confidence to do immigration reform unless the American people believe at the outset that our border—especially the southern border—is secure from people being able to cross willy-nilly into this country illegally.

These dollars will put in place the resources necessary to accomplish that, to make sure our southern border is secure on the issue of crossings. It may take a couple years for them to bear fruit because there is not an instant response with the hiring of agents. But the fact is that the resources will be in the pipeline to accomplish that, and the American people can have confidence that it is going to occur.

I congratulate the Senator from South Carolina for his amendment. I am happy to join him as a cosponsor of the amendment. I hope it will be adopted unanimously or with a large majority.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

RECESS

Mr. INOUYE. Mr. President, I ask unanimous consent that the Senate stand in recess until 2:15 p.m.

There being no objection, the Senate, at 12:16 p.m., recessed and reassembled at 2:15 p.m. when called to order by the Presiding Officer (Mr. CARPER).

The PRESIDING OFFICER. Who seeks recognition?

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2008—Continued

Mrs. BOXER. Mr. President, I ask unanimous consent that the pending amendment be set aside.

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

AMENDMENT NO. 3126

(Purpose: To prohibit waivers for enlistment in the Armed Forces of individuals with certain felony offenses)

Mrs. BOXER. Mr. President, I send to the desk an amendment, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. BOXER] proposes an amendment numbered 3126.

The amendment is as follows:

At the end of title VIII, add the following:

SEC. 8107. No amounts appropriated or otherwise made available by this Act may be used to provide a waiver for enlistment in the Armed Forces of an individual convicted under Federal or State law of any felony offense, during the five-year period ending on the date of the proposed enlistment of such individual in the Armed Forces, as follows:

(1) Aggravated assault with a deadly weapon.

(2) Arson.

(3) Hate Crime.

(4) Sexual misconduct.

(5) Terrorist threatening.

Mrs. BOXER. Mr. President, I thank the clerk for reading my amendment. I had it read because it is such common sense. I think if you went out on the street and you asked any American: Do you think there are people serving in the military who, within the last 5 years, were convicted of aggravated assault with a deadly weapon or a sex crime or a hate crime or making a terrorist threat that was a phony terrorist threat? They would say: Oh, no; no one like that would be let in, not if they did something like that within the last 5 years.

That is what leads me to this commonsense amendment. It is hard for me to believe I have to fight for this. This amendment may not pass, which is stunning to me when I think of how clear the issue is.

I guess I would ask a mom or a dad who has a son or a daughter over there, would they want their child in a foxhole with someone who was convicted twice of assault with a deadly weapon. Do you want someone in a foxhole with your son or daughter who was convicted of a sex crime? I think they would say no.

So here is where we are. In recent years, the U.S. Army in particular has dramatically increased the number of waivers it grants for admission into its ranks of those convicted of a felony. Now, let me be clear. It is against the rules to allow anyone to come into the military who has a felony conviction. However, there is a loophole which says waivers can be granted in certain circumstances.

Now, I totally understand. For example, let's say as a young man or woman some potential recruit tried drugs because it was the thing in his school. He did it, but he regrets it and is over it. He was convicted, but he has promised never to use drugs again. OK, give someone a chance. That is the American way. Give someone a chance. But for these particular felonies, which I will outline again and explain what they are, I think if someone has been found guilty within the last 5 years, it is an open-and-shut case.

Now, I understand the Army is under incredible strain right now and is facing a difficult recruitment environment. I realize there may be times that they are going to ask for these waivers. I know they do it for health reasons and other things, but there is a point at which it goes too far; that is, the point at which it is dangerous. When you hear about the increase in felony recruitment, you will agree it is alarming. Rather than strengthening our military, it weakens our military.

Listen to these numbers: In 2004, the Army granted 360 waivers to recruits with felonies on their records. In 2005, the number grew to 571. And in 2006, the number grew to 901. The 901 figure is a 59-percent increase over the 2005 number, and a 150-percent increase over the 2004 figure. So I believe the spirit of the law that allows these waivers is being violated. Nobody thought that it would reach these proportions.

Again, I think people deserve a second chance in this country if they have served their time and they are rehabilitated. That is why I have in this amendment a 5-year cooling off period so we know that they have been clean for 5 years of these types of crimes. But the Army should not drastically lower its standards because it cannot find enough recruits, and it should not seek out individuals who have had disturbing personal histories involving violence.

I just read in the newspaper the other day that the military is going to these criminals if they are undergoing rehab. They go right there. Army recruiters actually attended a job fair for ex-convicts in Houston in August of 2006. Many experts believe this is leading to a spike in gang activity in the military. Listen to this FBI report: ''Gang related activity in the U.S. military is increasing.'' This is a direct quote. ''Members of nearly every major street gang have been identified on both domestic and international military installations.'' According to this report, these members can ''disrupt good order and discipline'' while in the military.

Here is the alarming part, and this is the FBI—the Federal Bureau of Investigation—speaking, not Senator BARBARA BOXER or any other Senator. Upon discharge, ''they may employ their military training against law enforcement officials and rival gang members and such military training could ultimately result in a more organized, sophisticated and deadly gang as well as an increase in deadly assaults on law enforcement officials.'' The FBI is saying that an abuse of these waivers is leading to a more dangerous America, more dangerous for law enforcement—more gangs.

This is not what our country needs. It is not what our wonderful brave men and women in uniform need right now. They have enough problems to deal with in Iraq. They are in the middle of a civil war. This President has no plan to get them out. While the military says there is no military solution, this President is doing nothing about a long-term solution. We find our young men and women in harm's way in the middle of a civil war in a mission that has changed about five or six times, and now they have to worry that they are serving next to someone who has been convicted of aggravated assault with a deadly weapon, arson, terrorist threatening, or sexual misconduct—imagine, with all they have to worry about.

I am going to share with my colleagues a chart that I do not believe has ever been made public before. This is the list of all the different felony waivers that have been granted—adult, juvenile, and the total. Look at this list of waivers that has been granted. I am going to go through, for my colleagues and for the American people to see, what crimes have been committed by recruits.

I mentioned the top two and aggravated assault with a deadly weapon, then arson, attempt to commit a felony, breaking and entering, burglary with burglary tools, a bad check worth less than $500, embezzlement, forgery, hate crime, larceny, narcotics, negligent vehicular homicide, riot, robbery, sexual misconduct, stolen property knowingly received, terrorist threatening, unauthorized use of a motor vehicle, criminal libel, illegal or fraudulent use of a credit card—$500 or more—perjury or subornation of perjury, car theft, mail—abstracting, destroying—indecent acts with a minor, manslaughter, kidnaping or abducting a child. Kidnaping or abducting a child? We took in three recruits.

What I have attempted to do is pick out the ones I believe would be an open-and-shut case here of where we would not want someone recruited into the military who has been convicted of these particular crimes: aggravated assault with a deadly weapon, arson, hate crime, sexual misconduct, or terrorist threatening. There were 13 of those.

I want to protect our men and women in uniform. I have deep respect for them. In my State, we have lost more than any other State—23 percent those killed in Iraq have been from or based in my State. I want the men and women from my State and every other State to feel comfortable that their buddies will truly be their buddies and that they share the same values of right and wrong. I want to keep it that way.

Larry Korb, who served as Assistant Secretary of Defense under Ronald Reagan, said, ''The more of those people you take the more problems you are going to have and the less effective they are going to be.'' This is Larry Korb, who served as Assistant Secretary of Defense under President Reagan: ''The more of those people you take the more problems you are going to have.''

GEN Barry McCaffrey, who commanded U.S. forces during the gulf war, said, ''By and large these are flawed recruits. Those getting waivers won't be sergeants.'' General McCaffrey pointed to the lessons of postwar Vietnam. ''It took us a decade to take a fractured Army and turn it around. We don't have 3 years this time.'' That is Barry McCaffrey.

