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House of Representatives

The House was not in session today. Its next meeting will be held on Wednesday, September 6, 2006, at 2 p.m.

Senate

THURSDAY, AUGUST 3, 2006

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

PRAYER

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

Let us pray.

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

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

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

We pray in Your marvelous Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JOHN E. SUNUNU led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication

to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, August 3, 2006.

To the Senate:

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

TED STEVENS,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. FRIST. Mr. President, in a few minutes, we will return to the Department of Defense appropriations bill. We have several votes on amendments and the two managers were able to work out language on a number of other amendments that were agreed to by consent. I expect another full day on the Defense bill, with votes on amendments, as necessary. We will remain in session later into the evening to finish the appropriations bill tonight. That is the goal. The two managers have patiently waited for Senators to bring their amendments forward. I would counsel them to bring the bill to a

close if Senators are not prepared to come down and offer their amendments. Again, the managers are doing a superb job. We need to get Members to move ahead with their amendments and make sure they are appropriately offered.

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

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

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

Anything else on the schedule to address?

Mr. REID. No.

UNANIMOUS CONSENT REQUEST—H.R. 748

Mr. FRIST. Mr. President, let me go to the Child Custody Protection Act. This is a bill that earlier this week I asked unanimous consent to go to conference on, a bill we passed last week with strong bipartisan support, 65 to 34. The assistant Democratic leader objected to this request on the grounds

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



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that he wanted assurance that language offered in an amendment by Senator BOXER would be retained. He was referring to the only amendment that the Senate agreed to on that bill. This amendment clarifies that a father who victimized his daughter by incest would not be able to transport her across State lines for an abortion or to sue anyone who did. This amendment offered by Senator BOXER and cosponsored by Senator FEINSTEIN passed the Senate 98 to 0. I obviously voted for it. It improved the bill. I fully support the amendment.

To accommodate the concern that was expressed, I pledged I will not support a conference report or any consideration of a conference report that does not retain that Boxer-Ensign language we agreed to July 25. I take the Democratic leader at his word and want to address his concern. Thus, I make it clear I give my word that the language he wants will be included and his request will be met. I trust that by addressing his stated concern we will be able to move forward.

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

Mr. REID. Reserving the right to object, first of all, I voted for this legislation. I support it. However, there are Senators on this side of the aisle who do not. Senator BOXER appreciates the assurance that has been given to her through the public statement of the leader. She has heard from others that does not bind what the House would do with this piece of legislation.

That is one of the problems we have when you spend so much time on issues that are taking far too much time. We talked about the estate tax endlessly. There are ways, even though there are people on this side of the aisle who object to going to conference, that this matter can be taken to conference. We pass bills all the time by sending a bill to the House and having them accept it. If that does not work, there are procedural methods that can be taken.

The bill passed by 70 votes or even more, far more than enough to overcome any procedural hurdles anyone could stand in the way of. Steps just have to be initiated.

As a result of that, on behalf of Senator BOXER and others, I object.

The PRESIDING OFFICER. The objection is heard.

Mr. FRIST. Mr. President, I shortly will move to a statement on the Family Prosperity Act, but both of my distinguished colleagues from Nevada are here. If I could briefly yield to my distinguished colleague, the sponsor of the bill we were just talking about.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. Mr. President, the Child Custody Protection Act is an important piece of legislation. During the debate, we heard from people from around the country that this is an important piece of legislation, and they want to see it move forward. We had heard the last couple of years that neither side of the aisle would cooperate with the other side. During the child custody debate, we cooperated. There was an agreement between the leaders. We had a certain number of amendments. The whole tenor of the debate, on a very emotional issue, was cooperative. Even though we disagreed on the issue, there was cooperation. I worked with Senator BOXER on the amendment. We had several amendments. We ended up getting it down to basically a Boxer-Ensign amendment that strongly improved the bill. I asked her if she wanted a voice vote on the bill. She said no, she wanted a recorded vote to make sure it stayed in conference. I told her, that is great, we will have a recorded vote. Saying she wanted that recorded vote to stay in conference indicated to me that there would be cooperation to go to conference. We had a recorded vote. It is an amendment I feel strongly about and want to see it stay in the bill in conference.

To now block, via a parliamentary move, an important piece of legislation simply because we are at the end of a session and the other side knows we do not have the time to go through all the procedural maneuverings is outrageous, especially because this Senate operates with some kind of collegiality. When you are cooperating, you should cooperate.

There were accusations made that we should not bring up this legislation because we don't have the time and we should be talking about more important issues. What the other side is doing, by some Senators blocking this, is saying you should spend more time on this issue. If they were truly genuine in what they were saying, that we shouldn't spend too much time on this issue, then let's go to it.

It is a simple unanimous consent agreement that doesn't take any more floor time. It is boom, it is done, we are done with this bill, and we can go to conference and work out the differences. We will strongly support the Senate side the way the bill came out of the Senate. There may be some small changes we have to make in conference, but the bottom line is we should move forward with this legislation.

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

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, one final issue to address is with regard to tomorrow's vote on the Family Prosperity Act. Tomorrow, we will be vot-

ing on whether to proceed to the consideration of the Family Prosperity Act, which is the compromise—I emphasize compromise—permanent solution to the death tax; second, extending important tax provisions such as college tuition deductions, research and development, sales tax deductibility; and, third, raising the minimum wage with a 40-percent increase.

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

A "yes" vote tomorrow morning to proceed to the bills tells the American family that we are listening to you, that we are with you, that we hear you, that we understand your daily challenges. A "no" vote to proceed to the bills tells the American family these issues are simply not sufficiently important for the Senate to consider, a permanent solution to the death tax, extending those tax provisions, raising the minimum wage.

Friday's vote—tomorrow morning—is an important vote. I made it very clear that we will not split up the bills. I made it clear this is a package and we will move to proceed to them as such. Each Senator will, of course, be accountable to their constituents over the recess for how they vote, either with the American family or against the American family.

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

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

Back home in Tennessee, Ann Bennett's family has farmed the same piece of land in Kingsport for the past 70 years for one generation and the other two generations make it a total of 130 years. Already, they have paid over \$100,000 in death taxes so her father could inherit the farm from his father. When Ann's father passes on, Ann

and her sisters have to come up with \$2 million just to hold on to that family farm.

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

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

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

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

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

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

Americans have waited long enough for Congress to take the death tax burden off their backs with a permanent solution. Today is our chance to act.

Similarly, for nearly 20 years Tennesseans waited for Congress to restore State sales tax deductibility. It is one of the provisions in the so-called "tax extenders".

From 1986 until 2004, hard working Tennesseans were placed at a disadvantage—simply because Tennessee was one of seven States that choose to raise revenue primarily through a sales tax instead of an income tax.

Congress and President Bush acted in 2004 to restore the State sales tax deductibility—and to restore fairness to Federal tax policy.

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

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

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

To me, that is important.

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

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

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

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

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

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

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

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

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

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

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

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

He goes on to say, among other things, that "A lame-duck committee chairman"—we all know that is Chairman THOMAS—"overpowering Congress connotes weak leadership in both the House and the Senate and a President detached from legislative activity."

I couldn't say it better myself. I give that to Bob Novak.

He goes on to say that Thomas, last week, combined them with the extend-

ers bill—minimum wage and estate tax legislation.

He went on to say:

Arrogant, acerbic and authoritarian, the chairman was going out with a bravura performance [refusing to walk across the Capitol to meet with Senators].

He refused to come to the Dirksen building.

He said further:

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

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

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

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

This is a shell game. I am going to have a more complete statement before we vote on this.

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

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

The Farm Bureau, which supports passage of the repeal of the estate tax for reasons no one can understand because the California Senator asked the head of National Farm Bureau: During the past 10 years, give me the name of a farmer or farmers or ranchers who lost their farms as a result of the estate tax. Zero, none. That is a myth.

I will bet every Democratic Senator thinks we should do something to change the estate tax a little bit.

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

I am terribly disappointed with the situation we have in the Senate today.

This should have been the day we were doing our victory laps prior to going home for the August recess. We should have felt good. I felt good. We were finally going to be able to do something about coastal erosion, to restore the coasts, especially around New Orleans. I have been worried about that. I was twice chairman of the Environment and Public Works Committee. We finally had an opportunity, and what do we do? We should be leaving feeling good. We should feel good today about what Senators BAUCUS and GRASSLEY did for us in taking care of the pensions bill, which directly affects 45 million people and indirectly affects 145 million Americans. It was done. It was signed.

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

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

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

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

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

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

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

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

This should not be called the “trifecta” bill—as it has been referred to too often by my friends in the majority—but the “defecta” bill.

The minimum wage issue is absolutely so hard to comprehend. We know—and Bob Novak talks about it—the Republicans hate the minimum wage. He is the mouth of the conservatives. He says Republicans hate the

minimum wage. And they give us a bill so they can say “minimum wage”—but it is a pay cut for people in seven States. Then it is spread out over 3 years.

They couldn’t bring themselves to do a pay increase right away.

The richest man in the world is named Warren Buffett. He has more money than all of the Saudi princes. He has \$34 billion in the bank, cash money. He is opposed to repealing the estate tax.

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

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

Let us vote on it.

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

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

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

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

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

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

The legislative clerk proceeded to call the roll.

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

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

RESERVATION OF LEADER TIME

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

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2007

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 5631, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 5631) making appropriations for the Department of Defense, for the fiscal year ending September 30, 2007, and for other purposes.

Pending:

Kennedy amendment No. 4802, to require a new National Intelligence Estimate on Iraq.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Alaska.

AMENDMENTS NOS. 4777, 4821, 4789, 4837, 4823, AND 4838

Mr. STEVENS. Madam President, I have another managers’ package that has been prepared and has the approval of Senator INOUE and myself. Let me state it for the Senate.

It contains amendment No. 4777, for Senator SMITH, regarding landing systems; amendment No. 4821, for Senator LANDRIEU, regarding first-aid kits; amendment No. 4789, for Senator STABENOW, regarding Stryker combat vehicles; amendment No. 4837, for Senator BENNETT, regarding all-terrain vehicles; amendment No. 4823, for Senator DURBIN, regarding the training of military nurse educators; and amendment No. 4838, for Senator MCCAIN, regarding grants. These have been cleared by both managers. I send this managers’ package to the desk and ask unanimous consent that it be considered immediately, the amendments be adopted immediately, and the motion to reconsider be laid upon the table.

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

The amendments were agreed to, as follows:

AMENDMENT NO. 4777

(Purpose: To make available from Research, Development, Test and Evaluation, Air Force, up to \$4,000,000 for the Transportable Transponder Landing System)

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”, up to \$4,000,000 may be available for the Transportable Transponder Landing System.

AMENDMENT NO. 4821

(Purpose: To make available from Operation and Maintenance, Marine Corps Reserve, up to \$3,500,000 for the Individual First Aid Kit)

At the end of title VIII, add the following: SEC. 8109. Of the amount appropriated or otherwise made available by title II under the heading “OPERATION AND MAINTENANCE, MARINE CORPS RESERVE”, up to \$3,500,000 may be available for the Individual First Aid Kit (IFAK).

AMENDMENT NO. 4789

(Purpose: To make available from Research, Development, Test and Evaluation, Army, up to \$8,000,000 for the Advanced Tank Armament System)

At the end of title VIII, add the following: SEC. 8109. Of the amount appropriated or otherwise made available by title IV under

the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY", up to \$8,000,000 may be available for the Advanced Tank Armament System.

AMENDMENT NO. 4837

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

At the end of title VIII, add the following:
SEC. 8109. Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY", up to \$1,000,000 may be available for the development of a Lightweight All Terrain Vehicle (LATV).

AMENDMENT NO. 4838

(Purpose: To make available from Defense Health Program up to \$500,000 for a pilot program on troops to nurse teachers)

At the end of title VIII, add the following:
SEC. 8109. Of the amount appropriated or otherwise made available by title VI under the heading "DEFENSE HEALTH PROGRAM", up to \$500,000 may be available for a pilot program on troops to nurse teachers.

AMENDMENT NO. 4838

(Purpose: To clarify the treatment of Committee report guidance on certain projects)

On page 180, beginning on line 2, strike "and the projects" and all that follows through line 4 and insert a period.

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

There is a whole series of amendments that are being presented today. I believe we will have a considerable number of votes today.

I wish to point out to the Senate that Senator INOUE and I have now reprogrammed over \$4 billion from various projects and equipment accounts that we have already approved for the Department of Defense for this fiscal year. Those requests were made to obtain more money to cover the costs of the military pay and allowances and the costs associated with rotation of our military force in and out of Iraq and Afghanistan.

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

even more of these notices of delay, which lead to unemployment, lead to considerable increase in costs.

There is no reason this bill should be delayed. This bill has to be sent to the President before the end of the fiscal year and timed, as a matter of fact, so the Secretary of Defense has the authority to release the money immediately on the first of October.

I urge the Senate to consider the welfare of these men and women who represent us now in 120 countries throughout the world. We have men and women in uniform who depend upon this.

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

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

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

I thank the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

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

The PRESIDING OFFICER. The Kennedy amendment is pending.

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

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 4787

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

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

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

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

The amendment is as follows:

(Purpose: To limit the funds available to the Department of Defense for expenses relating to conferences)

At the appropriate place, insert the following:

SEC. _____. The aggregate amount available in this Act for expenses of the Department of Defense relating to conferences in fiscal year 2007, including expenses relating to conference programs, staff, travel costs, and other conference matters, may not exceed \$70,000,000.

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

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

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

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

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

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

The fact is, there are hard choices before us. Should we limit how much

money we spend on conferences? And can we use that money to take care of our troops, to upgrade a humvee, to pay for the things we are having trouble paying for today?

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

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

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

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

I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

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

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

The Senator from Alaska.

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

The Senator is correct. We offered to take it to conference, and in conference we might be able to find a reasonable figure that would be a limitation. Seventy million is not a reasonable limitation. There is no reason for us to try to be unreasonable with the Department of Defense. We are the last superpower in the world. People depend upon us, and we go visit the places, 120

different countries, where we have military people in uniform. It costs money. The cost of traveling is going up all the time.

