding higher education, community colleges, in the way we fund kindergarten through the 12th grade.

Despite the fact that higher education is by far the best in the world, the most admired system—and one reason is because we don't have a lot of Federal direct programs for it; we give the money to students, they choose the school—we are going to start doing it more like K–12, which is not the most admired system in the world.

The $12 billion would be paid for out of savings from the regular student loan program we have now because under the President's plan all new student loans would go through the U.S. Department of Education. So let's take that idea first.

We have about $75 billion in student loans every year. That is a huge bank. Fifteen million students borrow money for student loans. Twelve million of them borrow through 2,000 different institutions—banks—and spend the money at 4,000 institutions of higher education. Three million choose to go through the government, where they get a direct loan directly from the government.

I was the Secretary of Education when this program was created. I didn't see any reason for the Direct Loan Program because I didn't think the U.S. Department of Education ought to be a bank. I thought the Secretary of Education ought to be trying to be the educator of the year, not the banker of the year. But the argument is, well, we can borrow money more cheaply in the government. We can borrow it for a quarter of 1 percent and then we can loan it out at 6.8 percent to students. Banks can't do that. So we will do it, and we will take it over and do it all here. We will do all 15 million loans from the U.S. Department of Education. We will be the banker of the year.

Mr. President, the Federal Government is getting real busy. This is becoming the national headquarters for automobiles, where we own 60 percent of General Motors; we are running a bunch of banks; we run some insurance companies; we are talking about a government-run health care program; and now we are going to take over and make a huge national bank out of the U.S. Department of Education. The reason is because we can borrow money more cheaply here.

Well, why don't we just abolish all the financial institutions in America and say: We can borrow money more cheaply than you can, so you go away and we will do it all.

That is not the American way. In fact, most Americans would like to get the government out of the car business, out of the banking business, and out of the insurance business. I can guarantee you that as soon as 15 million students start lining up outside the U.S. Department of Education to get their student loans, instead of going through their local banks and dealing with their local universities, they are not going to be very happy about this either because they have had a choice for nearly 20 years, and they have chosen to go to their private lenders.

So that is the first problem. We are canceling the choice that 12 million students are exercising this year to get a federally backed student loan from a bank even though they could have gotten a student loan directly from the government.

Then we are saying: All right, because we are canceling that, we are saving $94 billion and we have money to spend. Well, in the first place, that is not right, Mr. President. By my calculation, according to the Congressional Budget Office estimate of what it costs to operate the current Direct Loan Program, it will cost about $32 billion over the next 10 years, at least, to operate the entire student loan program out of the U.S. Department of Education.

My common sense tells me—and I have thought this for years—that there is not any way a group of educators in the Department of Education—a relatively small department—are going to operate more efficiently than banking institutions across America in making loans. That is not their business. They know about scholarships and graduation rates, not about being bankers. My common sense tells me that, and I think it does most Americans. Plus, we have a free market system, or at least we did, where we try to get things out of government, not into government.

So that is the proposal. Yet 32 billion of the dollars over the next 10 years are

illusory savings, so we are really adding to the debt. Then the President is saying, well, let's take some of that $90 billion as mandatory spending. I know this gets a little complicated, but it is really not that complicated. He is saying the money we now spend to pay the costs to the government of loaning out this $75 billion every year is automatic mandatory spending, so let's take it away from how we now spend it on the administration with banks, and let's spend it instead on mandatory spending for community colleges.

In other words, he has an opportunity to say let's take away some money that is being automatically spent every year and save it. Let's save it. Or he could say, let's put it for students. But I think most of us would say—and he has said in his summit on entitlement spending—that we need to stop adding entitlement spending. But that is not what he is doing.

Indeed, his other proposal—which is not announced today but is the rest of his proposal—is to say we have this $94 billion—which I think is closer to $60 billion or $50 billion—that we could save, and he is going to say we will make Pell grants entitlement spending. Well, Pell grants are terrific grants. There are 5 million of them. We appropriate them every year for low-income students. There was $19 billion appropriated for that purpose last year. The Congress has always been enormously generous with that. We appropriate a certain amount. It is almost automatic, but it is not automatic.

In other words, we appropriate what we think we can afford, and then we spend it on the students who need it. This proposal to shift Pell grants to mandatory says it doesn't matter what we can afford, we are just going to do it. Again, it is exactly the kind of thing that most economists, most Americans, and the President himself has said we need to stop doing. Yet in the full light of day, we are saying and announcing that we are going to create a community college program, and later a Pell grant program, and we are going to pay for it with mandatory automatic entitlement spending.