Retired LTG William Odom, who was the Army's chief intelligence officer from 1981 to 1985, has called the increase in waivers ''disturbing.'' The Army's chief of intelligence for 4 years called the increase in waivers ''disturbing.''

The last thing our servicemembers need to worry about is whether there are violent felons in their ranks. It sets back the quality of our forces. It can severely set back our mission.

I would like to share one particular story about lowering standards. I think we are all very familiar with the story of PVT Steven Green. As you will remember, Private Green is the soldier charged with the deaths of an Iraqi family of four. According to the reports, Private Green went to the home of an Iraqi family with three other soldiers. He ended up raping the 14-year-old daughter before killing her and setting her body on fire. He is also alleged to have killed the other family members. This turned into an international news story that once again brought negative attention to our country, infuriating Iraqis and making the lives of our troops that much more difficult.

Private Green was admitted to the Army after being given a waiver. In the case of Private Green, it was a waiver for a misdemeanor offense, and I am not even stopping that with my amendment. I am not even stopping that with my amendment. I am going to the most egregious crimes. That story illustrates the potential consequences of going down a path where standards are dramatically lowered.

Let me spell out specifically how my amendment addresses the issue. The amendment simply says the military cannot offer a waiver for enlistment to the Armed Forces to individuals convicted of these felonies: aggravated assault with a deadly weapon, arson, hate crime, sexual misconduct, or terrorist threatening. They cannot get a waiver if they have committed any of these and they were convicted of it in the last 5 years.

If someone stands up and says: Give people a second chance, then they have not read my amendment because we are giving people a second chance. We are saying: If you are clean for 5 years, OK. And we are not even touching all these other waivers—unauthorized use of a motor vehicle, car theft, even indecent acts with a minor. I will tell you, if I had my way, I would put that one on—and kidnaping—but I just picked five.

So we provide for a cooling-off period, and we believe that cooling-off period—5 years clean—will give the military some information that people are, in fact, on the straight and narrow path.

Unfortunately, we do not see the global challenges we face going away. We need our men and women in uniform not only to be soldiers but to be ambassadors to the world. They are the best we have. This amendment helps to ensure we have the right men and women to do that job. I hope we will get support for this amendment. I say to my colleagues who vote against this amendment, the only message you are sending to the people who are serving honorably is: You know what, we are so desperate, we are willing to put you at risk.

Again, I ask a rhetorical question: How would you feel if your son or daughter or grandson or granddaughter wound up in an awful situation with someone who had committed and was convicted of aggravated assault with a deadly weapon?

There is one more thing I would like to do before I yield the floor, and that is to describe these felonies, how they are defined.

Arson, generally, is the malicious burning of another's dwelling. It can be intentional or a fire set with reckless disregard of obvious risks, in some States. Seven waivers were granted for arson.

Aggravated assault with a deadly weapon is the intentional creation of reasonable fear of imminent bodily harm by use a deadly weapon. An example would be pointing a gun at someone, pointing a knife, swinging a baseball bat, threatening violence or harm with a weapon in a manner to create a reasonable fear of imminent bodily harm—40 waivers for that.

Terrorist threatening: intentionally making false statements regarding a weapon of mass destruction such as placement on a government or school property—essentially placing a fake WMD on government property without permission; threatening to cause death or serious injury for the purpose of terrorizing others, their property, school, or teachers; a false statement that could cause dangerous evacuation from buildings or airports. It could be bomb threats, threats of poison-laced letters, or threats of mass shootings at school. Waivers granted there.

Hate crimes. Most of the States penalize crimes of violence or intimidation based on race, color, religion, national origin, and when we are looking at our military we are looking at the face of diversity, and someone who has been convicted of a hate crime within the last 5 years—I think they need to think about what this country stands for and how it is based on equality for all before they are taken into the military.

Sexual misconduct. Rape, sexual assault, forcible sodomy, sodomy of a minor—those are nonwaiver, but the category that is waiverable is solicitation of sex, indecent exposure, illegal possession of pornography.

So these are crimes which I think simply are too much to ask our men and women in uniform to deal with in new recruits.

I would point out something else. Because the Army has been so desperate to get new recruits, they are paying tens of thousands of dollars, and now we have a situation where these convicted felons are getting this money, to boot. It may not be that many people—maybe we are talking about 100. Overall, it has been 90+. We are making a point here that our men and women in uniform deserve better protection than this. We fight so hard, and we must fight to get them the bulletproof vests, to get them the up-armored HMMWVs

to protect them from IEDs, from all the horrors they face. Yet we allow into the military—indeed, we pay bonuses to get into the military—people who have been convicted of very serious crimes. It is not fair, it is not right, it is not just, and I hope there will be strong support for this amendment.

I yield the floor.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

Mrs. BOXER. I ask for the yeas and nays.

The PRESIDING OFFICER. There is not a sufficient second. There are no Republicans on the floor.

Mrs. BOXER. OK. We will ask for that later.

The PRESIDING OFFICER. The Senator from Hawaii.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. INOUYE. Mr. President, I find it, firstly, very difficult to speak in opposition to this amendment. But I do so after consulting with the senior members, the chairman and the vice chairman, of the Armed Services Committee, the Senator from Michigan, and the Senator from Arizona.

I have been assured that after due consideration and investigation, they have been convinced that the process of waivers does work. In fact, the investigation has suggested that those who have served after receiving such waivers have done much better in serving our Nation than those who came without any crime.

We should keep in mind that when we speak of certain crimes, there is no standard rule throughout the United States. In different States, certain activities are considered criminal, in other States it is not even mentioned.

I was an assistant prosecutor a long time ago. I find that in certain States certain activities are considered conservatively and other areas very liberally. For example, in recent days, we have been hearing much about the demonstration in Louisiana on the Jenna 6. Would that be a crime in other States? In other communities? I do not think we have the answer because we know that, depending on jurisdictions, certain activities may be criminal and in others of no concern.

Whatever it is, on behalf of the Defense Appropriations Committee, I am calling on the leadership of the Armed Services Committee to conduct a thorough further investigation on this matter. If it does work, and if it is necessary to provide waivers to get certain skills into our military, then we should be told why.

But as of this moment, I cannot ignore the advice that I have received from my colleagues who are leaders of the authorizing committee. So, accordingly, at the appropriate time, I will make a motion to table this amendment.

Before I do, if I may be very personal about this, I have been a victim of hate and hate crimes, so I do know something about hate crimes. If you can imagine my returning from World War II in my full regalia, uniform with four rows of ribbons, with a hook in my right hand, and going to a barber shop, and they looked at me and said: Are you a Jap?

When I told them, no, I am an American: But your parents, are they Japs?

And I have to say: Yes, they are Japanese.

Well, we do not cut Jap hair.

Well, in some jurisdictions, that was appropriate and proper. Today we do have jurisdictions where we do have segregation, maybe not legally but understandably we do.

So as I have indicated, at the appropriate time, I will make a motion to table the Boxer amendment. It is not a happy deed. But I believe at this moment, under the circumstances, I am compelled to do so.

I yield the floor.

The PRESIDING OFFICER (Mrs. MCCASKILL.) The Senator from California.

Mrs. BOXER. Madam President, I note the Senator is waiting to be heard. I will be brief, but I do want to respond.

I so appreciate the fact that Senator INOUYE spoke to our colleagues on the Armed Services Committee. But I do think we need to use our own brains and our own common sense. I do think when I look in the eyes of parents who are sending their kids into the military, they need to know, they need to know that in addition to the dangers of this war, in addition to the danger of being thrust into the middle of a civil war, they should not have to deal with the danger of a convicted felon who has used a gun and put that gun against somebody's head within the past 5 years.

We all know that the committees are very close to the military. I understand that. But is not there a time for us to stand up and show a little spunk and spine here and state the obvious, that although we all support waivers, because there are certain cases where a waiver may make sense, there is such a thing as an abuse of a waiver. If you look at the numbers and see we are up to almost 1,000 of these waivers, things are getting out of control.