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

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

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

Mr. STEVENS. I ask unanimous consent that the pending amendment may be temporarily set aside so the Senator may offer another amendment. We are trying to determine the availability of membership to be present for a vote.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 4784

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

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

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

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

The amendment is as follows:

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

At the appropriate place, insert the following:

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

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

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

(2) Any report required to be submitted by the Department of Defense to Congress in support of the budget of the President for fiscal year 2008 (as submitted to Congress pursuant to section 1105 of title 31, United States Code) for the Department of Defense,

including any budget justification documents in support of such budget for the Department of Defense.

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

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

I do wish to make a couple of corrections with regard to the last amendment. The expenses related to the military meeting with Members of Congress are not in the \$79 million that was spent last year. It is not included in that figure. This is domestic conferencing. It doesn't have anything to do with international travel. The fact is, we have to do better when it comes to the things we can control in terms of variable expenses.

In the Defense appropriations bill, 20 reports are required by the Defense Department. Many of those are needed. What this amendment does is require public disclosure of all reports delivered to the Appropriations Committee. I am willing to amend that to apply to the authorization committee as well, if the chairman would so desire, including the justification of the presence of annual budget requests by the Department of Defense, unless those reports contain information that would comprise national security. Anything that would comprise national security is exempted from the amendment. But if they are reporting to the Appropriations Committee or the authorization committee, then they ought to be reporting to the American public. The American public ought to see what those reports say, provided there is no risk to national security within them.

DOD provides the Appropriations Committee with annual justifications for the administration's budget proposals, which OMB has agreed to put online next year, with the same exception regarding the compromise of national security. The reason this issue came up is that this year with the President's budget request, only members of the Appropriations Committee could see the justifications. Other Members of the Senate could not see the justifications, the reasoning behind the requests. Even though we are going to be required to vote on them, we could never see the President's reasoning for why he was asking for what he was asking for. So that is going to be changed at OMB next year. They have committed to do that. Those justifications will be made public.

But of the reports this committee is going to ask of the Congress, if they don't compromise national security—Senator OBAMA and I are offering this amendment—they ought to be placed online. The Defense Department has the capability of doing that. The rest of America ought to see what the justifications are. Sunshine is the best thing we have to hold us accountable

to do what is in the best interest of our country. Not only should the American public know it, the media should have availability to it so that information can be spread.

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

We are going to spend, as Senator GREGG said yesterday, \$553 billion on defense this year, including the war, upgrading defense, and there is no question, as the chairman said, we are the lone superpower. There is great responsibility that comes with that. But in fact, as the Secretary of Defense said on September 10, 2001, every penny counts. It ought to be tracked, checked, and open for scrutiny.

This amendment says that a communication to Congress, if in fact it puts no risk, no security-sensitive information out there, the American public ought to see it. The only reason, a logical person could assume, other than a national security issue, that we would not want the American public to see these reports is that we have something we don't want them to know. I believe collectively the American public is as wise or wiser than the collection of their representatives in Washington. Their judgment is important in what we do and how we do it. If we truly have a government of the people, by the people, and for the people, then routine operations of the Government must no longer be concealed or hidden from the people of this country. What this amendment does is assure greater transparency and accountability of taxpayer funds. It lets the American people know what we are doing, why we are doing it, and how.

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

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

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

This is straightforward. We have from the committee the list of reports that are directed to be prepared: Reserve component budget structure, legal assistance, personnel reductions, National Guard procurement, alternative diesel fuel, MTF efficiency

wedge, impact of nursing shortage on military health care delivery system, postdoctoral education, alcoholism research, Commander's Emergency Response Program, to name a few. Where it does not compromise national security, the American public ought to know it. This says that if they have it, the Department of Defense puts it on the Web site with the proviso that anything that is of national security be extracted or withheld. It is a reasonable amendment. It ought to be there. The Senate ought to vote on it to say that they want sunshine, that they want the American people to know what they are going to do.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

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

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

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

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

Mr. STEVENS. Madam President, I raise a point of order under rule XVI that this amendment violates rule XVI. What is the ruling of the Chair?

The PRESIDING OFFICER. There are two issues raised here. One is whether the amendment violates rule XVI and the other one is whether there is an appropriate defense of germaneness. The answer to both questions is in the affirmative.

Mr. STEVENS. I raise rule XVI. If the Senator wants to raise the point of germaneness, he may do so.

Mr. COBURN. I raise the point of germaneness.

The PRESIDING OFFICER. The question is submitted to the Senate.

Mr. STEVENS. I will ask that the vote be postponed until we agree on a series of votes today.

I ask for the yeas and nays on that question.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The vote will be set.

Mr. COLEMAN. Madam President, I ask unanimous consent that I may speak up to 7 minutes as in morning business.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. STEVENS. What is the amount of time?

Mr. COLEMAN. Up to 7 minutes. I probably will not need that much time.

Mr. STEVENS. The Senator has the floor. I will not object now, but we are trying to get the votes put together so we can start at 11 o'clock for the convenience of the Senate because committee meetings are going to take place. I will not object now. To any further interruption, I will object.

ESTATE TAX AND EXTENSION OF TAX RELIEF ACT OF 2006

Mr. COLEMAN. Madam President, I want to speak about unfounded concerns raised about the minimum wage increase proposal of the Estate Tax and Extension of Tax Relief Act of 2006.

I have long supported an increase in the minimum wage in order to help raise the living standards of America's hard-working families. I voted for Senator KENNEDY's amendment on a number of occasions. I voted for a minimum wage increase with or without a tip credit. It has been 9 years since we last increased the minimum wage. Many States—mine included—have raised their minimum wage higher than the Federal level.

The tax bill we will take up tomorrow increases the minimum wage. The bill would also provide for a tip credit in those States—again, like my own—that don't currently allow for a tip credit. Again, I have supported a minimum wage increase with and without a tip credit. We have an opportunity to increase the minimum wage, and there is a tip credit provision in there.

I find it regrettable that some of my Democratic colleagues are now arguing that the tip credit provision would actually lead to a reduction in the minimum wage for those workers in nontip

credit States. It is interesting that these colleagues of mine make this argument at a time when we are close to providing an increase in the minimum wage. Not once have these colleagues of mine made such claims when the Senate considered this very same proposal on several occasions in the recent past.

Contrary to what some are saying, the fact is that the tip credit would only apply to future increases in the minimum wage. I will repeat that. The tip credit would only apply to future increases in the minimum wage—not to the current minimum wage.

The charge that the tip credit provision would result in the minimum wage for tipped workers going down is absolutely false.

If you read closely the proposal's language, it says a worker cannot be paid less than "the cash wage paid such employee which is required under such law, ordinance, regulation, or order on the date of enactment. . . ." That is how the bill reads.

It also appears that the critics of this provision have not taken into consideration section 218 of the Fair Labor Standards Act, which prohibits employers from paying less than the current minimum wage.

I ask unanimous consent to have printed in the RECORD a letter from the Assistant Secretary for Employment Standards, U.S. Department of Labor, Victoria Lipnic.

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

AUGUST 2, 2006.

Hon. BILL FRIST, M.D.,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR LEADER FRIST: You have asked for the views of the Department of Labor's Wage and Hour Division (WHD) regarding Section 402 of the Estate Tax and Extension of Tax Relief Act of 2006 (the Act). If Section 402 of the Act ("Tipped Wage Fairness") were passed into law, WHD would read Section 402 as protecting the current minimum wages of the tipped employees in the seven states that now exclude a tipped employee's tips from being considered as wages because to do otherwise would be inconsistent with what we understand to be the intent of Congress and the Fair Labor Standards Act, which WHD enforces.

Nevertheless, we are aware that some have argued that Section 402 is ambiguous. We would be pleased to work with the Congress to clarify that the intent of Congress is to protect the current minimum wages of tipped employees. Please contact me if the Department can be of further assistance.

Sincerely,

VICTORIA A. LIPNIC.

Mr. COLEMAN. This letter says that absolutely the Fair Labor Standards Act prohibits employers from paying less than the current minimum wage. That is to be taken into consideration in terms of what the Senate is doing with the minimum wage tip credit provision.

The letter from the Department of Labor is very clear. If my colleagues have any question, this is now part of the RECORD; I have asked that it be

printed in the RECORD. It lays it out very clearly.

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

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

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

The PRESIDING OFFICER. The Senator from Alaska is recognized.

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

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

At the appropriate place, insert the following:

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

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

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

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

Mr. STEVENS. I ask unanimous consent that I be permitted to withdraw the point of order under rule XVI and that the vote on the issue of germaneness be rescinded.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. STEVENS. It is my understanding that the Senator from Oklahoma wants a vote on that amendment. Is that correct?

Mr. COBURN. That's correct.

Mr. STEVENS. We are prepared to accept it, but if the Senator wishes a vote, he is entitled to it.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. Madam President, we expect the Senator from Oklahoma to raise two additional amendments. It is our hope that we can ask unanimous consent in a short time that a series of votes on the Coburn amendments start around 11 o'clock.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

AMENDMENT NO. 4785

Mr. COBURN. Madam President, I ask unanimous consent that the pending amendment be set aside, and I call up amendment No. 4785.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 4785.

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

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

The amendment is as follows:

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

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

SEC. 8109. Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives a report—

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

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

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

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

This amendment is very narrow in its focus. What it does is directs the DOD to improve the methodology for estimating improper payments related to travel and to provide risk assessments that determine whether travel payments at DOD are at a significant risk of making improper payments.

We know of a minimum of \$30 million in airline tickets that were not used, but we didn't get our money back for last year. We know of another \$30 million that was at least bought inappropriately, and this is done outside of the Defense Department, not within. The Defense Department is not assessing that. All this amendment does is say you ought to figure out and look at what you are making improper payments for.

What we do know, from our subcommittee hearings, is that there is in the neighborhood of \$20 billion to \$30 billion of improper payments made by the Defense Department every year on a \$553 billion budget. Those problems cannot be solved overnight. We are working hard. As a matter of fact, we are having a hearing today on the management techniques and information systems that the DOD is using. They are starting to make the corrections to be better stewards of our money.

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

The fact is, when we are running a deficit such as we are and we are borrowing the money from our grandkids, we ought to do every small thing we can to improve the stewardship of that money. The DOD is reporting improper payment information for only three programs—the military retirement fund, military health benefits and, for the first time this year, military pay.

There are significant other improper payments within the Pentagon. We know it and we are going after it and we are going to try to solve it. The Improper Payments Act doesn't exempt this agency from its requirements. No agency is exempt. What it says is: Perform a risk assessment, develop a statistically valid assessment of improper payments, develop corrective action, and report the results. If you are not doing any of that, you are not going to know what we are wasting, and you are not going to be able to develop a plan or figure out how to correct the problem.

So all this amendment does is take one small area of it and say do the improper payments on it. It is one area where they can do it fairly simply and they can accomplish it. It is asking them to do it. It requires them to provide the congressional defense commit-

tees and the Governmental Affairs Committee the risk assessments for fiscal year 2005 that determine whether travel payments at DOD are at a significant risk of making improper payments. We already know that because that is what the Defense Travel System debate is all about. It requires DOD to use a statistically valid estimate for determining whether travel payments are at risk or making significant improper payments. Finally, it requires DOD to provide a justification for the methodology and making sure it is statistically valid and accurate, representing the full universe of travel payments by DOD. This isn't a small amount of money. They spend a ton on travel, and they ought to spend it wisely. They shouldn't waste a penny because anything we are wasting can't be used in a way to support our troops and do what we need to do.

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

Madam President, I yield the floor.

Mr. STEVENS. Madam President, I think we should welcome the devotion of the Senator from Oklahoma to be concerned about the Improper Payments Act, and if the Senator's amendment applied to any payments made pursuant to this act, I certainly would have no objection. We are prepared to accept it.

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

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

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

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

Mr. COBURN. That is what this says.

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

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

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

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

Mr. STEVENS. Yes.

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

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

Mr. COBURN. Madam President, if the chairman would yield, I did apply this to the Defense authorization bill and it is in conference—it is going to conference, and the chairman of that committee accepted it.

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

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

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 4785, AS MODIFIED

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

The PRESIDING OFFICER. It would take unanimous consent.

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

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

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

SEC. 8109. Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall, with regard to payments made with Funds provided by this

Act, submit to the congressional defense committees and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives a report—

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

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

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

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

Mr. COBURN. I do.

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

Mr. COBURN. I do.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4848

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

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

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

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

The amendment is as follows:

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

At the end of title VIII, add the following:

SEC. 8109. (a) REPORTS TO CONGRESS AND NOTICE TO PUBLIC ON EARMARKS IN FUNDS AVAILABLE TO THE DEPARTMENT OF DEFENSE.—The Secretary of Defense shall submit to Congress, and post on the Internet website of the Department of Defense available to the public, information as follows:

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

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

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

(4) An assessment of the utility of each such earmark in meeting the goals of the De-

partment, set forth using a rating system as follows:

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

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

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

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

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

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

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

What this does is require an analysis of the total cost of earmarks and the effectiveness of each in meeting the goals of the Department of Defense. Earmarks are consuming a growing proportion of the Defense funding. The number of earmarks in the appropriation laws has grown from 587 in the Department of Defense in 1994 to 2,847 in 2006. The amount of money earmarked has increased over the same period from \$4.2 billion to \$9.4 billion. The amount earmarked as a percentage of the total Defense budget has risen to 2.4 percent in 2006.

It is my belief that earmarks are siphoning away funds from other national security priorities. Last year, the White House Office of Management and Budget wrote to the House Appropriations Committee warning that the hundreds of millions of dollars set aside for congressional pork projects would be slashed from a Pentagon program designed to fill some military desk jobs with civilians and would thereby limit one of the Defense Department's most productive initiatives for reducing the strain on our Armed Forces and free up critically needed troops for the global war on terror. OMB's letter said the committee's additions to the Navy's shipbuilding program and budget, and numerous other smaller funding increases, preempts the Department's ability to invest cost-effectively in 21st century capabilities and that the administration is concerned that these reductions could damage the readiness of the U.S. forces and their preparedness.