While the President says it is $94 billion that could be saved over 10 years, the Congressional Budget Office said it is $293 billion—nearly $300 billion—in automatic spending over 10 years that we could avoid. Yet the President is saying we should spend it. I am very disappointed with that.

Then here is the last point I would like to emphasize—well, there are two points really. The President is saying: I am here today to do a favor for you. I am going to spend $12 billion on community colleges. But what he doesn't tell you is the people paying for that are the people borrowing money to go to college.

So if you are getting an extra job at night so you can go to college, and you are taking out a student loan, the government is going to borrow money at a quarter of 1 percent and loan it to you at 6.8 percent and use the difference for its own purposes. We are making money on the backs of students who are borrowing money to go to college and then taking credit for spending it for somebody else's scholarship or some community college program and we are not telling anyone that. So we need a little truth in lending.

Finally, I am concerned about the changes in direction from the way we support higher education. We are very fortunate in America to have this terrific higher education system, including our community colleges. In a way, we got it by accident because with the GI bill, when the veterans came home from World War II, we just gave the money to them and they went anywhere they wanted to. That is not the way we do with kindergarten through 12. We have all these programs. It is command and control, and we support the institution instead of the student. We call the argument about that ''vouchers.''

When we have arguments like that, we get all excited. We did in the Appropriations Committee the other day, and the Senator from Illinois and I argued—we each got 15 votes—about the DC voucher program: Shall we give our money to students and let them choose a school or shall we support the school? Well, in higher education, 85 percent of the dollars we spend, or some figure about like that, goes to the student, who then chooses the school. It may be a community college or a Jewish school or an African American school or a Catholic school or a public school or a private school or a for-profit school. We don't care, as long as it is accredited.

As a result, we have a higher education system that attracts the best foreign students anywhere in the world and gives Americans choices. As a result we have almost all the best colleges and universities in the world.

So this proposal is a little shift from that to say the Federal Government would take all the money—which I would argue we don't have—but this $12 billion we are going to give to grants in higher education instead of to students. I would rather give it to students.

So I applaud the President for his interest in higher education and community colleges, but I would suggest to him that we have too much debt and too many Washington takeovers, and we shouldn't be funding this program on the backs of the students who are borrowing money and working an extra job to go to college. I don't think they would appreciate knowing that the interest they are paying is mostly going to pay for someone else's scholarship. They might ask: Why do I have to do that? Why isn't that person in the same shape I am?

The President was in Warren, MI, in the middle of the auto business, and we have some suggestions—or I would have—for other ways to deal with the problems we have with the economy today. One would be that since we are near the General Motors headquarters, to celebrate their emergence from bankruptcy by giving the 60 percent of the stock the government owns in General Motors back to the taxpayers who paid taxes on April 15; that we should focus on cheap energy so we can reindustrialize America, including our automobile industry, by 100 nuclear powerplants; that we could take the mandatory spending and instead of spending it, save it and have less debt. That would be a real favor to the students.

To revitalize housing, we could have Senator ISAKSON's $15,000 tax credit to help get the housing market going again. Then in our health care debate we could stop talking about more government takeovers and, instead, take the available dollars and give the money to low-income Americans and let them buy their own insurance, like most of the rest of us have.

So this is a big difference of opinion we have. As noble as the idea of supporting community colleges is, this is not the way to do it.

The PRESIDING OFFICER. The Senator has used his 15 minutes.

Mr. ALEXANDER. Another Washington takeover and too much debt. There is a better way.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent to speak for 5 minutes, to be followed by the Senator from New Hampshire, Mr. GREGG, who wishes to speak for 10 minutes.

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

AMENDMENT NO. 1469

Ms. KLOBUCHAR. Mr. President, I come to the floor today to voice my support for the Levin-McCain amendment to strike $1.75 billion added to the bill that is on the Senate floor to purchase additional F–22 aircraft that have not been requested by the Pentagon.

I believe this amendment presents us with an important choice of what our national security priorities will be going forward: Will we continue to pour billions and billions of dollars into weapon systems despite the fact they are not requested and despite cost overruns and program delays, or will we make the hard choices necessary to ensure that our troops in the field have what they need to fight present and future conflicts?

I believe the choice is clear. I am aware this means, for some States that are making this plane or have subcontracts—and we have some in our own State—that this means jobs. But if we don't move forward to what we really need to produce for our troops today, we are never going to be able to do the best for our troops and do the best for our country.