Now, I know that both the Armed Services Committee, the authorizers and the Appropriations Committee, which are very powerful committees, do not like this amendment. They want me to go away. They have offered now twice, the authorizing and appropriations: Will you not take a study and go away?

Yes, I want to have a study. But, no, I do not think we should walk away from this. This is a commonsense amendment. This takes five of the whole list of crimes—and I will repeat what they are: arson, aggravated assault with a deadly weapon, sexual crimes, hate crimes, and making a terrorist threat.

I think for this year, do not pay bonuses to these people who have been convicted of these crimes for the last 5 years and do not take them into the military. That would send a signal to the military that they need to do their own study. It is stunning to me that we would have to have a study about this—the DoD does not even want to study this thing. They just want to meet the recruitment goal.

We all want them to meet their recruitment goals, but if it means putting someone, a dangerous criminal, next to one of my men and women in uniform, no thank you. It is tough enough to survive Iraq. We have worked with veterans on this amendment so we have gotten it to the point where, yes, we give people a chance to turn over a new leaf.

I am disappointed that Senators INOUYE and STEVENS do not support this amendment, but I am not surprised. I am going to keep talking about this issue because this status quo is not good for our troops.

I yield the floor

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, I come to the floor to talk about the underlying appropriations bill. First, let me thank the chairman and the ranking member of the subcommittee. I think the work they have done on this bill is very important.

I wish to talk especially about the issue of the bomber fleet in this country: B–2s, B–1s, B–52s. I do that for a very specific reason.

Right now a lot of our soldiers are in the field, in harm's way. They strap on body armor in the morning, get shot at that day. We are at war. All of us want to make certain our soldiers who have answered the call have everything they need to do what they need to do.

I do think, however, there are times in the Pentagon when a substantial amount of money is spent, far more than is necessary, and there is some waste. I wish to describe one of the things I find interesting and also somewhat troubling.

Our bomber force is a part of the force that gives us air superiority. When you provide air superiority and have control of the air it has a tremendous impact on our ability to fight a war. We have seen some recent examples about what impact that has.

Part of that force is made up of B–52 bombers. They were produced decades ago. They are kind of the ''gray beards'' of the bomber fleet. They are essentially bomb trucks that will haul

weapons to various parts of the world. The newest ones were built in the 1960s. But, of course, most of the plane has been rehabilitated and changed, the electronics and so on.

Former Air Force Chief of Staff GEN John Jumper said the B–52 and other aircraft will have greater access to targets in the future because of the F–22. With its stealth and supercruise characteristics, the F–22 will be able to precede other aircraft into combat zones to clear out any threats.

So we have been told we should fund the F–22. I have supported that. The F–22 is an unbelievably effective next-generation fighter. We are told we should support that because the F–22 goes in and essentially clears out the airspace; knocks out the radar and knocks out all things that could be a threat to our bombers and other aircraft, at which point the airspace is owned and you can bring in a bomb truck, for example.

Well, here are the costs of flying our bombers. The cost is: $78,000 an hour to fly a B–2, $48,000 an hour to fly a B–1, and $34,000 an hour to fly a B–52.

We are told the B–52 will be usable for another 30 years. Yet we are told by the Air Force planners that what they would like to do is retire the least costly bomb truck. That way, after we have cleared the air threat and have air superiority, they want to fly the most expensive bomb trucks in and have the least costly bomb truck retired. It makes little sense to me, from a taxpayer standpoint, but that is what we would try to do.

It also doesn't make sense when we look at the new bomber the Air Force is planning on. The earliest date it might be available is the year 2018. Of course, that will slip. They all slip.

The new bomber, we are told, that when completed, would have an unrefueled range of 2,000 miles. The B–52 has double that and more. The new bomber will have a weapons payload of 14,000 to 28,000 pounds; the B–52, 70,000 pounds.

Not only does the B–52 have more endurance and more payload than the new bomber. The B–52 is also fully paid for. It is usable for three more decades, and it flies at much less cost than the other two bombers we now have. But the Air Force wants to take a good number of B–52s and retire them at Davis-Monthan.

I make the point that the authorizing committee has indicated the Air Force should keep 76 of the B–52s. As we work through this and look at what our bomber fleet should look like, I think it will become clear that keeping the B–52s makes sense both for our defense capabilities and for the effect on the American taxpayer.

Mrs. BOXER. Will the Senator yield for a unanimous consent request?

Mr. DORGAN. I am happy to yield.

AMENDMENT NO. 3126, AS MODIFIED

Mrs. BOXER. Madam President, I have sent a modification of my amendment to the desk.

The PRESIDING OFFICER. The amendment is so modified.

The amendment, as modified, is as follows:

At the end of title VIII, add the following:

SEC. 8107. No amounts appropriated or otherwise made available by this Act may be used to provide a waiver for enlistment in the Armed Forces of an individual convicted under Federal or State law of any felony offense, during the five-year period ending on the date of the proposed enlistment of such individual in the Armed Forces, as follows:

(1) Aggravated assault with a deadly weapon.

(2) Arson.

(3) Hate Crime.

(4) Sexual misconduct.

(5) Terrorist threatening.

(6) Kidnapping or abducting a child.

(7) Indecent acts with a minor.

Mrs. BOXER. I thank the Senator.

Mr. DORGAN. Madam President, how much time have I consumed?

The PRESIDING OFFICER. About 7 minutes.

Mr. DORGAN. I want to make a couple other points that are not related to this specific bill but to the emergency supplemental appropriations bill for the continuing Iraq War and fight against global terrorism. We have a $152 billion request in front of us with another $45 billion expected on top of that. All of this is emergency spending and none of will be paid for. This will take us to the neighborhood of three quarters of a trillion dollars or more, when spent, with respect to the war in Iraq and Afghanistan and other related matters. All of these costs will be added directly to the federal debt.

During wartime, in most cases, this country has decided it should pay for things that we consume and pay for the cost of wars. We did it in the Civil War. We did it in the Spanish-American War. We did it in World War I and World War II and other wars. We began a process by which we tried to pay for some of that which the war was costing.

The question about whether we should commit ourselves as a country to pay for war is an interesting question. In the Iraq war, our soldiers were sent to fight, and President Bush indicated we could best serve our country by going shopping. We should go to the mall to keep our economy moving.

We could also best serve our country, in my judgment, by deciding not to send our soldiers to fight and then come back later and pay the bill because we decided to charge all of it—every penny of it borrowed.

Let me read something Franklin Roosevelt said during one of his fireside chats:

Not all of us can have the privilege of fighting our enemies in distant parts of the world. Not all of us can have the privilege of working in a munitions factory or a ship yard, or on the farms or in the fields or mines, producing the weapons or raw materials that are needed by our armed forces. But there is one front and one battle where everyone in the United States—every man, woman, and child—is in action. . . .That front is right here at home, in our daily lives, and in our daily tasks. Here at home everyone will have the privilege of making whatever self-denial is necessary, not only to supply our fighting men [and women], but to keep the economic structure of our country fortified and secure . . .

President Johnson said:

The test before us as a people is not whether our commitments match our will and courage; but whether we have will and courage to match our commitments.

When the emergency supplemental bill comes to the floor of the Senate this time, I am going to ask if we should begin to pay for some of this and to begin to ask for some sacrifice. At least in the easiest of areas for all of us to make a decision, let me show you $23 billion of revenue right now that we might use to offset some of that which otherwise will be described as emergency. I have a piece of legislation that will shut down offshore tax haven abuses. This is one I described 2 years ago on the floor of the Senate. It is the Ugland House, a five-story white house in the Cayman Islands, that is home to 12,748 corporations. They are not there. That is a legal fiction created by lawyers to allow those companies to avoid paying the taxes they owe in the United States. I have a piece of legislation, S. 396, that says if U.S. corporations are going to set up a paper company in an offshore tax haven simply to avoid paying taxes, it is not going to work. We close that loophole. Here is an obvious one we could change immediately: end abusive foreign sale and lease transactions. We can use some of these to pay for some of that which we are spending on the war. This is a case of the lease of 65 streetcars in Germany by a United States corporation, First Union Bank. Here is one in which Wachovia Bank bought a sewage system in a German city. Do they want to own a German sewer system? No, they want to save $175 billion in taxes through a tax loophole. We could close this right now.