Earmarks or projects directed by Members could be used to offset much of the cost of the emergency supple-

mental bills that have been used to finance the various front lines in the war against terrorism. The emergency supplemental bill passed by Congress and signed by the President this last month provided \$65.8 billion to support Operation Iraqi Freedom and Operation Enduring Freedom. The total amount spent on earmarks in Defense appropriations spent over the past 3 years was \$27 billion—about 47 percent of the amount needed to pay for the continued military operations in these battlefronts in the war against terrorism. What we have done instead is relied on emergency spending, which is not offset; it is directly added to the debt of our kids, undermining their future standard of living.

All this amendment does is say: Let's do an analysis. Let's see if the things that are being earmarked by individual Members of Congress actually support the defense of the country versus the defense of some special interest back home.

Interestingly, the chairman objected to Senator DURBIN's amendment to do brain trauma research at the University of Chicago, and rightly so. We have had 1,700 brain-injured troops from traumatic brain injuries. There is research going on across this country on traumatic brain injury. The reason is that we have 1,700 a year from 4-wheelers and another 1,700 from motorcycles. So the point is, do we put the money in our troops or do we put the money in investing in projects back home that make us look good but aren't a priority with the troops?

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

We know the problems with earmarking in terms of the recent congressional corruption and ethics probes. What this amendment does is adds transparency and accountability to the earmark process. If it is good, then the Defense Department study will say: Yes, it is something we should have done. If it will waste, then we will say: It is wasted. The fact is we are loading to the tune of billions of dollars a year projects Members of Congress want but the Defense Department doesn't want that interfere with their mission rather than help their mission.

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

The annual earmark report will ensure that policymakers and the public are fully aware of the impact of unnecessary earmarks on the budget of the Department of Defense and siphon

away from military preparedness and our national defense. The grading system will likewise provide needed information to the appropriators about projects that are inserted in the bills that have not had proper oversight, debate, or discussion. This added transparency will ensure that every Member of Congress can cast a truly informed vote and ensure greater accountability for how Federal funds are allocated and spent.

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

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

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

With that, I yield the floor.

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

The Senator has a pending amendment. That would not be included. It is because of the timeframe associated with meetings that are scheduled today that the leadership has asked that we proceed to the votes on these three amendments. I further ask that no amendments be in order to the amendments prior to the votes and that all votes be limited to 10 minutes each and there be 2 minutes equally divided on the votes.

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

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

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. I thank the Chair.

The PRESIDING OFFICER. The first vote is on the motion to table amend-

ment No. 4787. The yeas and nays have been ordered. The clerk will call the roll.

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

The PRESIDING OFFICER. There are 2 minutes equally divided.

Who yields time? The Senator from Oklahoma.

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

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

The PRESIDING OFFICER. Who yields time?

The Senator from Alaska.

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

The PRESIDING OFFICER. The question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

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

Further, if present and voting, the Senator from Kentucky (Mr. BUNNING) would have voted "no."

Mr. DURBIN. I announce that the Senator from Montana (Mr. BAUCUS), the Senator from New York (Mrs. CLINTON), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from New York (Mrs. CLINTON) would vote "nay."

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

The result was announced—yeas 36, nays 60, as follows:

[Rollcall Vote No. 223 Leg.]

YEAS—36

Akaka	Hatch	Murkowski
Bennett	Inouye	Murray
Biden	Jeffords	Nelson (FL)
Bond	Kennedy	Pryor
Cochran	Landrieu	Reed
Coleman	Lautenberg	Roberts
Collins	Leahy	Sarbanes
Dayton	Levin	Shelby
Dole	Lugar	Specter
Durbin	Martinez	Stevens
Gregg	McConnell	Vitter
Hagel	Mikulski	Warner

NAYS—60

Alexander	DeWine	Lott
Allard	Dodd	McCain
Allen	Domenici	Menendez
Bayh	Dorgan	Nelson (NE)
Bingaman	Ensign	Obama
Boxer	Enzi	Reid
Brownback	Feingold	Rockefeller
Burns	Feinstein	Salazar
Burr	Frist	Santorum
Byrd	Graham	Schumer
Cantwell	Grassley	Sessions
Carper	Harkin	Smith
Chafee	Hutchison	Snowe
Chambliss	Inhofe	Stabenow
Coburn	Isakson	Sununu
Conrad	Johnson	Talent
Cornyn	Kerry	Thomas
Craig	Kohl	Thune
Crapo	Kyl	Voinovich
DeMint	Lincoln	Wyden

NOT VOTING—4

Baucus	Clinton
Bunning	Lieberman

The motion was rejected.

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

The motion to lay on the table was agreed to.

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

The amendment (No. 4787) was agreed to.

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

The motion to lay on the table was agreed to.

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

AMENDMENT NO. 4787

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

Who yields time?

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

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

Mr. COBURN. I will accept a voice vote.

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

The amendment (No. 4787) was agreed to.

AMENDMENT NO. 4785, AS MODIFIED

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

Who yields time?

Mr. STEVENS. Mr. President, again, if the Senator will yield, we are willing to take this amendment to conference and accept it on a voice vote. Is the Senator willing to accept a voice vote?

Mr. COBURN. Mr. President, the only problem with that is I think the Senate ought to have a rollcall vote on whether improper payments which have been made by the Department of Defense ought to be held in conference. I would like to have a recorded vote to empower the chairman of the committee to hold this in conference.

All this says is, let's look at improper payments of the Department of Defense. They make more improper payments than anywhere in the Government. They only look at three areas out of all the areas. The law says they should report improper payments. That is all I am asking for. Let's make them report the improper payments under the Improper Payments Act of 2002 which says they should.

Mr. STEVENS. Mr. President, the Improper Payments Act is not within the jurisdiction of our committee. We agreed that it should be reported. I believe the committee of jurisdiction ought to have hearings to determine whether there is improper compliance. We are pleased to accept it. If a rollcall vote is required, let us go ahead.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

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

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Kentucky (Mr. BUNNING) and the Senator from Virginia (Mr. WARNER).

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

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

The result was announced—96 yeas, nays 0, as follows:

[Rollcall Vote No. 224 Leg.]

YEAS—96

Akaka	Brownback	Cochran
Alexander	Burns	Coleman
Allard	Burr	Collins
Allen	Byrd	Conrad
Bayh	Cantwell	Cornyn
Bennett	Carper	Craig
Biden	Chafee	Crapo
Bingaman	Chambliss	Dayton
Bond	Clinton	DeMint
Boxer	Coburn	DeWine

Dodd	Kennedy	Reed
Dole	Kerry	Reid
Domenici	Kohl	Roberts
Dorgan	Kyl	Rockefeller
Durbin	Landrieu	Salazar
Ensign	Lautenberg	Santorum
Enzi	Leahy	Sarbanes
Feingold	Levin	Schumer
Feinstein	Lincoln	Sessions
Frist	Lott	Shelby
Graham	Lugar	Smith
Grassley	Martinez	Snowe
Gregg	McCain	Specter
Hagel	McConnell	Stabenow
Harkin	Menendez	Stevens
Hatch	Mikulski	Sununu
Hutchison	Murkowski	Talent
Inhofe	Murray	Thomas
Inouye	Nelson (FL)	Thune
Isakson	Nelson (NE)	Vitter
Jeffords	Obama	Voynovich
Johnson	Pryor	Wyden

NOT VOTING—4

Baucus	Lieberman
Bunning	Warner

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

VOTE EXPLANATION

Mr. WARNER. Mr. President, I rise to discuss my absence today during rollcall vote No. 224. The vote was in reference to Senate amendment No. 4785, offered by my colleague, Senator COBURN. Senator COBURN's amendment, which sought to ensure fiscal integrity of travel payments made by the Department of Defense, passed the Senate by a vote of 96 to 0.

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

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

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 4755, 4808, 4847, AND 4828, EN BLOC

Mr. STEVENS. I have a managers' package: amendment 4755, for Senator SANTORUM, regarding maritime inspection; amendment 4808, for Senator BILL NELSON, regarding UAV virtual training; amendment 4847, for Senator REED of Rhode Island, regarding recoil mitigation; amendment 4828, for Senator CHAMBLISS, regarding linguists.

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

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

The amendments were agreed to, as follows:

AMENDMENT NO. 4755

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

At the end of title VIII, add the following: SEC. 8109. Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST

AND EVALUATION, NAVY", up to \$2,500,000 may be available for the Wireless Maritime Inspection System as part of the Smartship Wireless Project of the Navy.

AMENDMENT NO. 4808

At the appropriate place insert the following:

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

AMENDMENT NO. 4847

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

At the end of title VIII, add the following: SEC. 8109. Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE", up to \$3,000,000 may be available for Small and Medium Caliber Recoil Mitigation Technologies (PE #1160402BB).

AMENDMENT NO. 4828

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

At the end of title VIII, add the following: SEC. 8109. Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY", up to \$1,000,000 may be available for the Automated Communications Support System for WARFIGHTERS, Intelligence Community, Linguists, and Analysts.

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

The PRESIDING OFFICER. The Senator from Vermont.

AMENDMENT NO. 4827

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

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

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

It follows an amendment that Senator BOND and I introduced last September to the Fiscal Year 2006 Defense

Appropriations, in the immediate aftermath of Hurricane Katrina. We realized, with the significant shortfalls in equipment available to the Guard at home for use in such natural disasters or other domestic emergencies, if, God forbid, we had another such tragedy, the Guard would not have had enough trucks, tractors, and communication gear across the country to adequately respond.

The problem then—and still is—that much of their equipment has been left in Iraq, where the National Guard has been indispensable.

Since the start of the war in Iraq, Guard units have deployed with their gear and then, after a year, they have left this gear for use by other units arriving in Iraq. Worse still, the National Guard has consistently been underfunded, leaving it with well less than the required equipment stocks.

These low levels of equipment threaten the Guard's ability to carry out the two critical prongs of its dual mission.

Two days ago, the top National Guard LTG Steven Blum, reported that more than two-thirds of the Army National Guard's 34 brigades are not combat ready, due largely to vast equipment shortfalls.

Almost a year after Katrina, the Department of Defense leadership—which is ultimately responsible for monitoring the Guard's capabilities—has yet to recognize this clear problem, let alone to develop a real funding plan to deal with the problem.

The \$900 million included in last year's, Defense appropriations bill was only the beginning of addressing this major problem with shortfalls—a problem that General Blum himself estimates to total nearly \$21 billion.

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

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

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

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

I just mention again, 2 days ago the top National Guard General, LTG Ste-

ven Blum, reported that more than two-thirds of the Army National Guard's 34 brigades are not combat ready.

We really have no choice but to act. This will not even begin to handle the problems, but it will be a good start.

Mr. President, I ask unanimous consent to add, after Senator BOND's name and my name, Senator MENENDEZ of New Jersey and Senators LINCOLN, DODD, LANDRIEU, LAUTENBERG, DORGAN, MIKULSKI, HARKIN, ROCKEFELLER, BAUCUS, and JEFFORDS as cosponsors.

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

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

The PRESIDING OFFICER. The Senator from Missouri.

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

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

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

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

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

Now, we have been told this could have been accepted if we said the money "may" go to the National Guard. That is precisely the problem: that money could have gone to the National Guard under any circumstances.

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

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

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

Now, at the same time, when they went over they left the homeland defense or the natural disaster equipment at a far, far insufficient rate. Most Guard units are about one-third equipped. In other words, if they have nine units, only three of them are fully equipped.

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

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

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

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

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

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

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

It has been widely reported that the current funding shortfall for National Guard needs is approximately \$23,000,000,000.

About a third of this amount is required to replace equipment consumed by the wars in Afghanistan, Iraq, and peacekeeping assignments. The remainder is money that is needed to close the gap from years of intentional underfunding according to Lieutenant General Blum, the Chief of the National Guard Bureau who also has been quoted as saying:

I am not talking about the icing on the cake. That's the cake.

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

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

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

My colleagues will recall that Senator LEAHY and I provided over \$900 million in last year's Defense appropriations bill for the shortages in equipment. Had we not acted then, the state of National Guard equipment might be even worse.

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

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

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

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

The National Guard's contributions to Hurricane Katrina were stellar. The magnitude, quality, and timeliness of the Guard's response remains one of the less publicized successes of the Katrina disaster. The Guard's successful response was attributable to the

fact that the Guard is best organized and trained to initiate and coordinate a civil response of the scale of Katrina.

This morning I was advised that it might be necessary to come to the floor to defend this amendment. As I noted, it came as a surprise that it might be necessary, but now that I am here I am eager to defend it. Senator LEAHY and I are not alone. I have a letter from the Enlisted Association of the National Guard of the United States addressed to the bill managers which states in part:

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

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

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

Mr. President, I will turn it over to my colleague, but I believe it is necessary for us formally to call up amendment No. 4827.

Mr. LEAHY. Mr. President, the Senator is absolutely right. The Senator from Missouri is right.

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

The legislative clerk read as follows:

The Senator from Missouri [Mr. BOND], for himself and Mr. LEAHY, Mr. MENENDEZ, Mrs. LINCOLN, Mr. DODD, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. DORGAN, Ms. MIKULSKI, Mr. HARKIN, Mr. ROCKEFELLER, Mr. BAUCUS, and Mr. JEFFORDS, proposes an amendment numbered 4827.

The amendment is as follows:

(Purpose: To clarify the availability of funds for the National Guard for National Guard and Reserve equipment)

At the end of title IX, add the following:

SEC. 9012. Of the amount appropriated or otherwise made available by this Act by reason of the adoption of Senate Amendment 4751 (referred to as the "Stevens amendment"), \$2,440,000,000 is available for the National Guard for National Guard and Reserve equipment. Such amount is in addition to any other amounts available in this title, or under title III under the heading "OTHER PROCUREMENT, ARMY", for National Guard and Reserve equipment.

AMENDMENT NO. 4827, AS MODIFIED

Mr. BOND. Mr. President, I ask unanimous consent that the amendment be modified to include "and the Army Reserve." We have been asked to expand this so that the \$2,440,000,000 is available for the National Guard and the Army Reserve, for National Guard and Reserve equipment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. The amendment is so modified.