By the way, as we move forward, that means jobs. I was just up in northern

Minnesota visiting a little company that has no contacts with the military, no political connections to get contracts, and they had been in a very open, transparent process because they make an incredibly light backpack that is good for the troops, good for their back, and they got the contract. This is a new era, and part of this new era is transparency. Part of the new era means we actually will look at what our military needs.

No one can dispute that the F–22 possesses unique flying and combat capabilities or that it will serve an important role in protecting our Nation in the future. The question is not whether we should keep the F–22 in service, the question is whether we should purchase additional planes at the expense of more urgent needs for our troops.

Our Armed Forces are currently fighting in two major conflicts in Iraq and Afghanistan. After more than 7 years in Afghanistan and more than 6 years in Iraq, the F–22 has not been used in combat. It has not flown over those countries. Over the course of these conflicts, we have seen the tragic consequences when our troops don't have the equipment and resources they need, such as enhanced body armor or vehicles to protect them from IEDs. We have seen what happens when we don't give our troops what they need. We cannot continue on this course. We must focus our defense resources on the personnel, equipment, and systems necessary to respond quickly to unconventional and evolving conflicts while maintaining the ability to counter conventional foes.

For years, Members on both sides of the aisle have come to the Senate Floor to denounce wasteful spending in our defense budget and called on the Pentagon to be more responsible in its budgetary and procurement policies. Hearing this call, our military leaders have produced a plan this year to address wasteful and unnecessary defense spending so we can ensure that we are providing our Armed Forces the tools they need to keep America safe and strong while also ensuring that taxpayer dollars are used responsibly.

We have a major debt in this country. Some of it is because of mistakes made in the past. With this economy, there is enough blame to go around everywhere. We have a major debt, a major deficit, and we have troops who need to get the equipment they deserve. What is the answer, put $1.75 billion into some planes the Pentagon says they do not need? I don't think that is the answer.

It should be noted that the limit on the number of F–22s that the Levin-McCain amendment would restore is supported by the Secretary of Defense, the Chairman of the Joint Chiefs, and both the current and the immediate past Presidents of the United States.

I believe Senators LEVIN and MCCAIN should be commended for their dedication to improving our defense posture and budget and for putting their own political interests aside—their own jobs, in their own States.

Earlier this spring, I was traveling with Senator MCCAIN in Vietnam when the Pentagon's proposed reductions, including the F–22s, were announced. I discussed with him at length what this would mean, the difficult decisions that Members are going to have in their own States. But I also talked to him about what the troops need. Right now the troops and their commanders are telling us they do not need these planes, so it is a testament to the service of Senator MCCAIN to our Nation and the work Senator LEVIN has done for years that they are leading the fight to defend the recommendations of our military and civilian leaders. I am proud to join them.

This amendment presents us with an opportunity. We can begin making decisions based on security interests and fiscal responsibility and cut $1.75 billion for additional F–22 aircraft that our military commanders say they do not need or we continue on a course that cannot be sustained. I urge my colleagues to do what is in this Nation's best long-term interest, in the best interests of our troops, and to vote for the Levin-McCain amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, first, I thank the Senator from Minnesota for yielding me this time and, second, I wish to talk today about waste. We are all concerned about waste. I have an amendment which I understand I cannot call up because the parliamentary situation is such that the floor leaders did not wish to have another amendment brought up.

This sign here, which is a type of sign that is proliferating across our Nation everywhere, reflects waste. It is totally inexcusable. It is a political advertisement for money that is being spent as a result of the stimulus package. That is all it is. The sign says: ''Project Funded by the American Recovery and Reinvestment Act, Completion August 2009.''

That is a political statement, the purpose of which is to promote spending on the stimulus package. I did not vote for the stimulus package. I thought a program which is going to spend almost 50 percent of the money after the year 2011 made little sense and was not stimulus at all. But I certainly would not have expected that as a result of this program we would be funding these signs all over America to promote this program.

These signs are not cheap, by the way. In New Hampshire we get them for less than most places. They cost about $300 a sign. But in Georgia they cost $1,700 a sign; in Pennsylvania they cost $2,000 a sign; in New Jersey they are costing $3,000 per sign. Literally, there are 20,000 projects going on—most of them paving projects across this country, paving projects most of which may have occurred anyway, but in any event they are paving projects. If you start multiplying the number of signs going up, and each one of these projects require having two or three signs put up, you are talking very significant dollars, you are talking tens of millions of dollars for self-promotion of these programs.