I am going to suggest, when we bring another emergency bill to the floor—in this case nearly $200 billion—that maybe it is long past time for us to meet the obligation we have; that is, to ask all of us to sacrifice a bit. In this case, ask those who have exercised huge loopholes to avoid paying taxes in the United States. This is a picture relating to another bill I have. This is called the Radio Flyer. I expect every Member of the Senate when they were little toddlers rode in a little red wagon called a Radio Flyer. This was made in Illinois. It was made by an immigrant who over a century ago built the company that created the Radio Flyer. The reason he named it Radio Flyer is, he liked Marconi. He enjoyed airplanes so he decided to call his little red wagon the Radio Flyer. Guess what. After a century this is gone. There are no more red Radio Flyer wagons built in America. They have all gone to China. And by the way, the company that shut down the plant in the United States and moved the red

wagons to China in search of cheap labor got a tax incentive from this Congress to do it. We can shut that down immediately.

So these three ideas and a temporary 1 percent emergency tariff on imported foreign goods would raise some $23 billion in the first year alone. Do we need to wait? Do we need a month, a year, 10 years? I don't think so. All we need is the will and the commitment to do what is right. With respect to these issues, I believe we could do plenty of things that would begin to reduce the cost that will inure to our soldiers, who valiantly fight when asked to, when they come back and discover we have spent a lot of money but we charged it all. So they get to fight today and pay the bill tomorrow. I think we can and should do much better than that.

I have described in shorthand four proposals that I hope we will consider when we do the second piece of this issue of Defense appropriations.

Senator INOUYE and Senator STEVENS worked very hard on this legislation. This is one of the largest bills we consider in the Senate. There are a lot of issues, some very controversial. I appreciate the work they and their staff have done to put this together. It is not an easy appropriations bill to do. My hope is that as we work through this in the next day or so, we will be able to have final passage in a couple of days and get this into conference so we can resolve all of these issues.

I thank the chairman and ranking member for their work.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Madam President, I want to start where the Senator from North Dakota concluded his remarks, to express the gratitude of Delaware for the fine work the appropriations subcommittee has done, the leadership of Senator INOUYE and Senator STEVENS, their staffs, the other members of the committee. One of the letters I sent to Senator INOUYE and Senator STEVENS several weeks ago was a letter calling on them to not rescind, through legislative language in the appropriations bill, the 2004 Defense authorization language which said we were not going to allow the Air Force to retire any additional C–5 aircraft until the first three had been fully modernized, flight tested, and then evaluated. A number of us signed that letter and a number of us in the same letter also called for the Appropriations Subcommittee on Defense to endorse the President's budget proposal for fiscal 2008 with respect to C–5 modernization. The subcommittee has done that. I thank them in a very public way for their attention to our request.

Today we are considering an important bill, one that provides funding for our troops, many in harm's way around the world, others in different phases of training or in some cases retraining or rest after they have been deployed abroad. As we vote to appropriate these funds for our Nation's defense, we are reminded of one of the fundamental duties of our military. Our Armed Forces are charged with providing our Commander in Chief and military leaders with flexible options for responding to a wide variety of threats. In Iraq, our Armed Forces are keeping the lid on civil war and protecting civilians from terrorists and literally from one another. In Korea, our Armed Forces are charged with guarding the ally's border and deterring aggression on the part of a large conventional military on the other side of the South Korean border. In the Pacific and the Persian Gulf, they protect America's interests through the projection of naval power and carrier-based air power.

At home our National Guard provides the Nation's Governors with critical response capability to cope with natural disasters such as Katrina. At times it can seem as though the demands on our military are almost limitless. Unfortunately, the resources available for equipping our military to meet these demands are not limitless. At a time when our Federal budget remains mired in red ink, we need to be looking for ways to effectively meet our military requirements but to do so in a fiscally responsible manner.

Last Thursday in the Federal Financial Management Subcommittee of the Homeland Security and Government Affairs Committee, we spent 3 hours doing just that. In this hearing, which I chaired along with Senator COBURN of Oklahoma, we explored how we can best meet our Nation's strategic airlift needs and how we can do this in a way that is fiscally responsible. What I wish to do is take a few minutes this afternoon to remind us why airlift is important and to offer a little history of how we got into the position we are in today. Then I wish to share with my colleagues some of what we learned at our hearing last week.

The bottom line is that regardless of whether strategic airlift is performed by C–5s, by C–17s, or by some other capability, airlift is essential to our Nation's ability to project power and meet threats abroad. I would remind us that roughly 90 percent of the materiel we move around the world goes by sea. Maybe 10 percent goes by air. When it comes to moving military personnel, almost all of them are moved around the world by airlift. When you think of the 10 percent or so of cargo that is moved by aircraft, roughly half of that is moved by C–5s, C–17s, and by C–130s. The other half is moved by commercial aircraft the Air Force leases from time to time.

The bottom line is that regardless of whether we are moving goods or personnel by C–5, C–17, or some other capability, we have to have that capability when we need it and it has to be reliable.

Though the men and women of our strategic airlift fleet rarely get the attention they deserve, the reality is our military could not perform its missions if it were not for the hard work and dedication of the airlift. Strategic airlift involves the use of cargo aircraft to move personnel, weaponry, materiel over long distance, often to combat theaters on the other side of the globe. During the current war in Iraq, airlift sorties have made up the majority of the nearly 35,000 total sorties flown by U.S. aircraft. Strategic airlift enables our military to respond to threats wherever they occur in the world real time. Not only must our fighting men and women be transported to the fight, they must be continually supplied. Airlift helps to make that happen. Both the C–17 and the C–5 have fulfilled their lift duties admirably, and the United States owes much of its rapid deployment capability to these fine machines.

We are blessed in Delaware at the Dover Air Force Base to have both C–5Bs and a new squadron of C–17s. However, the problem is that over the past 10 years, the United States has reduced its Cold War infrastructure and closed two-thirds of our forward bases. I remember many of the bases my squad and I used to fly out of in Vietnam. A lot of the bases in Thailand from which we flew missions in Southeast Asia, Okinawa, and the Philippines have now been closed. We no longer fly from those particular places. As a result, our ability to project our troops by air power as well as by sea power is more important than ever.

One of the ways we have sought to keep the strategic airlift fleet healthy and ready to meet this challenge is by modernizing the C–5 through two unique programs. One is called the Avionics Modernization Program, where we take a 1960s, 1970s cockpit and turn it into a cockpit for the 21st century. The second is a program called the Reliability Enhancement and Re-engining Program, where we literally take old C–5 engines, take them out—they break down about every 5,000 flight hours anyway—and replace them with an engine that will give us 10,000 hours between engine changes; change out the hydraulic system, overhaul the landing gear system, fix some 70 systems in all, and, again, replace the cockpit.

Those are the kinds of things that are done with the modernization process that is underway. So far, three aircraft have been fully modernized; three C–5s have been fully modernized and are being flight tested as we speak here today. In fact, collectively they have been flown over 500 hours, and the full evaluation is to be completed—I think the flight evaluation will be done for the most part within the next 12 months, and some flight evaluations will be completed by June of 2010.

Lockheed Martin is the prime contractor in the program. They are obligated to produce C–5Ms with a mission-capable rate that meets or exceeds 75 percent. That is well above where the C–5 is today. It is, frankly, slightly below where the C–17 is today.