The amendment (No. 4827), as modified, is as follows:

At the end of title IX, add the following:

SEC. 9012. Of the amount appropriated or otherwise made available by this Act by reason of the adoption of Senate Amendment 4751 (referred to as the "Stevens amendment"), \$2,440,000,000 is available for the National Guard and the Army Reserve for National Guard and Reserve equipment. Such amount is in addition to any other amounts available in this title, or under title III under the heading "OTHER PROCUREMENT, ARMY", for National Guard and Reserve equipment.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

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

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

ENLISTED ASSOCIATION OF THE NATIONAL GUARD OF THE UNITED STATES,

Alexandria, VA, August 3, 2006.

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

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

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

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

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

Working for America's Best!

MICHAEL P. CLINE,
Executive Director.

ENLISTED ASSOCIATION OF THE NATIONAL GUARD OF THE UNITED STATES,

Alexandria, VA, August 3, 2006.

Senator DANIEL INOUE,
Ranking Member, Senate Defense Appropriations Committee, Senate Dirksen Office Building, Washington, DC:

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

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

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

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

Working for America's Best!

MICHAEL P. CLINE,
Executive Director.

NATIONAL GUARD ASSOCIATION
OF THE UNITED STATES, INC.,
Washington, DC, August 3, 2006.

Senator TED STEVENS,
Chairman, Senate Defense Appropriations Committee, The Capitol, Washington, DC:

DEAR CHAIRMAN STEVENS: I am writing to urge your support of the Bond-Leahy amendment language (S. 4827) clarifying the Senate's intent in its passage of your amendment (S. 4751).

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

We continue to have concerns that the National Guard leadership consistently has problems with DoD in securing funds which the Congress has previously identified for Guard accounts.

Your support in this regard is respectfully requested.

Sincerely,

STEPHEN M. KOPER,
President.

NATIONAL GUARD ASSOCIATION
OF THE UNITED STATES, INC.,
Washington, DC, August 3, 2006.

Senator DANIEL K. INOUE,
Ranking Minority Member, Senate Defense Appropriations Committee, The Capitol, Washington, DC:

DEAR SENATOR INOUE: I am writing to urge your support of the Bond-Leahy amend-

ment language (S. 4827) clarifying the Senate's intent in its passage of Chairman Steven's amendment (S. 4751).

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

We continue to have concerns that the National Guard leadership consistently has problems with DoD in securing funds which the Congress has previously identified for Guard accounts.

Your support in this regard is respectfully requested.

Sincerely,

STEPHEN M. KOPER,
President.

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

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

And while this \$2.4 billion will be a significant step forward, the Guard's best estimate for the shortfall is approximately \$23 billion—a third of it to replace equipment consumed by the wars in Afghanistan, Iraq, and peacekeeping assignments. The remainder is money that is needed to close the gap from years of underfunding by the Pentagon. Again, LTG Blum, chief of the National Guard Bureau, has said:

I am not talking about the icing on the cake. That's the cake.

And they have been cut very badly.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

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

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Alabama.

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

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

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

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

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

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

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

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

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

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

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

DEAR SENATOR SHELBY: On behalf of the Secretary of the Air Force, thank you for your inquiry on the Air Force's tanker replacement program (KC-X). The KC-X budget request for RDT&E in fiscal year 2007 was \$203.9M. However, the submitted budget did not account for the full extent of the program pause, which started in September 2005 to allow for additional analysis and review. In April 2006, the SECAF took the program off pause and traditional program activities resumed.

To properly re-phase the program to account for the delay, with contract award scheduled for August 2007, the Air Force needs a minimum of \$70M in RDT&E funds for fiscal year 2007. This is in addition to the funds remaining in the Tanker Transfer

fund. These funds are needed to allow the program office to obligate commercial long lead items for four test aircraft and engines, as well as mitigate the risk associated with the competition, since there is a wide variance between the levels of effort required

and the cost of potential airframes among the various competitors.

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

(Dollars in millions)

	RDT&E funding	Issued	Proposed for re-programming	Remaining
Tanker Transfer Fund	\$100	\$10.2	\$89.8
FY06	97.9	13.7	78.2	0
FY07	203.9	0	0	0
Total	401.8	29.9	78.2	89.8

* Requested in FY07/PB, subject to enactment.

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

Sincerely,

PATRICIA J. ZARODKIEWICZ,
Deputy for Budget.

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

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

I appreciate Chairman STEVENS' continuing assistance with this program, as well as Senator MCCAIN's long-standing interest, and look forward to working with both of them in the coming months to ensure that we can move forward and replace our aging tanker fleet. A lot of those planes are over 40 years old.

Mr. CONRAD. Mr. President, I rise to associate myself with the concerns expressed by Senator SHELBY regarding the cuts contained in this bill to the tanker replacement program.

The tanker fleet is one of our military's key competitive advantages. It gives our Nation the ability to project power to any point on the globe like no other country can. In an age where our military must be able to react rapidly to events, our airmen and soldiers cannot reach all corners of the world without being refueled by tankers.

At a time when we are spending billions of dollars on new, short-range

fighter aircraft, it would be foolish to not ensure that those aircraft could get adequate supplies of tanker gas to do their jobs.

The current tanker fleet is old, with most aircraft dating back to the mid-1960s. The fleet is now aging even more rapidly because increasingly frequent deployments—mainly in support of operations in Iraq and Afghanistan—have put significant wear and tear on their airframes. As magnificently as they have performed, these work horses of our military are coming close to the end of their service life and cannot safely fly forever.

It is imperative that we move now to ensure that we can acquire sufficient numbers of new tankers before these old airframes have to be retired. Reliable sources have informed me that without a minimum of \$70 million in fiscal year 2007 funding, the Air Force's effort to acquire the next generation of tankers will likely face significant delays.

I believe it is very important that the conference committee provide sufficient funding for next generation tankers to ensure that the program can proceed on schedule.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BOND. Mr. President, I rise to enter into a colloquy with the distinguished chairman of the appropriations subcommittee, the manager of the bill.

Senator STEVENS and I have discussed a particular rescission included in the Defense appropriations bill on a classified matter. It is my understanding—and I ask the Senator—that it is his intention to receive additional information from the Director of National Intelligence and other appropriate intelligence community officials on this program. I believe it is imperative that the committee have this information as soon as possible so that the conferees can appropriately consider the matter. Could the Senator confirm that this is his intention?

Mr. STEVENS. Mr. President, I have conferred with our cochairman, Sen-

ator INOUE. This is our intention. We do appreciate the Senator's desire to work cooperatively on this issue, and we intend to follow through and see to it we get the information he seeks and have further dialog on it when we do.

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

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

CONFERENCE REPORT ON PENSIONS

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

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

The Saver's Credit is going to be made permanent. That is probably the most that can be done for low-income individuals. The bill helps protect our airline workers' pensions. It gives workers timely and accurate information on pension plan finances. It protects workers and businesses in multi-employer pensions. It protects older workers' early retirement benefits from erosion. That is important. It gives workers access to unbiased investment advice. It adopts post-Enron worker pension protections. It penalizes corporate

executives who line their pockets when workers' pensions suffer. It provides greater retirement security for widows and former spouses.

Pensions are important because when we look at retirement security, it is a three-legged stool. We have Social Security, the bedrock of retirement; private pensions, and then private savings. Private savings are at an all-time low. We will, obviously, maintain the integrity of Social Security, but the other aspect is private pensions. Only 50 percent of workers today have pension coverage at work, and only 21 percent have a defined benefit plan.

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

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

We had great unanimity in the Senate when we passed the earlier bill 97 to 2. Even those two individuals expressed reservations, and we were able to address their primary concerns.

This is not the legislation that I think Senator ENZI or I would have drafted, quite frankly. But it is a solid recommendation. It will make an important difference to millions of workers, particularly those in the multi-employer plans and also single-employer plans. It will make an incredibly important difference to some of the airlines. Quite frankly, I was disappointed that we didn't treat American and Continental Airlines more fairly in the final recommendations. Without moving ahead at this time on the pension legislation, we have the prospects of one of the major airlines dropping their pension program, with more than 150,000 workers losing their pensions.

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

It is extremely important. If there are Members who want additional information, I am sure Senator ENZI and I will be more than willing to provide it.

Americans who have worked hard and played by the rules for a lifetime deserve a secure retirement. They deserve to be able to enjoy their golden years, to spend time with their families and to rest after a lifetime of hard

work. We need to be sure that they have the income they need to meet their costs for gasoline, prescription drugs, and other needs of daily living.

But what they see each day is corporations such as Enron that callously disregard their workers' retirement needs. They see airlines that are going bankrupt, leaving their workers with a fraction of the pensions they thought they had earned. They see other companies facing economic hardship that reward their executives while cutting the pensions of their workers.

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

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

For months, the conference committee has struggled to reach agreement with the House, and last month we were finally able to reach a compromise on the key pension elements of the bill, which are reflected in the measures we are considering today.

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

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

Social Security is under attack, and private pensions are in trouble too. In the past 5 years, over 700 pension plans have failed, with workers losing approximately \$8 billion in pensions they had worked so hard to earn.

Many workers today rely solely on their 401(k) accounts as their pensions. But these accounts don't offer real re-

tirement security. Many of those workers do not have any money in their 401(k)s.

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

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

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

Workers rely on these plans for a secure retirement. They have earned their pensions over a lifetime of hard work, foregoing raises and other benefits to keep them. But as many workers at Bethlehem Steel and United Airlines suddenly discovered, their companies stopped contributing money to these pensions, and the employees paid the price when the pensions collapsed. This includes workers like James Roberts, of Harrisburg, PA, worked for 33 years in a steel plant. When Roberts' pension had to be bailed out by pension guaranty agency at the Federal Department of Labor, his pension was cut by one-third, to only \$14,916 a year. Our headlines have been full of stories like these in recent years.

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

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

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

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

We also need to recognize the growing role of defined contribution pension

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

Our legislation encourages them to save more under these plans by automatically enrolling them in these pensions and automatically increasing the amount they can save. Automatic enrollment can drastically increase the number of workers who start saving for retirement—it would immediately help up to 5.9 million American workers whose companies already offer pensions but they are not participating.

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

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

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

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

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

The majority of these pensions are in strong financial shape. But the recent economic downturn and the weak stock market have put some of them in financial difficulties similar to those facing single-employer pensions. We owe it to these employees to protect their pensions now, instead of acting only when they are about to fail.

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

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

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

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

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

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

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

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

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

The bill protects them by preventing employers from overloading 401(k)

plans with company stock. It also warns employees when they place too much of their retirement funds in one investment.

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

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

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

Employees and their families rightly expect Congress to protect their hard-earned pensions. This legislation is a major start toward meeting this basic challenge in our 21st century society. I urge my colleagues to support the Pension Protection Act.

I suggest absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The Senator's recitation of the long and arduous conference committee was absolutely on track. We are within hours of getting a bill to the floor that will protect the pensions of thousands of Americans today and, in the future, make our pension laws 21st century laws in a 21st century economy.

Failure to agree to the bill before we leave will mean disastrous consequences. Airlines in America have needed some special protection for some time in order to do what they want to do, which is honor the pensions of their employees. It is to the great credit of Delta and Northwest Airlines that both companies want to exit bankruptcy and ensure the pension benefits of their employees. This is not only noble, but it is very important. In my State, 91,000 people's pensions and their futures are determined and dependent upon the Senate acting.

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

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

I urge my colleagues to join with us in adopting and ratifying, without amendment, the pension protection bill that will be before us. It will be meaningful for many retirees today. It will be more meaningful for every retiree in the future. I end by thanking Chairman GRASSLEY and Chairman ENZI for their tireless work, and ranking members KENNEDY and BAUCUS for their cooperation, and the staffs who put in so much time to make this bill a reality for millions of Americans.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. KENNEDY. Mr. President, the pending amendment is the amendment I offered; is that correct?

The PRESIDING OFFICER. The Bond amendment is the pending amendment.

Mr. KENNEDY. The regular order is the underlying Kennedy amendment; is that correct?

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 4802, AS MODIFIED

Mr. KENNEDY. Mr. President, I send a modification of the amendment to the desk and ask that the underlying amendment be modified as designated.

The PRESIDING OFFICER. The amendment will be so modified.

The amendment (No. 4802), as modified, is as follows:

On page 150, line 24, insert before the period the following: “*Provided*, That the Director of National Intelligence shall, utilizing amounts appropriated by this heading, prepare as soon as practicable but not later than 90 days after the date of enactment of this Act, a new National Intelligence Estimate on prospects for security and stability in Iraq, which shall address such matters as the Director of National Intelligence considers appropriate, including (1) an assessment of whether Iraq is succeeding in creating a stable and effective unity government, and the likelihood that government will address the concerns of the Sunni community, (2) the prospects for Iraq's ethnic, religious and tribal divisions, (3) the prospects for controlling severe sectarian violence that could lead to civil war, (4) an assessment whether Iraq is succeeding in standing up effective security forces, including an assessment of (A) the extent to which militias are providing security in Iraq and (B) the extent to which the Government of Iraq has developed and implemented a credible plan to disarm and demobilize and reintegrate militias into government security forces and is working to obtain a political commitment from political parties to bar militias, and (5) the prospects for economic reconstruction and the impact that will have on security and stability. *Provided further*, That the Director of National Intelligence shall submit to Congress the National Intelligence Estimate prepared under the preceding proviso and this document shall be submitted in classified form, except that, consistent with the protection of intelligence sources and methods, an unclassified summary of key judgments of the National Intelligence Estimate should be submitted: *Provided further*, That is the Director of National Intelligence is unable to submit the National Intelligence Estimate by the date specified in the preceding proviso, the Director shall submit to Congress, not later than that date, a report setting forth the reasons for being unable to do so and the date on which such National Intelligence Estimate will be provided”.

Mr. KENNEDY. Mr. President, just to take a moment of the Senate's time, first, I am very grateful to the floor managers, Senator STEVENS and Senator INOUE, and particularly Senator ROBERTS for the opportunity to work with him on a matter which I think is of underlying importance.