Ironically, these signs are actually required before people can get the funds. We had a gentleman in one of our towns in New Hampshire, I think it was Derry, who said, before he would be released the dollars to do the project in his town that the town had applied for and it had approved, they had to agree to put up this sign. He didn't want to put up the sign. He thought it was a waste of money, but he was required to put up this sign.

Why are we doing this? The American people are sort of tired of us wasting dollars. They are especially tired of us wasting dollars trying to blow our own horn around here. If the administration believed these signs promoting the stimulus package were so valuable, let them spend campaign funds—because that is what they are, they are campaign signs—to put them up. But instead we are putting these signs up.

What these signs should say if we are going to put them up is: Project funded by the future generations of American taxpayers—and they add to the debt of our children. That should be added under here, ''add to the debt of our children.''

The signs have no value at all, none, other than self-promotion of these projects.

Maybe some of the projects are legitimate. I think probably most of them are legitimate. To the extent they are done within this period of recession, I support them. The problem I had with the stimulus package was so much of the money was being spent outside the period when we know the recession will be over. But even if the projects are legitimate, which most of them I am sure are—although some have been questioned, such as the crossing path for turtles. That received a fair amount of press. I have to say I didn't understand why we had to build an underpass for turtles, but I don't live in whatever State that was in. But as a very practical matter, the underpass for turtles had a sign which said the project is being built at the expense of the American taxpayers, promoting the American Recovery and Reinvestment Act.

This is foolish. This is the type of thing that drives taxpayers crazy, and it should. It is so inexcusable. People get outraged by us doing things such as this and by the Government doing things such as this. You drive by this sign and, if you have a chainsaw in the back of your truck, you want to cut them down. Of course, they put them up in steel so you have to have a blowtorch, but in any event they should not be out there, and they certainly should not be out there costing $300 to $3,000

per sign. That money, at the minimum—first, it should not have been spent. But if it is going to be spent, it should have been actually spent on the project itself or other projects which were deserving. But certainly there was no reason to spend it to promote the project through these signs.

I will have an amendment which says, essentially, no more signs, no more wasting taxpayers' dollars on signs that cost $3,000 promoting projects for the purposes of political aggrandizement. I hope to be able to call it up as we move forward on the Defense bill. I recognize it is not immediately a defense issue, but unfortunately this is the only authorizing bill floating around the body. These signs are going up like weeds across the Nation. Every time they go up, they cost our children a few thousand dollars on the national debt. So if we are going to stop that type of profligate spending, we have to act now. Therefore, I am going to call up this amendment when the proper time occurs on the floor.

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

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

Mr. LEVIN. Mr. President, I hope, if our colleagues might have remarks on the pending amendment, they would come over now or give us some indication they might want to speak in the morning because we need to press ahead with this amendment. In the next few minutes, I am going to be making inquiry with the other side of the aisle to see if we cannot reach a unanimous consent agreement to have a vote tomorrow morning. We tried this yesterday without success and earlier today without success, but we are going to try again because it is important we resolve this amendment, dispose of this amendment, so we can go on with other amendments to the bill. I will be making that inquiry of my good friend from Arizona in the next few minutes.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I rise this afternoon to express my opposition to the Levin-McCain amendment that would cut off production of the F–22 fleet and would hurt hard-working families in the aerospace industry across our country.

I know many of my colleagues have come to the floor to echo their opposition to this amendment, and I have listened to them speak very convincingly about how it would limit our continued air superiority in the skies across the globe. I have listened to them talk about how allowing our air superiority to slip would mean we could lose our ability to safeguard our Nation in the years ahead. They have also noted that prominent military officials have been clear that cutting off production of the F–22 would put our Nation's defense at high to moderate risk.

While I agree with my colleagues on all of these points, today I want to discuss on the floor, this afternoon, another negative consequence of this amendment that would harm our security, our economy, and our ability to respond quickly to threats in the future—a consequence that will hit home for so many in States such as Georgia, Connecticut, Texas, California, and Washington, where every day we are fighting rising unemployment. It is another area in which our country has had clear superiority but where today, because of actions like this amendment, we are slipping into deep trouble.

Today, I want to discuss how this amendment will erode the health and long-term needs of our Nation's industrial base. As many here in this body know, this is not the first time I have sounded the alarm about our disappearing industrial base. This effort to prematurely cut production of the F–22 is simply the latest in a series of decisions that fail to take into account the men and women who work every day to provide for their families by building the equipment that protects our country. But, as I have said all along, protecting our domestic base is not just about one company or one program or one State or one industry. This is about our Nation's economic stability. It is about our future military capability and the ability to retain skilled family-wage jobs in communities throughout our country.