Lockheed reports that nothing in the flight data to date, after over 500 hours of flight testing, suggests the 75 percent mission-capable rate cannot be met or exceeded. The Assistant Secretary for Acquisition of the U.S. Air Force last week in our hearing concurred in that opinion. Consequently, I was compelled, along with Senator COBURN, to hold a hearing to find out an answer to a very contentious question, and here is the question: At what price per aircraft could Lockheed or would Lockheed modernize all or part of the remaining C–5 fleet of 108 aircraft?

This past summer, Lockheed offered to modernize the C–5 fleet at what they call a flyaway cost of—a little less than $90 million per aircraft, whether the Congress and the administration decide to modernize half of the C–5 fleet, two-thirds of the C–5 fleet or all 108 C–5s. If Lockheed can deliver C–5s at a mission-capable rate of 75 percent or higher, at a flyaway cost of $85 million, $95 million or even $105 million, aircraft capable of flying another quarter of a century or more, we would be foolish not to modernize the remaining 108 C–5s. If Lockheed cannot deliver—cannot deliver aircraft that are 75 percent mission-capable rate or higher—if they can't deliver them at a cost we are willing to pay—then we need to find another alternative.

Now, the Air Force has questioned whether Lockheed will actually be able to deliver what the company has promised. The Air Force has suggested the cost of fully modernizing the C–5s may significantly exceed original expectations. This has led the Air Force to conclude that C–5 modernization may not be as cost effective as we all had originally thought and hoped.

I wish to take a moment and share with my colleagues three areas in which the Air Force and Lockheed appear to be in disagreement. As you can see from the chart beside me, the Air Force and Lockheed disagree on the modernizing of C–5s in three areas. No. 1, propulsion system, that is aircraft engine; No. 2, installation costs and what they call touch labor costs, or the amount of man-hours to be invested in these changes; and finally, overhead costs which include, among other things, the kinds of problems that might be uncovered as Lockheed goes through and conducts the modernization of the C–5s—problems that aren't even related to the modernization changes that are being installed.

Now, this disagreement yields a C–5 modernization cost discrepancy of over $4 billion—not a small amount of money. With this fundamental cost disagreement coming to light, our hearing tried to get into the true cost of C–5 modernization. What we found was a temporary stalemate. We also found what appears to be a way forward. In their cost calculations of the C–5 modernization, the Air Force determined the cost of the C–5 modernization has grown over its baseline, causing the view of at least some in the Air Force to trigger what we call a Nunn-McCurdy breach. The Nunn-McCurdy breach, as some will recall, is part of a law passed in 1983 that allows Congress to track the rising costs of Defense programs. A breach of Nunn-McCurdy occurs when a Defense program procurement cost goes beyond 50 percent of its baseline. When this happens, the Department of Defense has to notify the Congress and the program is more heavily scrutinized, in this case by the office of the Secretary of Defense. Interestingly enough, though, we found that part of the Air Force calculation includes costs of inflation due to the risks the Air Force may incur if Lockheed cannot meet its goals. Lockheed also stated they have a different calculation to show some growth but not enough to trigger a Nunn-McCurdy breach.

Lockheed's witness at our hearing last Thursday stated that the contractor—that is Lockheed—is ready to alleviate the Air Force's concerns and, therefore, to decrease the amount of cost growth that the C–5 modernization would realize by providing the Air Force with a firm, fixed price contract to modernize all 108 aircraft at a set cost. If Lockheed exceeds this price, then the cost is on them—on Lockheed. The only obstacle—major obstacle at least—that stands in Lockheed's way is the Air Force's decision on how fast they want to fully modernize the C–5s. The President's budget for 2008 calls for modernizing C–5s, one starting in fiscal 2008, ramping up from 1 to as many as 12 several years down the line. But the contractors need to know how many aircraft are going to be modernized, and in order for them to be able to be held or bound to a fixed cost, they have to have some reasonable assurance that what is being projected will actually be followed, in this case by the Air Force and by us in the Congress.

Let me mention a couple of things in closing. One, it says propulsion system. This is one of the three areas of disagreement between Lockheed and the Air Force. This involves engines—actually the same engine that goes on Air Force One and a whole lot of other aircraft around the world. The engine, made by General Electric, provides generally between engine changes about 10,000 flight hours. It would replace an engine that gets about 1,000 hours between engine changes. That is a miserable-performing engine that is on the C–5, and it has led to all kinds of problems. There is a question about what is GE going to charge Lockheed to sell them four new engines for 108 planes, plus 25 spares. I think that ends up being about 457 engines.

In our conversation offline with GE, they gave us a price well below what the Air Force is expecting or is calculating. If GE is good to their word and Lockheed is good to its word, then this $1.2 billion deficit—or in the case of the Air Force, ostensibly an overrun—that shouldn't be there. That shouldn't be there. The question is, Can GE and Lockheed be compelled—contractually bound—to provide these engines at the lower cost that was quoted to us by GE.

The second piece deals with labor, touch labor costs, the amount of man-hours that will be used to build these or rebuild these aircraft. The first of the C–5s that were modernized took 143,000 man-hours, the second took 125,000, the third took about 110,000 man-hours. Lockheed says they think they can bring it in at about 100,000 man-hours. The Air Force says, no, 116,000 man-hours. Lockheed has a learning curve in terms of better, faster work on the modernization that they believe they can adhere to. The Air Force says, no, that is too optimistic.

Interestingly enough, though, Lockheed has said to the Air Force and to us at our hearing, if we are wrong on the number of man-hours that we say it is going to take to modernize the fourth, fifth or sixth aircraft, if we are wrong on the learning curve and not as successful as we think we are going to be, we will eat the cost. They say they will eat the cost. That is great that they offer that, but what we need is a contract that can bind them to eat the cost if there is a failure to perform as otherwise would be suggested.

Those are the kinds of things that are in dispute. Ultimately, I would hope—and I can't speak for Senator COBURN, but I believe I would share his view that we need large cargo aircraft. We have C–5s. They can carry more than most cargo aircraft. Right now, we are using Russian aircraft, Russian-made aircraft, a big aircraft called the AN–124, to supplement the work that the C–5 can do. We spend today almost $200 million leasing Soviet aircraft or Russian aircraft to do the work for us of the strategic airlift. Nothing against the Russians, God bless them, but I don't know how comfortable you feel—I don't feel all that comfortable—relying on Russian cargo aircraft to supplement our needs around the world.

My hope is that what we will do is have our friends from Lockheed and our friends from the Air Force step back, for a moment, and then reengage in a way that seeks to narrow this, what you call a $4 billion delta or difference, in the assumption of costs for completing this project.

If Lockheed can produce fully modernized C–5Ms that will perform at a 75-percent mission-capable rate or more and do that at a cost of $85 million, $95 million or even $105 million on a flyaway basis, we would be foolish to turn down that deal. If they can't do it, if they can't deliver aircraft at that kind of mission-capable rate, if they can't do it along the line that I quoted as a price that we can be assured of, then we need to look for another alternative.

My hope, coming out of our hearing last week, is that there is a way forward, and we need the best efforts of

the Air Force and the best efforts of Lockheed to find it. If we get those best efforts, we may end up with what in the end will not be just a good deal for our country and for our taxpayers at a time when we are running huge budget deficits but a good deal for the men and women of the Armed Forces who are depending on strategic airlift every day of their lives.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

AMENDMENT NO. 3130

Mr. SANDERS. Madam President, I ask unanimous consent to set aside the pending amendment and to call up the Sanders amendment, which has been filed at the desk.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. SANDERS] proposes an amendment numbered 3130.

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

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

The amendment is as follows:

(Purpose: To increase, with an offset, the amount appropriated for Operation and Maintenance, Army National Guard, by $10,000,000)

At the end of title VIII, add the following:

SEC. 8107. (a) ADDITIONAL AMOUNT FOR OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD.—The amount appropriated by title II under the heading ''OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD'' is hereby increased by $10,000,000.