We have worked out language which would require an updated national intelligence estimate on Iraq. The last one that was prepared was 2 years ago. The assessment would address whether Iraq is succeeding in creating a stable and unity government, and whether it will address the Sunnis' concerns, the prospect for Iraq's ethnic, religious, and tribal divisions reconciliation, the progress for controlling severe sectarian violence that could lead to civil war, whether Iraq has a credible plan to disarm and demobilize and reintegrate the militias, and whether the Government is working to obtain a po-

litical commitment from the political parties to ban militias.

For the sake of our men and women in Iraq and for the sake of our Nation, we need this kind of assessment from the intelligence community so we can adjust our policy.

John Adams, the great leader from Massachusetts, said: Facts are stubborn things. We should have an update on the facts as our intelligence agencies see them and have them available to the decisionmakers and to the administration.

I very much appreciate the cooperation of Senator ROBERTS and others in working out language which I think carries through the purpose of the initial amendment and I think will be enormously valuable and helpful to us in charting the course for our Nation in the future.

Mr. STEVENS. Mr. President, this amendment has been modified after consultation with the distinguished chairman of the Senate Intelligence Committee. I believe it has the support of the Senator from Hawaii.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

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

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

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

It is important to recall that the October 1, 2002, National Intelligence Estimate was demanded by Members of Congress in September of 2002. The

record demonstrates that the Director of Central Intelligence asked for more time to complete the estimate, and the Members of Congress who wanted to see that estimate said no. Certainly the pressure from Congress to produce that document very quickly contributed to whatever problems have subsequently been identified in that estimate.

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

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

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

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

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

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

Mr. STEVENS. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The Senator from Iowa.

ESTATE TAX AND THE MINIMUM WAGE

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

For 9 long years, the majority party here has blocked any increase in the minimum wage. During that time, the real value of the minimum wage has declined by 21 percent. The minimum wage now is a poverty wage. One can work for a minimum wage, but one is still in poverty. A breadwinner working full time for minimum wage earns

\$6,000 less than the Federal poverty level for a family of three. Yet the Republicans again and again have adamantly refused to allow an increase.

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

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

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

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

This so-called deal we have been given takes cynicism to a new level. It takes greed to a new level. And by draining the Treasury of more than three-quarters of a trillion dollars over 10 years to give another huge tax break to the wealthy, it takes fiscal recklessness to a new level. Let's be clear. This is a deal the Senate should reject. It is shameful that the majority party would attempt to hold the minimum wage hostage to yet another tax bonanza for the wealthy—I might add, the sixth in 6 years—the sixth tax break for the wealthiest in 6 years. The Walton family alone—we all know the Walton family; not the ones on TV, the ones that started the Wal-Mart stores—the Walton family alone stands to get a tax break worth billions, upwards of \$16 billion over the coming generation if we pass this estate tax near-repeal.

So the near repeal of the estate tax is a tax cut we can't afford, for people who don't need it, paid for by the children and grandchildren of the working middle class in America. And the huge loss of revenue, creating even more massive deficits in the coming decade, will force deep cuts in health care, education, veterans' benefits, agriculture, and other programs on which working Americans depend.

But the cynicism doesn't stop there. Republicans have taken the Democrats' minimum wage bill and they have twisted it in ways that will actually result in a pay cut—a pay cut—for nearly 1 in 6 Americans earning the minimum wage. Because of the delayed, 3-year phase-in, the bill would benefit nearly 2 million fewer workers. And here is the kicker: The bill before us will nullify laws in seven States that provide minimum wage protections for workers who earn tips. Those workers in those seven States actually, under this bill, will receive a pay cut of up to \$5.50 an hour in seven States. I find it interesting that my friends on the other side who have always championed the causes of States rights and that the Federal Government should not be taking power away from the States, with this bill they are telling seven States: We don't care what you want to do, we are telling you we know better. We are going to take away your right to give your working people who earn tips a better deal. We are going to take that away.

So much for States rights.

This is not a deal; it is a deception. It does a grave injustice to the 6.6 million Americans earning the minimum wage, hard-working people on the margins of our economy desperate for an increase. With this bill, my friends on the Republican side are saying to them: You are hostages. You get nothing. You get nothing unless 3 out of every 1,000 of the wealthiest estates in America get an average tax break of \$1.4 million. That is right. This estate tax bill helps only 3 out of every 1,000 estates in America—3 out of 1,000 of the richest estates in America. So that is their deal: You are hostages. You don't get a thing unless we help these 3 out of 1,000 of the richest. This violates our most basic sense of decency, fairness, and justice. And, just as importantly, the near repeal of the estate tax would pile another massive load of debt onto our children and grandchildren. It will be toxic for our Nation's economy.

We will hear our colleagues on the other side tell us it is mostly teenagers, summertime workers, part-time workers flipping burgers working for the minimum wage. Facts are nagging things because facts nag at myths, and this is one of the myths we hear all the time. What are the facts? Thirty-five percent of those earning the minimum wage are their family's sole breadwinners. Sixty-one percent of the people earning the minimum wage in America today are women. You want a women's issue? This is a women's issue. Sixty-one percent earning the minimum wage are women. As I said, 35 percent are the sole breadwinners of the family. Seventy-six percent of the women who would directly benefit from an increase are over the age of 20. So it is not just teenage women. In my State of Iowa, if the minimum wage were raised to \$7.25 an hour, which is what we have been proposing, some 257,000 Iowans—that is, 18 percent of all of the

workers in my home State—would receive an hourly wage increase averaging 60 cents. Now, again, of those workers in my State, 75 percent are over the age of 20, 58 percent are female, 42 percent work full time, and 20 percent are parents.

Well, 3 months before the election, we are proposed this deal. It is a devil's deal. My friends on the other side say: We will grudgingly give poor working Americans an increase, but first you have to agree to a near repeal of the estate tax for the richest of Americans, despite the fact that we are facing a deficit this year of about \$300 billion, despite the fact that they have run up more than \$2 trillion in new debt since President Bush took office, despite the fact that they have increased spending by 25 percent in just 5 years' time, despite the fact that we are spending almost \$10 billion a month on seemingly endless wars in Iraq and Afghanistan. The level of irresponsibility here is just breathtaking.

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

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

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

So I take this time, since no one else was offering amendments, to talk about this so-called deal which is being called a trifecta, for some reason or an-

other, to just say we have to reject this devil's deal, as I called it, this deception. What we need to do is to say no to the House of Representatives and what they have tried to do to us, defeat that, take the tax extenders on which we all agreed—on which both sides agreed—put it on the pension bill, and send it back to the House, and then we will address the issue of the minimum wage and perhaps estate taxes sometime later.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

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

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS be placed before the Senate.

The PRESIDING OFFICER. It is pending.

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

The PRESIDING OFFICER. They have been ordered.

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

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

Mr. STEVENS. Mr. President, I ask unanimous consent that the amendment be agreed to.

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

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

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

The PRESIDING OFFICER. The Coburn amendment No. 4848.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from South Carolina.

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

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

OBSTRUCTION

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

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

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

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

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

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

Not content just to heckle from the sidelines, many Democrats have fought to block the tools needed to defend freedom abroad and to defend our Nation at home. Democrats have blocked reauthorization of the PATRIOT Act while their leader boasted "we killed the PATRIOT Act." They blocked nominees to critical national security positions, including U.N. Ambassador John Bolton and the Department of Defense and intelligence officials. They have blocked expediting our national

missile defense system, attempting to cut funding by \$50 billion this year, just as the threats from Iran and North Korea increase. They have opposed the terrorist surveillance programs that are critical to stopping future attacks, leading to an attempted partisan censure motion against our President. They blocked measures that would require background checks on workers with access to sensitive sites such as our ports, while wringing their hands over port security. They blocked efforts to secure our border by ending the failed practice of catch-and-release of illegal immigrants. And they have advocated a variety of cut-and-run strategies, showing a complete lack of resolve and a basic misunderstanding about the nature of the global war against radical Islamic terrorists.

Zell Miller, a Democrat, recently visited South Carolina. He compared the terrorists to a nest of copperheads under his porch. He said: These snakes threaten the well-being of my family. I didn't call my neighbors for help or convene a committee to discuss possible courses of action. I took what you might call unilateral action and cut off their heads.

Zell Miller is one of the few Democrats who gets it. Terrorists have proved they are determined to harm us, and they have attacked in Madrid, London, and a number of other places across the world, with recent arrests in Canada and Miami. They have shown they are everywhere. We need to continue our resolve.

There is no in-between choice when it comes to Iraq. Either we run and allow Iraq to become a safe haven for terrorists and a staging ground for future attacks or we stay until Iraq is a stable partner in democracy.

Recently, I met a wounded soldier at Walter Reed Hospital. He had severe head injuries. He had difficulty remembering some things. His only request to me was, Don't leave until we win; make sure our sacrifices were not in vain. He could remember that.

The Republican-led Congress has not forgotten. We have secured America's homeland by funding critical ongoing needs of our troops, by increasing funds for border security, bioterror and pandemic preparedness, by renewing the PATRIOT Act despite Democrat obstruction, and we have defended the use of military intelligence and law enforcement resources that have led to the capture of many of al-Qaida's top leaders and substantially degraded the capability of the world-wide terrorist network.

Republicans will continue to secure America's homeland. We will strengthen border security with additional border agents. We will enforce immigration laws with worker verification. We will secure our ports with worker background checks. We will modernize the national emergency alert system to better respond to natural disasters and terrorist attacks, and we will support surveillance to find and stop terrorists

before they strike, regardless of what the New York Times says.

I am proud to tell South Carolinians that Republicans are doing what it takes to secure our homeland from all enemies, and we are committed to complete our current mission in Iraq and Afghanistan with victory and honor. We are committed to create a new generation of freedom and security, of peace and prosperity for America and the world.

Let's talk about our prosperity in America today. I am anxious to tell the people of South Carolina what we are doing to help them make ends meet. Republican tax cuts continue to bring strong economic growth. We have created over 5.4 million new jobs.

As the economy grows and wages rise, family checkbooks still feel the pressure. If you get a \$25-a-week raise but you have to spend \$50 a week more than you did before for gas, food, or medical care, you are still \$25 worse off than you were when you started. Optimism about the economy is fading as concerns over the cost of living have increased. There is no quick fix to this dilemma, but Republicans have a plan to secure America's economic prosperity.

Unfortunately, Democrats have raised the cost of living by blocking commonsense health care, energy, and education solutions while promising to raise taxes.

Let's talk about health care. It is one of our largest and most rapidly growing economic sectors, nearly 20 percent, by most estimates. We still have access to the best health care in the world, but the support system that makes all of this possible is on the verge of collapse—costly premiums, leaving millions uninsured, sky-high hospital and prescription drug costs, overwhelming amounts of confusing paperwork, outrageous cost of medical malpractice insurance which drives doctors out of business and discourages our best and brightest students from even considering the profession.

In this era of fierce global competition, our overcomplicated and inefficient third-party payer health insurance system is bankrupting our companies and raising the cost of living for millions of hard-working Americans.

Democrats have raised the cost of living for Americans by blocking commonsense health care solutions for small businesses and families and opposing prescription drug coverage for seniors.

Republicans have a goal that every American will have a health plan that they can own, afford, and keep. Our plan is to move toward what some call "consumer-directed health care"—or patient-directed health care—which will unleash the power of free market competition in the health care industry. It will allow health care to function like the rest of our growing economy. It will return control to patients and give them choices so they can shop for the best values. It will strengthen

doctor-patient relationships, improve quality, and reduce prices. It will allow us to keep our promises to seniors and give them better choices in the future.

We want to pass small business health plans. We have tried once this year. The Democrats have blocked it. We hope to bring it back before the end of the year. We want to expand health savings accounts, which are a new way to provide tax-free funds for people to shop for health care without a third-party telling them what is covered. We want to talk about allowing people in one State to buy health insurance from any other State in the country. We call it the Choice Act, and it is something this Senate should look at.

We are at a crossroads in health care. We can continue down the same path we are on now, where Washington bureaucrats are making many of the health care decisions, and we can allow the Democrats to continue to obstruct real change or we can put patients and caregivers in charge and lower everyone's cost of living.

Let me talk about energy. It is such an important part of the cost of living and our prosperity. Our Democratic colleagues have a long history of increasing energy prices for American families. They have continually called for higher and higher taxes on gasoline, successfully adding a 4.3-cent tax on every gallon of gas back in 1993.

They blocked a comprehensive national energy policy for 4 years. We finally succeeded in overcoming that obstruction. They blocked increasing American oil supplies by opening some Alaskan reserves. They voted against it eight times over 15 years while gas prices steadily climbed. They have blocked the expansion of American refining capacity and streamlining American boutique fuel bureaucracy that needlessly drives up costs.

This week, over half of the Democrats in the Senate voted against environmentally friendly American deep sea energy exploration that will lower the price at the pump and lower the cost of home heating and cooling. Fortunately, again, we overcame their obstruction and passed the bill.

Republicans have practical solutions on the table, such as deep sea development, that will increase America's natural gas and oil supplies, reduce the cost of gas, and reduce our dependence on foreign oil.

We have a plan to invest in alternative energy to diversify our energy infrastructure and encourage conservation. We can supply affordable, abundant, and environmentally friendly energy. Most importantly, we can reduce the cost of living for American families.

Democrats can follow their leadership's tired, partisan strategy of blocking real solutions and then trying to blame Republicans when the energy crisis does not get solved or we can work together and secure our prosperity and bring down the cost of living for Americans. The choice is theirs.

Education is a big part of America's prosperity. We are in a global economy, and we must invest in flexibility and choices for students and parents. We need to train the best workforce in the world to attract the best jobs in the world right here at home. We can never guarantee our students a lifetime of employment, but we can invest in innovative ideas that will ensure them a lifetime of employability. Only then will success in school actually equate to success in life.

Democrats have blocked education reform for years that will improve our children's future. They blocked school choice. They blocked the expanding of charter schools. They blocked the Workforce Investment Act and the Higher Education Reauthorization Act.