Just a few months ago, we passed a long overdue bill in the Senate that reforms many of the Pentagon's procurement practices. In that bill, I worked with Chairman LEVIN and others to successfully add an amendment that draws the attention of the Pentagon leadership to consider the effects of their decisions on our industrial base and its ability to meet our national security objectives. I worked to include that provision because I believe it is time to start a serious conversation about the future of the men and women who produce our tanks, our boats, and our planes, the skilled workers our military depends on. It is a workforce that is disappearing before our eyes.

Providing the equipment our warfighters need is a partnership. It is a partnership that requires the Pentagon to be actively engaged with the manufacturers that supply the systems and parts that make up our aircraft and defense systems. It is a partnership that requires the Pentagon to take into account how our workforce and manufacturing capability will be affected when they cancel vital programs.

Unfortunately, today military procurement is a one-way street. In fact, just yesterday, the Aerospace Industries Association issued a major report. I have it here in my hand today. This report finds that the Pentagon has failed to consider industrial efforts when choosing strategies.

Much like my amendment to the procurement reform bill, this report urges the Pentagon to take into account the impact decisions, like the one to stop production of the F–22, take on our manufacturing base. This report—and I urge my colleagues to take a look at it if you have not seen it—notes that our manufacturing base was not taken into account in past Quadrennial Defense Reviews and that when Secretary Gates unveiled his program cuts in April, he specifically said that defense industry jobs were not a factor in his decisions.

Well, as our country faces two difficult but not unrelated challenges—safeguarding our country in a dangerous world and rebuilding our faltering economy—ignoring the needs of our industrial base should not be an option. Whether it is the scientists who are designing the next generation of military satellites or the engineers who are improving our radar systems or the machinists who assemble our warplanes, these industries and their workers are one of our greatest strategic assets. What if they were not available? What if we made budgetary and policy decisions without taking into account the future needs of our domestic workforce? Well, that is not impossible. It is not even unthinkable. It is actually happening today.

We need to be clear about the ramifications of amendments such as the one that has been offered here today because once our plants shut down and once our skilled workers have moved on to other fields and once that basic infrastructure is gone, we are not going to be able to rebuild it overnight. Building an F–22 is not something you learn in school. It takes years of on-the-job experience. Ask any one of the workers from Forth Worth to Baltimore who are responsible for the intricate radar systems or the high-tech engine parts or the complex stealth technology. We have machinists today in this country who have past experience and know-how down the ranks for 50 years. We have engineers who know our mission and who know the needs of our soldiers and sailors and airmen and marines. We have a reputation for delivering for our military. It took us a long time to build this industrial base to the point where we have workers who can make fifth-generation air fighter planes. What we have left we have to work to keep because once our plants shut down, those industries are gone, and we not only lose the jobs but we lose the skills and the potential ability to provide our military with the equipment to defend our Nation and project our might worldwide.

So today, as we consider a critical tool for the future of our military across the globe, we cannot forget the needs of our industrial base, because unless we begin to address this issue

now and really think about it, we are not only going to lose some of our best-paying American jobs, we are going to lose the backbone of our military might.

At a time when we are looking to create jobs and build the economy, eliminating the $12 billion in economic activity and thousands of American jobs that are tied to the F–22 production does not make sense to me. Supporting continued F–22 production will help defend against potential threats, and, of course, it will protect family-wage jobs, and, importantly, it will preserve our domestic base.

So I urge our colleagues to oppose the amendment that has been offered.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

MATTHEW SHEPARD LOCAL LAW ENFORCEMENT ACT

Mr. BURRIS. Mr. President, I would like to speak on the National Defense authorization bill that is pending before the Senate in reference to an amendment that would be on that bill.

More than a decade ago, on a cold night in Wyoming, a young man was assaulted and killed simply for being who he was. The brutality of that murder shocked the Nation. But even more shocking was the motive for the crime. Matthew Shepard was targeted and killed that night for nothing more than his sexual orientation.

The fact that the vicious attack could occur at all is hard to believe. But the fact that it was done out of blind hatred is simply too much to bear. So we must make sure Matthew Shepard's death was not in vain.

We must shape a positive legacy from the ashes of this terrible tragedy. I believe this is the next chapter in the struggle against hatred and in the favor of equal rights. As we have been called to do throughout our history, I believe it is time to take action once again.