(b) OFFSET.—The aggregate amount appropriated by title II, other than under the headings ''OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD'' and ''OPERATION AND MAINTENANCE, AIR NATIONAL GUARD'', is hereby reduced by $10,000,000.

Mr. SANDERS. Madam President, yesterday, as part of the managers' package, the Senate approved an amendment that I offered to the Defense authorization bill. That amendment would establish a pilot program at the Department of Defense to deal with a very important problem. That problem is that all across our country, men and women are returning home from the war in Iraq, from the war in Afghanistan, they are coming home to big cities, small towns, and rural communities, and they and their families, in many cases, are hurting. These are soldiers and military family members who are suffering from post-traumatic stress disorder, who are suffering from traumatic brain injury, who are suffering from depression, and who are watching their marriages and their families coming apart. They are suffering nightmares, they are suffering panic attacks and sometimes uncontrollable anger and various physical symptoms. Because of the stigma, many of these brave soldiers do not come forward for help, and others, where the military infrastructure is not strong, simply don't know where to turn. They are hurting, but they don't know how to get help. In my view, we have a moral responsibility to reach out to these soldiers and their families and to help them.

The program, approved by unanimous consent yesterday, would create a pilot program at the Department of Defense. Under this pilot, funds would be provided to adjutant generals to conduct person-to-person outreach to soldiers who have returned from Iraq and Afghanistan. In other words, the heart of this program is outreach quality. We can't be successful in dealing with PTSD if soldiers do not get involved in the program, if they are not involved in counseling. I fear very much that unless we are aggressive in our outreach efforts, especially in rural areas, especially with the National Guard's people, we are going to see folks who don't know where to turn.

These trained outreach personnel will be meeting with the soldiers and their families. They will be able to make sure the soldiers and their families know about the help that is available to them. In other words, it doesn't matter how much help we have if our soldiers don't know where to turn and what is available. These outreach workers would make sure that America's heroes and our military families don't fall through the cracks.

As I mentioned, this body unanimously approved this new pilot as part of yesterday's Defense authorization bill. I thank the Members for their support. That pilot program amendment was cosponsored by Senators SUNUNU, KERRY, HARKIN, and BROWN. I also point out that this amendment is supported by the National Guard Association of the United States.

My amendment today, cosponsored by Senator LEAHY, is to make sure the commitment we made yesterday to returning servicemembers and their families is a real commitment backed by the necessary resources. This amendment would provide $10 million to carry out the pilot program for State-based outreach programs to assist servicemembers and their families created by the Sanders-Sununu-Kerry-Harkin-Brown amendment No. 2905 to the Defense authorization bill. This amendment is fully offset.

Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

At the moment, there is not a sufficient second.

Mr. SANDERS. I thank the chairman and the ranking member, and I look forward to working with them.

I yield back the remainder of my time.

Mr. INOUYE. Madam President, I ask unanimous consent that the present amendment be set aside to reconsider the Boxer amendment.

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

Mr. INOUYE. Madam President, I ask unanimous consent that at 4 p.m. the Senate proceed to vote in relation to the Boxer amendment, as modified; that the time from 3:55 until 4 p.m. be equally divided and controlled between Senators BOXER and INOUYE or their designees; that no amendment be in order to the amendment prior to the vote; that at 4 p.m. the Senate proceed to vote in relation to the amendment; that when the Senate resumes consideration of H.R. 3222 on Wednesday, following morning business, there will be 30 minutes of debate prior to a vote in relation to the pending Graham amendment; that the second-degree amendment be withdrawn and no other amendment be in order to the amendment prior to the vote; that the time be equally divided and controlled between Senators GRAHAM and INOUYE or their designees; that upon the use or yielding back of the time, the Senate proceed to vote in relation to the amendment.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 3126

Mrs. BOXER. Madam President, I understand I have 2½ minutes, followed by Senators INOUYE and STEVENS, and then there will be a motion to table my amendment. I hope to convince colleagues who may be listening to this debate to vote no on the motion to table.

I think this amendment deserves to be heard. It doesn't deserve to be shut down. The amendment is my modified amendment, which I sent to the desk. It basically says there can be no more waivers granted for folks who want to join the military who have been convicted of aggravated assault with a deadly weapon, arson, a hate crime, sexual misconduct, threatening a terror attack, kidnapping or abducting a child, or indecent acts with a minor.

If we can show you this chart, right now, it is against the military policy to allow any of the people into the military who have been convicted of a felony. But there is a waiver process. What has happened is—and we all agree that there are occasions when there ought to be a waiver now and then—we have seen an alarming increase in these waivers because the Army, in particular, is having a hard time meeting its recruitment goals. We see in 2004 that the Army granted 3 of the 60 waivers to recruits who had felonies on their record. In 2005, they granted 571. In 2006, they granted 901 waivers. That is a 59-percent increase over the 2005 number. It is a 150-percent increase over the 2004 figure.

So what we have seen is an alarming increase in the number of waivers. What my amendment simply says is: Enough of this for seven felonies. Again, the seven felonies are aggravated assault with a deadly weapon, which is someone who has been convicted, perhaps, of putting a gun to someone's head and threatening them with bodily harm; arson, someone who obviously has started a fire and put other people's lives in danger; hate crimes, and we discussed that at length. As a matter of fact, we have a fine amendment that Senator KENNEDY offered and that is now on the Defense authorization bill, which would say that people have a right to be free of hate crimes because of the fact that they may be different than the next person. Here you send people like this into the military, and this is one of the most diverse institutions we have.

In conclusion, we are saying, please, don't table this amendment. The others are sexual misconduct, terrorist threatening, indecent acts with a minor, and kidnapping or indecent acts with a child. You don't want somebody like that next to your son or daughter who is serving honorably in the military.

I hope you vote no on the motion to table. I yield the floor.

Mr. INOUYE. Madam President, as I indicated in the earlier debate, we have been assured by the chair of the Armed Services Committee, Mr. LEVIN, and the vice chair, Mr. MCCAIN, that this waiver process is working and has worked.

It is not an easy amendment to speak against, but I am reminded of something that happened during my days of youth. After World War II, there was a very distinguished German, who was a Nazi. He was the prime person who helped develop the rockets and bombs that devastated London, who was then in the process of developing an intercontinental ballistic missile to devastate the United States. But we provided him with a waiver. He came to the United States and worked to develop rockets for the United States. If it weren't for this scientist, there is grave doubt that we could have sent a man to the Moon at the time we did or whether we could have developed the ICBM that we have today. His name was Dr. Wernher von Braun.

I am against those crimes that my colleague from California cited. They are objectionable, they are horrible, and as the father of a son, I can imagine what I would go through if my son had been a victim of one of these crimes. But this process does work, and I think at this moment to flat–out determine that this process cannot be used in certain crimes may be shortsighted.

So on behalf of the ranking member of the committee and myself, I move to table the Boxer amendment.

Mr. STEVENS. Madam President, I join in that motion.

Mrs. BOXER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Arizona (Mr. MCCAIN) and the Senator from Virginia (Mr. WARNER).

The result was announced—yeas 53, nays 41, as follows:

[Rollcall Vote No. 360 Leg.]

YEAS—53

Akaka	DeMint	Lott
Alexander	Dole	Lugar
Allard	Domenici	Martinez
Barrasso	Ensign	McConnell
Bayh	Enzi	Murkowski
Bennett	Graham	Nelson (NE)
Bond	Grassley	Reed
Brownback	Gregg	Rockefeller
Bunning	Hagel	Sessions
Burr	Hatch	Shelby
Chambliss	Hutchison	Specter
Coburn	Inhofe	Stevens
Cochran	Inouye	Sununu
Coleman	Isakson	Thune
Corker	Kohl	Vitter
Cornyn	Kyl	Voinovich
Craig	Levin	Webb
Crapo	Lieberman	

NAYS—41

Baucus	Feinstein	Nelson (FL)
Bingaman	Harkin	Pryor
Boxer	Johnson	Reid
Brown	Kennedy	Roberts
Byrd	Kerry	Salazar
Cantwell	Klobuchar	Sanders
Cardin	Landrieu	Schumer
Carper	Lautenberg	Smith
Casey	Leahy	Snowe
Collins	Lincoln	Stabenow
Conrad	McCaskill	Tester
Dorgan	Menendez	Whitehouse
Durbin	Mikulski	Wyden
Feingold	Murray	

NOT VOTING—6

Biden	Dodd	Obama
Clinton	McCain	Warner

The motion was agreed to.