Democrats would rather cater to liberal teacher associations rather than allow schools to specialize to meet the needs of each child.

Republicans believe we must empower students and parents with more flexibility in how they use education dollars. We need to allow schools that are succeeding to continue to do what is working instead of forcing them to conform to an outdated governmental model.

We need to explore fresh ideas, such as strong professional application and skills development programs within our educational system, and more opportunity scholarships and Pell grants for high school students. These ideas and others can help reinvigorate a stagnant educational system that is being insulated from reality by the well-intentioned but misguided policies of the past.

If America is to be prosperous, we need to talk about our tax system and our budget system. Tax-and-spend Democrats are fierce defenders of our Tax Code. It is the most complicated Tax Code in the world. It is among the highest as far as the tax rate. It kills our competitiveness. It hurts American workers by killing American jobs.

Tax-and-spend Democrats block extending tax relief for American families. They block the permanent repeal of the death tax that destroys about 100,000 jobs each year and punishes family farmers and small businesses. They voted this year en bloc to raid the Social Security trust fund to pay for wasteful spending. They would not agree to set aside the Social Security money in a reserve fund.

Republicans believe meaningful Tax Code reform is our only option. At a minimum, we must extend tax cuts that were passed in 2001 and 2003 that return money to hard-working families and will help continue the economic growth that is coming from investment around the country.

Republicans believe American businesses should be able to devote the bulk of their time and resources to doing business, not complying with the Tax Code.

Republicans believe we should trim Government waste and that we can and

will balance our budget within 5 years. We believe we should pass the line-item veto to help cut wasteful spending in Washington.

We welcome the Democrats to join us to secure our prosperity and make America the best place in the world to create jobs and do business. Hopefully, they will join us to support the Family Prosperity Act that we will be voting on either today or tomorrow.

This is one of the most important bills of the year, and I have been disappointed to hear all the misinformation about the bill on the floor of the Senate. This bill raises the minimum wage; it will not decrease the minimum wage anywhere in this country. That is a fact. The other information is, frankly, not true. The Family Prosperity Act will raise the standard of living for Americans and cut the cost of death.

We need to talk about our values if we are going to secure our future.

I am also proud to report to my constituents that Republicans are working to secure our shared values, the values that have defined the American character, protected our families, and shaped our society for over 200 years.

I was interested to hear the Democratic leader criticize Republicans for focusing on value issues, such as protecting marriage and prohibiting flag desecration, by claiming—in his words—that we have “divided our country and distracted this Body from more pressing concerns.”

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

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

As we fight to secure our homeland, we are opposed by radical Islamic terrorists who hate us for our shared values. These are the same terrorists who devalue their own women and use them, and even children, as shields behind which they carry out their cowardly work. They kill innocent bystanders to prove a political point. They despise our values and will stop at nothing to destroy them and destroy us.

As we fight to secure our economic prosperity, we are reminded of values—the entrepreneurial American spirit and the premium placed on hard work—that have driven an amazing age of innovation and improved the quality of our lives for millions here and all around the world.

The fact is, our shared values—things such as respect for life and the rule of law—are the very basis of our prosperity and security, and we forget that lesson at our peril.

So I am afraid it is a bit shortsighted of the Democratic leader and others in his caucus when they dismiss securing our shared values as unimportant. And, unfortunately, like the other areas I have already discussed, they do not simply dismiss, they actively obstruct.

I am proud to tell my constituents that Republicans have taken several important steps to secure our values this year.

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

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

Let's talk about the marriage amendment. The Federal Government has diminished marriage through misguided social programs and court rulings, and the Federal Government is the only one that can fix the problem it has created.

Marriage is America's most important institution. It must be cherished and protected. We cannot allow activist judges to force their personal views on American families that overwhelmingly support traditional marriage.

Democrats have blocked the Republican-led efforts to secure our values by defining marriage as a union between one man and one woman.

Judges are also important to upholding our values. As I travel in South Carolina, time and time again, South Carolinians have asked me to fight for judges who will place the rule of law above their personal opinions. Democrats have consistently blocked and even tarred and feathered well qualified men and women. Republicans have continued to fight, with some success—to mention Chief Justice Roberts and Justice Alito on the Supreme Court, and we have confirmed 14 circuit judges and 34 district judges, overcoming much Democratic obstruction.

I would like to talk about the National Sex Offender Registry as part of our values agenda as well.

Parents deserve to know when a sex offender moves into their neighborhood so they can ensure their child's safety.

The Republican-led Congress has created a National Sex Offender Registry to protect our families against criminals and their heinous acts. A public database has been created by this bill that will help law enforcement and families track convicted sex predators as they enter communities. It has been called the toughest piece of child protection legislation in 25 years, and I am proud that Republicans took the lead on this.

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

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

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

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

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

I yield the floor.

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

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

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

IRAQ AND THE MIDDLE EAST

Mr. KERRY. I came to the floor to speak about the Middle East and Iraq, and I intend to do so. But obviously, having sat here for the last almost half hour listening to how the Senator from South Carolina is going to go back to South Carolina and report, I couldn't help but listen to him say that he is going to be proud to tell South Carolinians that he and the Republicans

have been doing what it takes to make America more secure. You can tell them that. But it doesn't mean it is true.

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

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

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

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

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

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

Iraq is not a war of terrorists today. Iraq is a war principally that is civil. It is Iraqi killing Iraqi. The fact is, Iraq was never the central front in the war on terror, which was always in Afghanistan, always with respect to Osama bin Laden and al-Qaida. It is al-Qaida today that is in fact stronger around the world, with 60 to 80 countries in which it now has cells that it didn't have at the time of September 11, 2001.

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

Yesterday I was at Arlington National Cemetery for the funeral of Lance Corporal Geoffrey Cayer, a 20-year-old from Massachusetts. Apart from the obvious heart-wrenching sad-

ness of that moment, I was struck, as I walked up to the graveside, by the number of new headstones, all of which read Operation Iraqi Freedom or Operation Enduring Freedom.

One of those now among the fallen is Phillip Baucus, the nephew of our friend and colleague Senator MAX BAUCUS. Phillip was a proud and brave Marine Corps corporal who gave his life serving this country last Saturday in Anbar Province in Iraq. He was an extraordinary young man from all I have read and from what Max told me personally. I know from Max what he meant to his family and what a totally devastating blow this is to all of them. We offer our prayers for Phillip and for every family that has endured this kind of monumental loss. Phillip and Geoffrey Cayer and all those who have given their lives are a very tough reminder to all of us of the incredible sacrifices that America's children are making every single day.

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

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

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

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

He went to say that "despite all of the difficulties, there are also some

good trend lines that are occurring, and I think the period ahead is an important period."

I respectfully think it is a lot more than important. This may well be the moment that decides the security and the framework for the security of the Middle East itself. It certainly could be that kind of moment with the proper vision and the proper statesmanship. It is time that the administration was candid about the situation and worked on rescuing what is salvageable in Iraq. The reason that candor is important, it is the only way to get other countries engaged and involved.

With now at least 2,578 Americans killed, over 19,000 wounded, and no end in sight, you can't just offer the "same old, same old" as more kids die for a policy that isn't working. Go to the hospitals, meet the kids, talk to them. Sure they want us to win. We all want to win. But ask them what is wounding them, what is killing them by and large. The vast majority of those killed and wounded are killed and wounded by IEDs, the new term of a new war, improvised explosive device.

What are our soldiers supposed to do about an improvised explosive device except go out and find them. And how do they find them? Usually when they explode, unless they are lucky enough to come across them some other way. Americans are right to wonder why, 3½ years into this effort, it is Americans who have to go out and do that rather than Iraqis. After all, Iraq was able to fight a 10-year war with Iran, lost a million people, fought to a stalemate, during which time, I might add, we were providing a lot of the weapons to them.

I don't think we should be silent. I don't think we have the right to be. I can't be while this administration continues to deny reality and repeat the same mistakes and pursue the "same old, same old" policy day after day which puts more and more lives at risk, more and more lives on the line, without pursuing a policy that provides the least risk to our troops and greatest opportunity for success.

I have said it before and I believe it deeply, we in Congress have a special constitutional responsibility and a moral obligation to hold the executive branch accountable for making the right choices for our troops and our country. Frankly, that begins by demanding honesty when it comes to the war in Iraq.

The bottom line is—and here again the administration has not been honest—this administration is now sending more U.S. troops into the crossfire of an escalating civil war in Iraq. They still refuse to come clean with the American people about it.

I don't think we should endure more half measures, and staged, phoney debates. It is time for us all to confront and deal with the truth about the consequences of today's failed policy in Iraq.

No matter what the administration tells us, there is a civil war raging in

Iraq. The President's policy of standing down U.S. troops as Iraqis stand up, which has been the mantra of the last 2 years or more, has now been exposed as a misleading myth. In fact, we are actually increasing the overall troop presence, even as they tell us that more Iraqi soldiers have been trained, and we have reportedly all but abandoned the hope of withdrawing significant numbers of troops this year, even as the Iraqi President tells us that Iraqis can take over the security responsibility throughout their country by the end of this year. That is what the Iraqis are telling us, even as U.S. forces are increasing.

Yesterday, we learned more about our dangerously overstretched military when the top National Guard general warned that more than two-thirds of the Army National Guard's brigades are not combat ready. Can you please tell me how the Secretary of Defense can come up to the U.S. Congress and explain to us how two-thirds of the National Guard's combat brigades are not ready? And their equipment—large percentages of it—is in Iraq and it will not come back to the United States. That is going to cost billions of dollars for the United States, billions of dollars to replace the equipment and the wear and tear, billions which, I might add, is not in the budget today. Worst of all, there is no end in sight and no realistic plan to turn the tide.

Mr. President, if you are going to change course or set the right course, you have to do it based on the realities. I believe that starts by acknowledging the reality of the civil war that is going on right now. The administration denies it because it doesn't fit their rhetoric, but by objective standards, that is what is happening.

In the first 6 months of this year, 14,338 Iraqi civilians were killed—civilians—mostly in sectarian violence. They were not killed by al-Qaida. They were not killed by Islamic terrorists from another country. They were killed by Shia on Sunni and Sunni on Shia. That is sectarian violence.

Prime Minister al-Maliki acknowledged last week that an average of 100 Iraqi civilians are being killed every day—civilians. And the violence has only been getting worse. Mr. President, 2,669 civilians were killed in May; 3,129 civilians were killed in June. That is nearly 6,000 Iraqi civilians killed in 2 months alone. Since the February 22 bombing of the Shia mosque in Samarra, the Government reports that 30,359 families—about 182,000 people—have fled their homes due to sectarian violence and intimidation. They are refugees, which is part of the definition of a civil war.

This is not just a civil war; by historical standards, it is a relatively large-scale one. A recent academic analysis published in the New York Times showed that the median number of casualties in civil wars since 1945 is 18,000. Estimates of total casualties in Iraq vary, but the number is almost certainly above twice that many.

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

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

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

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

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

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

The start of a civil war.

Another leading Sunni, Adnan al-Dulaimi, said recently:

It is nothing less than an undeclared civil war.

The Iraqis are ready to tell you it is a civil war. Still, the administration continues to deny the facts about that. If you don't acknowledge the facts, it is difficult to put together a plan to be able to adequately deal with them.

This is the same administration, incidentally, that everyone, I hope, remembers downplayed the insurgency. Do you remember that? Do you remember when it was first clear that chaos was giving way to a determined insurgency? What did the administration do month after month? Secretary Rumsfeld told us they are "just a bunch of dead enders." At one point, he even suggested that Baghdad was safer than Washington, DC. Vice President CHENEY told us the insurgency was "in its last throes."

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

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

I hope everybody hears that. Secretary Rumsfeld, in another one of his misjudgments, or misstatements, said a few months ago that if civil war breaks out, Iraqi forces, not U.S. troops, will be the ones to deal with it. So why are U.S. troops being augmented in their number? Why did it take sending more troops to the city of Baghdad? One more misjudgment and misleading statement. So we are sending more troops into the crossfire. The

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

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

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

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

One thing is clear to me under this administration's approach: It is highly unlikely that we are going to be drawing down significant numbers of U.S. troops from Iraq this year. That is despite the fact that Secretary Rumsfeld said on Wednesday that there are some 275,000 trained Iraqi security forces, with 325,000 expected to be trained by the end of the year. General Martin Dempsey, the American general in charge of training Iraqi forces, said in June that the new Iraqi Army would be formed and at full strength by the end of this calendar year. Iraqi President Talabani declared just yesterday that Iraqis could take over security in the entire country by the end of the year.

If the Iraqis are standing up, as the administration tells us, why aren't U.S. troops standing down, as they told us they would? I think the rhetoric of "as they stand up, we will stand down" is as hollow and misleading as the rhetoric that "we will be greeted as liberators" or "mission accomplished" or, frankly, "stay the course," which means more of the same and is not an adequate response to the needs of dealing with the civil war.

The bottom line is this: The approach hasn't worked because the underlying assumption that more troops are the solution to the problem is fundamentally flawed. I will say that again. You can put in a lot more troops, but our

own military leaders have told us there is no military solution. So why are you putting in more troops? Our own generals, the Iraqi leaders, and even the Secretary of State herself, have told us that there is no military solution to the insurgency. And just today, Secretary Rumsfeld acknowledged there is no military solution to the sectarian violence. So in fact, all of us can agree that the only hope for salvaging a measure of lasting success in Iraq, which I emphasize is what we all want—the difference is not what we want, the difference is in how you get it. The evidence is mounting month by month that the course this administration is on is not the most effective, least risk, most efficient way to get it.

The only way to resolve this insurgency is a political solution that all of the Iraqis can buy into. So the question then looms large: Why isn't that happening? If Secretary of State Condoleezza Rice and if our own generals and if the Iraqis themselves say there is no military solution, why are we adding more troops? Why are the Iraqi troops not able to deal with the situation? The answer is simple: because until you resolve the fundamental differences that bring Sunni to kill Shia and Shia to kill Sunni, you are not going to stop this process.