I rise today in support of the legislation inspired by Matthew's tragic story. I am proud to be a cosponsor of the Matthew Shepard Local Law Enforcement Hate Crime Prevention Act. If it becomes law, the Matthew Shepard Act will add ''sexual orientation'' to the definition of hate crimes under Federal law, giving law enforcement officials the tools they need to bring all violent criminals to justice.

Many States already have hate crimes legislation on the books. I am proud to say my home State of Illinois is among them. But we need to make sure violent criminals face the same penalties in Washington as they do in Illinois and across the Nation.

Hate crimes are assaults against individuals, but they tragically target an entire group of people. Matthew Shepard was not just a young gay man, he was a very young gay man. Colleagues, it is time to take a stand. It is time for the Senate to help end the hatred, to reaffirm our commitment to an America that is as free and as equal as our founders intended for it to be, to make sure that no American lives in fear because of who they are.

As a former attorney general of Illinois, I have been fighting hate crimes for many years. Since the very beginning of my career, I have spoken out against injustice and worked hard to end discrimination. So I understand how important the Matthew Shepherd Act will be as we seek to bring criminals to justice for their actions.

But some have expressed concern about this measure. I have heard from Illinois residents who worry that this may prevent them or their religious leaders from expressing their faith. As a deeply religious American myself, I would oppose any bill that restricts our freedom of speech or our freedom of religion.

So let me assure my constituents and my colleagues that the Matthew Shepard Act applies to violent crimes, not religious speech. It will help us end murder and assault, but it will not affect the sermons people will hear every Sunday or the ability to preach the things they believe.

A decade has passed since Matthew Shepard's tragic death. We must not let another year go by without the Matthew Shepard Act as the law of the land.

I urge my colleagues to join me in supporting this important legislation. Hopefully, we will be able to have hate crimes as a crime on the books in the Nation as well as in our States.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. LEVIN. Mr. President, so far we have been unable to obtain agreement to have a vote tomorrow morning on the Levin-McCain amendment. I am hoping we can achieve such agreement yet tonight; if not, in the clear dawn of tomorrow morning. I am disappointed we have not been able to reach agreement to go to a vote on that amendment, but that is a fact with which we will have to deal. In the meantime, I ask unanimous consent that the Senate now proceed to a period of morning business, with each Senator allowed to speak up to 10 minutes.

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

REMEMBERING STEVEN CROWLEY AND BRIAN ELLIS

Ms. STABENOW. Mr. President, 30 years ago this November, two Americans were killed when a mob attacked the American Embassy in Islamabad, Pakistan. I wish to pay tribute to those men, Marine CPL Steven Crowley and Army WO Brian Ellis.

Just a little over 2 weeks earlier, 66 Americans had been taken hostage by students in Tehran. On November 21, 1979, Ayatollah Khomeini, the Supreme Leader of Iran, took to the airwaves and falsely accused American troops of occupying the Great Mosque in Mecca.

Protests raged against the United States throughout Pakistan that day. A student protest formed outside the gates of the American Embassy compound in Islamabad, but it quickly turned violent. Protesters broke down part of the wall, surged into the compound, and began shooting at American forces, breaking windows, and setting fire to the buildings.

Most of the Embassy staff members were able to get to a secure communications room, where they remained for over 5 hours until the Pakistani military arrived to quell the rioters. Corporal Crowley was killed while protecting the compound; Warrant Officer Ellis was found burned to death in his apartment on the compound. Two Pakistani employees of the Embassy were also killed by rioters that day.

This weekend, survivors of that attack will meet at Arlington National Cemetery. My thoughts and prayers will be with them as they remember those whose lives were cut short that fateful day in November.

Steven Crowley and Brian Ellis died in the line of duty, serving their country and defending American lives. Their service must not be forgotten.

ADDITIONAL STATEMENTS

COMMENDING THE NORTH DAKOTA WHEAT COMMISSION

• Mr. CONRAD. Mr. President, today I honor the North Dakota Wheat Commission.

On July 8, the North Dakota Wheat Commission celebrated its 50th year marketing and promoting wheat on behalf of my State's farm families. As the top spring wheat and durum wheat producing State in the Nation, I am proud of what the North Dakota Wheat Commission has been able to achieve for our State's producers.

The commission, created by the North Dakota Legislature in 1959, has allowed my State's farmers to become more actively engaged in the export and market promotion of our wheat crop because the commission is funded and directed by producers. During its 50 years of existence, North Dakota's average wheat production has increased from 100 million bushels to 300 million bushels annually. In that same