Mr. STEVENS. Madam President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. INOUYE. Madam President, I wish to announce that tomorrow morning, after morning hour, at approximately 10:45, we will consider and vote upon the Graham amendment.

If there are no amendments after that, the committee is prepared to move to pass the bill on third reading, final passage. So those who have amendments, please come forward.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENTS NOS. 3120; 3125; 3128; AND 3124, AS MODIFIED, EN BLOC

Mr. INOUYE. Madam President, I ask unanimous consent that the following managers' package, No. 1, be adopted: amendment No. 3120, for Senator BAUCUS and others, regarding the Army Smart Data Project; amendment No. 3125, for Senator ROBERTS, regarding Air Force materials research; amendment No. 3128, for Senator KOHL, regarding the Navy's permanent magnet motor; amendment No. 3124, as modified, for Senator LOTT, regarding Air Force pallet systems.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. We support these amendments.

The PRESIDING OFFICER. Without objection, the amendments are agreed to en bloc.

The amendments were agreed to, as follows:

AMENDMENT NO. 3120

(Purpose: To make available from Research, Development, Test, and Evaluation, Army, $1,000,000 for the Smart Data Project: Real Time Geospatial Video Sensor Intelligence program)

At the end of title VIII, add the following:

SEC. 8107. Of the amount appropriated or otherwise made available by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY'', up to $1,000,000 may be available for the Smart Data Project: Real Time Geospatial Video Sensor Intelligence program.

AMENDMENT NO. 3125

(Purpose: To make available from Research, Development, Test, and Evaluation, Air Force, $1,000,000 for Materials Integrity Management Research for Air Force Systems)

At the appropriate place, insert the following:

SEC. ____. Of the amount appropriated or otherwise made available by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE'' and available for Program Element 0603112F, up to $1,000,000 may be available for Materials Integrity Management Research for Air Force Systems.

AMENDMENT NO. 3128

(Purpose: To make available from Research, Development, Test, and Evaluation, Navy, $2,000,000 for the DDG–51 Class Modernization–Hybrid Propulsion Permanent Magnet Drive System)

At end of title VIII, add the following:

SEC. 8107. Of the amount appropriated or otherwise made available by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY'' and available for the Permanent Magnet Motor, up to $2,000,000 may be used for the DDG–51 Class

Modernization–Hybrid Propulsion Permanent Magnet Drive System.

AMENDMENT NO. 3124, AS MODIFIED

At the end of title VIII, add the following:

SEC. 8107. AVAILABILITY OF FUNDS.—Of the amount appropriated or otherwise made available by title III under the heading ''OTHER PROCUREMENT, AIR FORCE'', up to $4,000,000 may be available for purposes of accelerating the deployment of the Associate Intermodal Platform pallet system.

Mr. BAUCUS. Madam President, as my colleagues are aware, current force intelligence, surveillance and reconnaissance, ISR, capabilities are impeded by three specific technology issues: in-theater network interference, dissimilar IT infrastructure across forces and intelligence agencies, and slow storage and retrieval of mission critical intelligence.

Once intelligence is gathered, whether by unmanned aerial vehicle, stationary sensors or mobile ground sensors, it is transmitted to ISR Command. The data is sent as two streams—content, which is the actual imagery, and context, which is comprised of metadata relating to location, date, time, target information, destination of message, sender information, and more. Currently, much of this context stream, whether location coordinates, date, and/or time information, is dropped or interrupted during transmission. These drops render as much as 30 percent of all motion video and still-imagery intelligence unusable. Such data loss negatively affects current ISR operations and creates undesirable consequences in the field.

In cooperation with Senators TESTER, KERRY, WYDEN, and SMITH, I submitted an amendment to the Department of Defense Appropriations bill for fiscal year 2008. This amendment would provide funding for the Smart Data Project through companies in three states. The recipient of funding for this project would be Digimarc, Inc., of Oregon and Massachusetts. Additional research for the project will be conducted by GCS Research of Missoula, Montana, and S&K Technologies of Pablo, Montana. The purpose of this program is to address the existing capability gap within the military's intelligence gathering operations and to provide our military with real-time geospatial video sensor intelligence.

The basis for the solution to address this capability gap is currently employed by all the major media networks, which use components of Smart Data technology to track usage of proprietary video. ABC, CBS, NBC and Fox embed unique data such as TV station identification, date, and time into the content. This unique embedded data is then used to generate reporting information about distribution and viewership.

Adaptation of Smart Data technology for military applications involves the embedding of key contextual information such as location coordinates, date, time, and sender onto reconnaissance imagery. The embedding technology developed by the Smart Data team will eliminate data loss that has negative effects on Current Force ISR operations. Addressing this data loss will improve operative effectiveness and save lives in the field.

AMENDMENT NO. 3125

Mr. ROBERTS. Madam President, I rise today in support of an amendment to the 2008 Defense Appropriations Act. This amendment is in the interest of Kansas and our national security. I request up to $1 million be made available for Materials Integrity Management Research for Air Force Systems, MILTEC. This project aims to develop advanced wireless sensors to be optimally placed for aircraft structure health monitoring. The processed data will provide diagnostic and prognostic information that can be further used to assist in critical mission planning. MILTEC is currently operating through Wichita State University in Wichita, KS. I have no personal, familiar, or political connection to these projects.

AMENDMENT NO. 3128

Mr. KOHL. Madam President, I submitted amendment No. 3128 along with Senator KENNEDY to allow the Navy to provide up to $2 million to DRS in Milwaukee, WI, for DDG51 Class Modernization, Hybrid Propulsion Permanent Magnet Drive System. This would give the Navy the flexibility to develop a hybrid drive system to increase fuel economy. Today the DDG51 uses gas turbines to power the propulsion system. Installing a hybrid system would allow an electric motor to drive the ship at low speed when the main turbine would be very inefficient. The project is expected to pay for itself in saved fuel costs in 3 years. This upgrade would be performed as the DDG51s underwent their 15-year midlife upgrade. While the work envisioned in this amendment would be done in Milwaukee, part of the work would also be done in Massachusetts and Connecticut.

Mr. KENNEDY. Madam President, I submitted amendment No. 3128 along with Senator KOHL to allow the Navy to provide up to $2 million to DRS in Milwaukee, WI for DDG51 Class Modernization—Hybrid Propulsion Permanent Magnet Drive System. This would give the Navy the flexibility to develop a hybrid drive system to increase fuel economy. Today the DDG51 uses gas turbines to power the propulsion system. Installing a hybrid system would allow an electric motor to drive the ship at low speed when the main turbine would be very inefficient. The project is expected to pay for itself in saved fuel costs in 3 years. This upgrade would be performed as the DDG51s underwent their 15-year midlife upgrade. While the work envisioned in this amendment would be done in Milwaukee, part of the work would also be done in Massachusetts and Connecticut.

AMENDMENT NO. 3129

Mr. LOTT. Madam President, I am submitting Senate amendment No. 3124 to make funds available from the appropriation account Other Procurement, Air Force, to accelerate the deployment of the Associate Intermodal Platform pallet system.

The Associate Intermodal Platform pallet system is manufactured by Shan Industries LLC, headquartered in Miami, FL, with manufacturing plants currently located in New Jersey and Oklahoma.