I believe there is only one way to resolve that, and that is to engage in the kind of intensive diplomacy that has been so inexplicably lacking from this administration in its approach to Iraq. I know what some of the wise guys say in Washington and what some of the pundits say and what the conventional wisdom is. People love to dismiss diplomacy these days. It is the easiest thing in the world. Why talk to them? We have to go out and be tough and so on.

There was a time not so long ago in this country, practiced by Republican Presidents, such as Ronald Reagan, Richard Nixon, and Gerald Ford, as well as Democrats, where diplomacy was exhausted before the United States resorted to military means. We used to understand that diplomacy was the primary means of advancing America's national security interests. We used to remember that war is the ultimate failure of diplomacy—and the best way to end it.

Unfortunately, our current diplomacy has been almost absent—an ambassador left to his own devices on the grounds, an occasional fly-in visit from the Secretary of State or the President, but no ongoing talks or shuttle diplomacy. In fact, so much of what we used to take for granted in national security policy has now been called into question.

We used to know that, despite our differences and political philosophies in the Senate—and I remember watching the Senate in those days as a young kid and a student of government—the two great parties of this country were able to cooperate to craft international policies in our national interest. We used to understand that the unique and

historic role of the United States in world affairs required a farsighted and multifaceted approach to protecting our people and our interests. We used to value as a national treasure the international alliances and institutions that enhanced our strength, amplified our voice, and reflected our traditions and ideals in maintaining a free and secure world. You can look at the history of the Cold War and what Woodrow Wilson tried to do, as well as Franklin Roosevelt, Harry Truman, and Dwight Eisenhower, with the Marshall Plan and other efforts to bring countries together and to try to honor the effort through statesmanship, to be able to forge viable alliances and peace.

We used to say that politics stopped at the water's edge. We used to call on our people to share in the sacrifices demanded by freedom. Our leaders used to raise hopes and inspire trust, not raise fears and demand blind faith.

We used to measure America's strength and security by our moral authority, our economic leadership, and our diplomatic skills all together, as well as by the power of our military.

I want people to stop and think about how much things have changed. Last week, one of the most noted, honored columnists in America, New York Times' Tom Friedman, wrote the following. He had just come back from the Middle East. He wrote his previous book "From Beirut to Jerusalem," which won a Pulitzer prize:

Our President and Secretary of State, although they speak with great moral clarity, have no moral authority. That's been shattered by their performance in Iraq.

That moral authority is something that Presidents struggle to hold onto, to nurture and create, through Republican and Democratic administrations alike.

I believe the key to any hope of stabilizing Iraq is changing course and engaging in sustained diplomacy from the highest levels of America's leadership that matches the effort of our soldiers on the ground.

History tells us the results of that kind of effort. In 1995, most recently, there was a brutal civil war in Bosnia involving Serbs, Croats, and Muslims. Faced with a seemingly intractable stalemate in the face of horrific ethnic cleansing, the Clinton administration took action—I might add, they took action that was opposed by a lot of people on a partisan basis—and led by Richard Holbrooke they brought leaders in the Bosnian parties together in Dayton, OH. I know at the time Mr. Yeltsin didn't even want to appear, didn't want to be part of it. But it took persuasion and leverage that ultimately helped to bring Russia, then the Soviet Union, to the table. They brought leaders of the Bosnian parties together in Dayton, OH, and representatives from the European Union, Russia, and Britain to hammer out a peace agreement that brought relative stability to the region. That is the kind of effort we have to engage in if we are

going to secure Iraq and extricate ourselves ultimately.

While an international process has begun to bring reconstruction and economic aid to Iraq, a real national compact forged with the support of countries in the region, is needed to bring about a political solution to the insurgency and end the cycle of Shia-Sunni violence.

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

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

The fact is, we can enable the Iraqis to engage in the intensive diplomacy to forge a comprehensive political agreement that addresses security guarantees, oil revenues, federalism, and disbanding of the militias, and all the parties would agree on a process for securing Iraq's borders.

These are the key elements of a political agreement necessary to decrease the violence, and they are not the tasks for which U.S. troops can or should be responsible. They are the responsibility of civilian personnel, particularly the Iraqis.

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

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

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

some responsible timeframes, that is the most effective way to proceed.

Let me say one or two words in closing. I keep hearing colleagues say everybody loves the politics of this, but a lot of young people's lives are on the line. They may want to play to the politics of cut and run versus stay the course, but that is not what this is about.

If you were to adopt a policy that sets some timeframes and deadlines, you still leave the President the discretion to be able to keep certain forces there to complete the training; you leave the President the discretion to keep forces there to fight al-Qaida; you leave the President the discretion to use forces to protect American facilities; and you maintain over-the-horizon ability to protect American interests in the region.

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

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

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

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

Our hearts go out to people suffering all across the Middle East. We all want peace. The death of every child—Lebanese in Qana or Israeli in Haifa—is an unspeakable tragedy. But we know from the hard lessons of the past that lasting peace is not going to come easily, and it will not come without the

kind of sustained involvement at the highest levels of the U.S. Government that, again, as in Iraq, we have not seen from this administration.

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

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

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

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

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

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

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

I yield the floor, and I thank my colleagues for their graciousness. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 4842

Mr. KYL. Mr. President, I have an amendment at the desk, No. 4842. I ask unanimous consent that the pending business be laid aside for the purpose of this amendment.

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

The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Arizona [Mr. KYL], for himself and Mr. DEWINE, proposes an amendment numbered 4842.

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

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

The amendment is as follows:

(Purpose: To prohibit the suspension of royalties under certain circumstances, to clarify the authority to impose price thresholds for certain leases)

At the appropriate place, insert the following:

SEC. ____ ROYALTY RELIEF FOR PRODUCTION OF OIL AND GAS.

(a) PRICE THRESHOLDS.—Notwithstanding any other provision of law, the Secretary of the Interior shall place limitations based on market price on the royalty relief granted under any lease for the production of oil or natural gas on Federal land (including submerged land) entered into by the Secretary of the Interior on or after the date of enactment of this Act.

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

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

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

Mr. KYL. Mr. President, I notify my colleagues that this is a small piece of an amendment that yesterday was objected to, properly, under the rules, but I believe there could be unanimous consent that this piece would be permitted to proceed. I have given copies of the amendment to Senators INOUE and STEVENS, and Senator DOMENICI has approved it. Senator BINGAMAN has a copy. It deals with royalty relief. We discussed this yesterday. Really the controversial amendment, as I say, has been objected to.

I hope my colleagues will agree to allow this to be either voice voted or approved in some other way. I don't intend to take any more time on it. Cer-

tainly, we would leave time for people to take a look at it if they want to, to see if there is an issue with it, and if they do have an issue that they see me about it.

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

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

AMENDMENT NO. 4853

Mr. NELSON of Florida. Mr. President, there is a lot of news south of Florida, 90 miles from Key West. We don't know the condition of Fidel Castro. Clearly, there is obviously a major medical problem and, for days now, Raoul Castro, his brother, has been invisible. Even though the Cuban Government released information which said President Castro had ended up going in for intestinal surgery, basically, we just don't know. But what we do know is he is 79, going on 80, and we do know that none of us are immortal and, therefore, what we know is that there are a limited number of days of this totalitarian regime, and then there is going to be a transition to something else.

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

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

The clerk will report.

The bill clerk read as follows:

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

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

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

The amendment is as follows:

AMENDMENT NO. 4853

(Purpose: To appropriate funds for a Cuba Fund for a Democratic Future to promote democratic transition in Cuba)

On page 238, after line 24, insert the following:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2007, for functions administered by the Secretary of State and for other purposes, namely:

TITLE X

CUBA FUND FOR A DEMOCRATIC FUTURE

SEC. 10001.(a) To promote a transition to a democratic form of government in Cuba, \$40,000,000.

(b) The amount provided under this heading is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109-234.

(c) The amounts provided under this heading shall be deposited into a fund to be

known as the Cuba Fund for a Democratic Future which is hereby established in the Treasury of the United States.

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

(1) to support an independent civil society in Cuba;

(2) to expand international awareness of Cuba's democratic aspirations;

(3) to break the information blockade put in place by the regime of Fidel Castro in Cuba, including activities to promote access to independent information through the Internet and other sources;

(4) to provide for education and exchanges for the people of Cuba, including university training from third countries and scholarships for economically disadvantaged students from Cuba identified by independent nongovernmental entities and civic organizations in United States and third country universities (including historically-black and faith-based institutions); and

(5) to support international efforts to strengthen civil society and in transition planning in Cuba.

(e) If the President determines that there exists either a transition government in Cuba or a democratically elected government in Cuba, as those terms are defined in section 4 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6023) and submits that determination to Congress in accordance with section 203(c) of that Act (22 U.S.C. 6063), then the funds made available for the Cuba Fund for a Democratic Future may be used, at the discretion of the Secretary of State in accordance with the guidelines set out, respectively, in subsection (b)(2)(A) or (b)(2)(B) of section 202 of that Act (22 U.S.C. 6062).

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

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

Mr. NELSON of Florida. Mr. President, now is the time that if the United States were to supply some direct financial assistance to dissidents, it could start to have a salutary and immediate effect on what is happening on the island. Clearly there is going to be a transition; we just don't know when that transition is going to come. What we hope is it is going to be a transition ultimately to a democratic government.

The news this week marks an opportunity that we have been anticipating for decades. We can only hope that it is a real opportunity for the Cuban people to move forward, leaving behind a dictatorship and the repression they have

experienced for a half century. But we must remind ourselves that the true celebration is going to come on the day that the Cuban people have a democratically elected government of their own choosing.

While it seems that we are one step closer toward our shared goal, we should remind ourselves of the need to continue our support for the true Cuban heroes: the brave dissidents who struggle every day to demand and to plead for the very basic human rights, including the ability to read what they want to read, to say what they want to say, to live where they want to live, and to study what they want to study—things that we take for granted in this country, but where, only 90 miles from Key West, people do not have those freedoms.

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

These are the people who every day choose to fight for democracy through simple acts of defiance. They risk their limited freedom by continuing to mobilize and speak out for the basic rights that every human being deserves. They run independent libraries. They clandestinely write stories for illegal independent press. They pass along information to their neighbors or they very bravely sign petitions calling for democracy.

You will recall a few years back, even under the Cuban constitution, that 10,000 people signed a petition, petitioning for the basic right of going in front of the Congress to fight for basic freedoms and economic freedom. Mr. President, 11,000 very brave souls signed that petition, and many of them have been harassed.

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

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

Senator ENSIGN, who is in the Chair, Senator MARTINEZ, all of us have intro-

duced the Cuban Transition Act of 2006, and that includes the Senate majority leader as one of the cosponsors. This legislation will authorize such funds to directly support dissidents in Cuba. Now, that has been filed. We are trying to get it hotlined. There are some Senators I understand on both sides of the aisle who have objected to bringing it up, so what we will do is continue to work with them over August to see if we can get agreement.

Mr. President, amendment No. 4853 which I have just offered appropriates \$40 million in emergency money to support the efforts of dissidents in Cuba. It is important that at this time we send a clear message of support and commitment to the Cuban people as they continue their struggle. We will continue this support to the people of Cuba until the day they have a free democratic government that respects human rights.

The overall bill that we filed which we are going to have to work on over August would authorize, over 2 years, \$40 million. We already send stuff—goods. However, under current law, we do not send money to the dissidents to encourage them. So using the Defense appropriations bill as a vehicle is very timely. It is to promote in transition a democratic form of government in Cuba, and the appropriation would be \$40 million.

Now, you wonder under this amendment: What would be some of the activities that would be supported? For example, to support an independent civil society in Cuba, to expand international awareness of Cuba's democratic aspirations, to break the information blockade put in place by the regime of Fidel, including activities to promote access to independent information through the Internet and other sources; to provide for education and exchanges for the people of Cuba, including university training from third countries and scholarships for economically disadvantaged students from Cuba that are identified by independent, nongovernmental entities and civic organizations in the United States and third-country universities. Another activity would be to support international efforts to strengthen civil society in the transition planning in Cuba.

If the President of the United States determines that there exists either a transitional government in Cuba or a democratically elected government in Cuba, as those terms are already defined in the statutes, and he submits that determination to Congress, then the funds made available may be used at the discretion of the Secretary in accordance with set guidelines. The Secretary of State shall ensure that none of the funds made available in this section are provided to the Government of Cuba.

So the intent of this legislation, while the island of Cuba is front and center in the eyes of the world, is for the United States to take a strong

stand and start providing some assistance so that those brave people—the dissidents in Cuba—can look forward to the day of a democratically elected government. I and my colleagues all look forward to that day.

Mr. President, I yield the floor.

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

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 4858

Mrs. BOXER. Mr. President, I call up amendment No. 4858, and I ask for its immediate consideration.

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

The bill clerk read as follows:

The Senator from California [Mrs. BOXER] proposes an amendment numbered 4858.

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

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

The amendment is as follows:

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

At the end of title VIII, add the following:
SEC. 8109. No funds appropriated or otherwise made available by this Act may be used by the Government of the United States to enter into an agreement with the Government of Iraq that would subject members of the Armed Forces of the United States to the jurisdiction of Iraq criminal courts or punishment under Iraq law.

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

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

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

This amendment ensures that no funds in this bill will be used to enter into an agreement with the Government of Iraq that would subject U.S.

military forces in any way to the jurisdiction of Iraqi criminal courts or punishment under Iraqi law.

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

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

We believe that the immunity given to international forces is what emboldens them to commit such crimes in cold blood. This requires that such immunity should be reconsidered.

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

Prime Minister Maliki also suggested that the Iraqi Parliament review the policy of immunity for American troops. Let's look at what the Iraqi Parliament is saying about U.S. troops.

I want to make sure we understand. It is not every member of the Parliament but some members of the Iraqi Parliament. And let's keep in mind we have lost in excess of 2,500 troops there. They are gone, never to come home again. Every day, sadly—it feels like every day—I have to write a condolence letter to someone who lost a son or daughter. We now have in excess of 19,000 wounded. We know that we have a third of our soldiers coming back in the first year seeking mental health help. We know we have a lot of our soldiers experiencing post-traumatic stress. We have given, and taxpayers are still giving—it is the gift that keeps on giving—money, billions of dollars, and the lives of our soldiers, and wounded soldiers—all the rest.