The Department of Defense has concluded that use of the Associate Intermodal Platform, AIP, pallet system, developed 2 years ago by the U.S. Transportation Command, could save the United States as much as $1,300,000 for every 1,000 pallets deployed. The Associate Intermodal Platform pallet system can be used to transport cargo alone within current International Standard of Organization containers, or in conjunction with existing 463L pallets. The Associate Intermodal Platform pallet system has successfully passed rigorous testing by the U.S. Transportation Command at various military installations in the United States and in the field in Iraq, Kuwait, and Antarctica. The Associate Intermodal Platform pallet system has performed well beyond expectations and is ready for immediate production and deployment.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

CLOTURE MOTION

Mr. REID. Madam President, I appreciate the work of the managers on this important piece of legislation. I have conferred with the managers. After we have one vote sometime tomorrow morning, and if there is nothing more happening, I think we should move to third reading. Just to protect all of our military, in case something goes awry in the next 24 hours, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 353, H.R. 3222, Department of Defense Appropriations Act, 2008.

Daniel K. Inouye, Jon Tester, Robert P. Casey, Jr., Ted Kennedy, Tom Carper, Max Baucus, Kent Conrad, Robert Menendez, Patty Murray, Carl Levin, Ben Nelson, B.A. Mikulski, Ron Wyden, Blanche L. Lincoln, Charles Schumer, Byron L. Dorgan.

Mr. REID. Mr. President, I would hope we can just totally avoid this. Of

course, the cloture vote would not occur, at the earliest, until Thursday anyway. I would hope that it will not be necessary that cloture be invoked. But we want to make sure that we are able to complete this legislation, including the managers' package on which these two veteran legislators have worked. I have spoken to staff, and the managers' amendment has not been cleared yet. It should be cleared. I hope we can finish this bill tomorrow afternoon early. This cloture motion is to protect us in case something goes wrong.

I think perhaps we shouldn't go into morning business right now. Someone might want to offer an amendment, and I want to make sure everyone has the ability to do that. It is 5 o'clock now. There will be no more votes today. Unless we have somebody here by 5:30 to offer an amendment, we will go into morning business.

AMENDMENT NO. 3135

Mr. KENNEDY. I introduced amendment No. 3135 to allow the Navy to provide up to $5 million for the high temperature superconductor AC synchronous propulsion motor. These funds will be used to test and transition the high temperature superconductor AC synchronous propulsion motor to Navy ship class. This will serve in the effort to increase power while reducing vessel weight.

AMENDMENT NO. 3134

I introduced amendment No. 3134 to allow the Navy to provide up to $3 million for the MK 50, NULKA, Decoy System. These funds can be used for the purpose of continuing efforts to defend the Navy from the continually evolving threat of antiship missiles and associated seeker systems.

Mr. KERRY. Mr. President, today I submitted an amendment with Senator KENNEDY as a cosponsor which may provide up to $1 million, within the Navy Sealift Account, to the Massachusetts Maritime Academy, MMA, in Buzzards Bay, MA. The funding will be used to help complete the conversion of the T.S. *Enterprise*, a Ready Reserve Force training ship. In fiscal year 2000–2001, the Department of Defense Appropriations conference report included $25 million for the conversion of the T.S. *Enterprise*. However, that funding only allowed MARAD to produce a ship which holds only 600 cadets. The Massachusetts Maritime Academy has had a growing number of students in recent years and requires the additional room to allow all of their cadets to train on the ship. At a time when our troops depend heavily on the material shipped to war zones on American flag ships, I believe it is critical to the livelihood of the Nation that our maritime academies continue to produce the professional men and women needed in the maritime trades.

Mr. ALLARD. Mr. President, I rise today to speak on my amendment, designating $5 million—the amount requested by the Pentagon—for the Missile Defense Space Experimentation Center, a facility within the Missile Defense Integration & Operations Center on Schriever Air Force Base in Colorado Springs, CO.

The Missile Defense Space Experimentation Center supports research and development, agency operations, test and evaluations and operations and training for missile defense capabilities. It provides the Missile Defense Agency a common support infrastructure and connectivity for operating MDA experimental satellites, and integrating space data in support of the missile defense mission. The MDSEC provides a multilevel security environment for sensor data management and integration across all space and terrestrial sensor data activities.

MDSEC activities support analysis, demonstration and integration of space sensor capabilities into developmental and operational MDA Elements. MDSEC also supports advanced technology and algorithm development, including fusion of multiple sensor types—radar, overhead nonimaging infrared, electro-optical and other emerging sensor technologies. MDSEC supports mission integration of space-based missile track—boost and mid-course phases—sensor and weapons cueing via C2BMC, features and discrimination, kill and impact point assessments into C2BMC, Aegis, Terminal High Altitude Area Defense—THAAD—Global Missile Defense—GMD—and other—non-MDA—mission areas such as space situation awareness, technical intelligence, and battle space characterization. For Fiscal Year 2008, the Missile Defense Space Experimentation Center will: Demonstrate connectivity and integration of space layer data into X-lab, BMDS elements, and external users; demonstrate capability to access, share, and playback data across stakeholder programs—MDSEC Interchange System; provide synergy for testing, experiments, integration and algorithm development—Integration Lab; demonstrate capability to support and integrate across multiple security environments/domains; demonstrate space-layer data support to non-BMDS Missions—external users; demonstrate integrated birth-to-death tracking and fusion across existing, R&D and future BMDS sensors; support space-based sensors data collections and algorithm testing experiments; complete MDSEC Interchange System—MIS: Test prototype MIS operating system and host MIS hardware suite.

I believe the mission and task for the MDSEC require our support and I urge passage of this amendment.

Mr. President, in regards to my amendment designating $5 million to support research and development, agency operations, test and evaluations and operations and training for missile defense capabilities at the Missile Defense Space Experimentation Center, a facility within the Missile Defense Integration & Operations Center on Schriever Air Force Base in Colorado Springs, CO, neither I nor anyone in my immediate family has a pecuniary interest in the center or its operations.

AMENDMENT NO. 3140

Mr. VITTER. Madam President, I rise today in support of amendment No. 3140 to the 2008 Defense Appropriations Act. This amendment is in the interest of Louisiana and health care programs within the Department of Defense. I request up to $1 billion be made available for Maternal-Fetal Health Informatics and Outreach Program. This project will be the use of Telehealth and electronic medical record, EMR, technologies centered on conducting research and developing technology solutions for high-risk obstetrical patients, in collaboration with the DOD. The intent of the Maternal Fetal Informatics Outreach Program, MFIOP, is to leverage technology toward optimizing health care delivery solutions for women and infants. This effort will increase portability of patient records and lead to a decrease in associated health care cost related to obstetrical, OB, and newborn health care services. The Maternal-Fetal Health Informatics and Outreach Program is currently operating out of Woman's Hospital in Baton Rouge, LA. I have no personal, familiar or political connection to this project.

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

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

BRINGING A FALLEN SOLDIER HOME

Mr. BROWN. Mr. President, earlier today, I left a Banking Committee hearing to go out to Arlington National Cemetery to meet with a group of World War II veterans. A woman by the name of Ms. Best, who had served in World War II, was laying the wreath on behalf of Miami County, OH, veterans—some 35 or so veterans from Ohio who took a bus under the sponsorship of Glenn Devers, who raises money so veterans can come to Washington and lay a wreath at the Tomb of the Unknown Soldier and then proceed to see the World War II monument.

I was struck, first, by all the stories of Mr. and Mrs. Whited, for instance. Mr. Whited was called off to the service and went overseas. His child was born a few months after he left, and when he returned, he saw his son for the first time, who was the age of 2. He is now more than 60 years old. I was taken by the stories of so many of these World War II veterans, their courage and heroism, their love of country, their duty, their commitment, and their patriotism. They surely—without overusing the phrase—were part of ''the greatest generation.''

Few veterans have asked for credit or recognition, but it was such a pleasure to go there and talk to them today. I