So when we hear the Speaker of the Iraqi Parliament Mahmoud al-Mashhadani say, "The U.S. occupation is butcher's work under the slogan of democracy, human rights and justice"—and this is someone who was part of the government, was part of the package when they put together that government—when we hear those words, we not only take tremendous offense at those words, we not only get sick about those words, whether we

supported this war or voted against it, we want to make sure that not one of our soldiers comes under the jurisdiction of an Iraqi court with political statements behind it like that.

Let me tell you what else the Speaker of the Iraqi Parliament said. He called for statutes to be built for those who kill American soldiers, saying:

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

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

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

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

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

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

An Iraqi government official, who spoke on the condition that he not be named, said Mr. Maliki hoped to revise Order No. 17 when the United Nations resolution authorizing the presence of American forces in Iraq is up for renewal at the end of the year.

Of course, that order is the order I referred to at the beginning of my comments which protects our troops from being tried in an Iraqi court.

It is critical that Congress be heard on this issue. I am very hopeful that we will be heard loud and clear, and I am expecting that we will.

Senator GRAHAM and I also agree that those who commit crimes have to be held accountable for their crimes. Of course we do. But as I said before, there is the Uniform Code of Military Justice and there are the Geneva Conventions. Our people must be held accountable for their actions, but we cannot subject our men and women in uniform to an Iraqi judicial system that is in chaos and, frankly, an Iraqi country that is in chaos.

Iraq's own Deputy Justice Minister has admitted that Iraqi prisons are overrun with Shiite Muslim militia-

men who have freed fellow members convicted of major crimes and have executed Sunni Arab inmates. In Basra, it was reported that militia members took 12 foreign-born prisoners from their cells and shot them in the head. One Iraqi parliamentarian has said he saw as many as 120 detainees packed into a 35-by-20-foot cell, many who claimed they had been raped and their families tortured. We are not going to have Americans in any way get close to that situation over there.

U.S. personnel must not be subjected to the Iraqi legal system, especially when you consider that under Iraq's constitution, experts in Islamic jurisprudence can sit on the supreme court even if they have no training in civil law or other relevant subjects. The U.S. Commission on International Religious Freedom reports that "such limited training places Iraq's supreme court requirements alongside those of Afghanistan, Saudi Arabia, and Iran." We are not going to let our soldiers get close to that.

Everyone on both sides—all of us, whether we are for this war or against this war—voted yes. We all pray and hope that some day in Iraq there will be a governing body that will bring order, that will bring democracy, that will be respected, and we all hope things don't go in a bad direction. But I tell you today that my view is it is very tough over there. I just told you about some of the things that are happening in their criminal justice system. We can't allow U.S. military personnel to be subjected to Iraq's legal system.

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

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

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

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

I am very proud to be working with my friend on this issue. I yield the floor and hope that at this time, he would be recognized to make his comments as to why we have come together on this important amendment.

The PRESIDING OFFICER. The Senator from South Carolina.

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

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

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

I served in Germany for 4½ years and prosecuted many cases where American service men and women committed crimes against German nationals and civilians in general, and I can assure you that the American military takes very seriously misconduct by its own.

This idea that Prime Minister Maliki suggests that immunity has been given to international forces is, quite frankly, wrong. There is no immunity for an American service man or woman from prosecution for crimes committed in Iraq. But we have an understanding and an agreement at this point in time that when the prosecutions are had, we will do them. We will be the ones responsible for disciplining our troops, just as we do in almost every other country throughout the world. The idea that the U.S. military will retain jurisdiction over crimes committed by service men and women in foreign lands is nothing new. It is the normal course of business.

Given some of the rhetoric coming out of Iraq, it is very important that we need to reaffirm that we will be there to help the Iraqi people achieve democracy, if that is what they want, and to gain their freedom. We have lost 2,500 lives and have been spent \$400 billion. So America is very serious about helping the Iraqi people. But we need to be serious—the Senate, the House, and the administration—we need to understand that as part of our commitment to the Iraqi people, there is no need or requirement for us to turn over jurisdiction regarding our soldiers' conduct to the legal system in Iraq. That would be a mistake. We don't do it in any other place, nor should we do it in Iraq.

I can assure you that when people have engaged in misconduct in Iraq and we have found out about it, the soldier, airman, sailor, marine, or whoever is

involved is given a trial under the Uniform Code of Military Justice, they are provided a vigorous defense, and the trial is something I think we should be proud of in terms of the legal procedures in the military. But when found guilty, they are severely punished. There are a lot of high-profile cases now, alleging murder and rape, against U.S. service men and women, and they will be prosecuted to the fullest extent of the law because we as a nation believe very deeply in the rule of law.

Those who serve in the military believe very much in duty, honor, and country. When a service member commits a crime while wearing the uniform, it is a stain on all those who wear the uniform. That is why the military comes down so hard on misconduct by our own, because you cannot win a war without good order and discipline.

I can assure the Iraqi people and every other nation where we have troops stationed that when our troops misbehave and commit crimes, which happens in any society, we take the obligation to punish those people seriously, and at the same time making sure they have a full and fair trial.

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

We can with a great deal of assurance tell the Iraqi people—politicians included—that we have a great track record of having people stationed all over the world for decades and that track record is that when our people engage in misconduct found to have been proven in a court law, they are severely punished. I can assure every Iraqi citizen that if something goes wrong on our watch by our military, we will handle it. We have a great track record of handling it. But under no circumstances, in my opinion, should we ever go down the road of changing the rules that now exist. It would be unwise for this Nation to abandon what has worked for over 50 years; that is, retaining jurisdiction over misconduct by military members serving abroad. We have a system that works and, quite frankly, I do not want to change that because the men and women in Iraq have enough to worry about. They do not need to be worried about some court in some province that is not really well constituted coming after one of them.

I yield the floor and urge an absolute 100-to-0 vote.

Mr. INOUE. Mr. President, in behalf of the managers of the bill, we have no objection.

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. INOUE. Mr. President, I ask unanimous consent that the vote occur at 4 o'clock.

Mrs. BOXER. Mr. President, reserving the right to object, I hope you could modify the request—that no second-degree amendments be permitted.

The PRESIDING OFFICER. Is there objection to the request, as amended?

Without objection, it is so ordered.

Mr. INOUE. Mr. President, in the meantime, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. 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. DURBIN. Mr. President, I will speak to the Defense appropriations bill which is before the Senate and discuss the war in Iraq in the context of this bill.

This bill includes \$50 billion for the wars in Iraq and Afghanistan. Earlier this week, we added another \$13.1 billion for emergency funding for the Army and Marine Corps to repair and replace badly needed equipment. I supported these additional funds and I support this bill.

I have this vision in my mind of our soldiers in Iraq and Afghanistan driving down those dusty roads wondering if a bomb is going to explode, and I think about us in the safety of this Senate Chamber here at home. I think to myself, if it were my son or daughter in uniform serving our country, risking their lives, would I want them to have everything possible to come home safely? The answer is very obvious.

Although I had great misgivings about the decision which led us into this war in Iraq. I was one of 23 Senators from both sides of the aisle who voted against the authorization of force that initiated this war. My belief at the time as a Member of the Senate Intelligence Committee was that the American people were not being given the full story, they were not being given the facts.

We were told that Iraq was a great threat to the United States with weapons of mass destruction and nuclear weapons. We were told that there was some connection between September 11 and al-Qaida terrorism and Saddam Hussein and Iraq. It turned out that none of those things were true. It was also very obvious from the outset, as we initiated this war in Iraq and invaded this country, we did it with the valued assistance of the United Kingdom and many other countries, but the burden fell on American soldiers, marines, airmen, and sailors more than

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

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

But we have to say, if we are honest and objective, that the situation in Iraq is far from peaceful, it is far from stable. Mr. President, 2,585 American soldiers have given their lives in this battle, over 100 of them from my home State of Illinois. Almost 20,000 of these soldiers have returned home seriously injured, many of them amputees, 2,000 of them with serious head injuries. Their lives will be quite different because of their service to our country and because of their experience in this war.

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

We know the funds in this bill will not carry our military through the year 2007. The President and Secretary of Defense continue to send us so-called emergency bills which are supposed to be reserved for unanticipated surprise expenses. That is how we funded the war in Iraq, which is now going into its fifth year. These are certainly not unanticipated expenses. We know a war costs, and it costs greatly.

There are the short-term costs of war, the \$320 billion price tag, but there are other costs that will be with us for a long time. A Pulitzer Prize-winning economist has estimated that the cost of medical treatment for veterans with brain injuries from the Iraqi war will be at least \$14 billion over the next 20 years. To date, 1,700 of these soldiers have returned with serious traumatic brain injury. In a recent calculation of 115 soldiers who were exposed to blast injuries, such as IEDs, 62 of the 115 had some form of a traumatic brain injury.

It means, of course, in the most serious cases, extensive surgery and rehabilitation in an effort to get back to a normal life. It means in some other

cases that they will lapse into epileptic seizures that will need to be carefully watched and treated for many years to come. This number, \$14 billion for the next 20 years for brain injuries alone associated with the war in Iraq, tells us that we will pay, as these soldiers and their families will pay, for a long time to come.

The numbers I have given do not include the billions of dollars which we will need to repair and replace equipment for the Active-Duty units and the National Guard and Reserve. LTG Steven Blum of the National Guard bureau said:

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

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

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

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

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

The National Guard's budget problems will only grow worse if the administration's plans are followed. The Army National Guard currently has 340,000 members, and it is working to recruit up to 350,000. There was a time in the Persian Gulf war when National Guard units and Reserve units were almost shunned. The regular Army said: Leave them at home. We will take a few of them, but we will do the job. We will tell you if we need you. It did not

take long in Iraq and Afghanistan for our regular Army to understand they needed the National Guard and Reserve and needed it desperately. The Department of Defense budget only plans to fund 324,000 guardsmen over the next 5 years when we know we will need 350,000. That is something we should face more realistically.

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

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

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

Our soldiers deserve the best. They deserve planning and decision making at the highest levels of Government that respects their sacrifice and provides the resources they need to fulfill their missions. We underestimated the cost of this war, it is clear. We overestimated the danger of Iraq to the United States. That is clear. We underestimated the insurgency which now threatens our troops. We underestimated the civil war which now appears to be breaking out. Six thousand civilians have died in the last 2 months in Iraq. We are perilously close to a civil war situation. And our soldiers, our American soldiers, are caught in the middle of this deadly crossfire in Iraq.

I am afraid that this civil war is underway, and I am afraid it is not ours to win. This is a war that the Government and people of Iraq must deal with. They have to find a way to end the sectarian violence, to reign in the murderous militias. Baghdad, when I visited a year and a half ago, was the central point for American protection and security. We were hurried from the airport by convoy, first by helicopter

and then by convoy, into the so-called green zone, an old palace of Saddam Hussein's which is guarded in three our four different perimeters to make sure it was safe—and still it was not. There we have not only our personnel from the embassy and important decision makers at the highest level of the military but a lot of soldiers, a lot of marines, and a lot of sailors. Baghdad, that was the central place, the central point of our effort for security in Iraq.

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

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

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

I yield the floor.

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

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

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

The clerk will call the roll.

The legislative clerk called the roll.

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

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

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

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

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

[Rollcall Vote No. 225 Leg.]

YEAS—97

Akaka	Burr	Cornyn
Alexander	Byrd	Craig
Allard	Cantwell	Crapo
Allen	Carper	Dayton
Bayh	Chafee	DeMint
Bennett	Chambliss	DeWine
Biden	Clinton	Dodd
Bingaman	Coburn	Dole
Bond	Cochran	Domenici
Boxer	Coleman	Dorgan
Brownback	Collins	Durbin
Burns	Conrad	Ensign

Enzi	Lautenberg	Salazar
Feingold	Leahy	Santorum
Feinstein	Levin	Sarbanes
Frist	Lincoln	Schumer
Graham	Lott	Sessions
Grassley	Lugar	Shelby
Gregg	Martinez	Smith
Hagel	McCain	Snowe
Harkin	McConnell	Specter
Hatch	Menendez	Stabenow
Hutchison	Mikulski	Stevens
Inhofe	Murkowski	Sununu
Inouye	Murray	Talent
Isakson	Nelson (FL)	Thomas
Jeffords	Nelson (NE)	Thune
Johnson	Obama	Vitter
Kennedy	Pryor	Voinovich
Kerry	Reed	Warner
Kohl	Reid	Wyden
Kyl	Roberts	
Landrieu	Rockefeller	

NOT VOTING—3

Baucus	Bunning	Lieberman
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The amendment (No. 4858) was agreed to.

Mr. STEVENS. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4848

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

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

Who seeks time?

The Senator from Oklahoma.

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

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

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

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

Without objection, it is so ordered.

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

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Maine (Ms. SNOWE).

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

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

The result was announced—yeas 96, nays 1, as follows:

[Rollcall Vote No. 226 Leg.]

YEAS—96

Akaka	Domenici	McCain
Alexander	Dorgan	McConnell
Allard	Durbin	Menendez
Allen	Ensign	Mikulski
Bayh	Enzi	Murkowski
Bennett	Feingold	Murray
Biden	Feinstein	Nelson (FL)
Bingaman	Frist	Nelson (NE)
Bond	Graham	Obama
Boxer	Grassley	Pryor
Brownback	Gregg	Reed
Bunning	Hagel	Reid
Burns	Harkin	Roberts
Burr	Hatch	Rockefeller
Cantwell	Hutchison	Salazar
Carper	Inhofe	Santorum
Chafee	Inouye	Sarbanes
Chambliss	Isakson	Schumer
Clinton	Jeffords	Sessions
Coburn	Johnson	Shelby
Cochran	Kennedy	Smith
Coleman	Kerry	Specter
Collins	Kohl	Stabenow
Conrad	Kyl	Stevens
Cornyn	Landrieu	Sununu
Craig	Lautenberg	Talent
Crapo	Leahy	Thomas
Dayton	Levin	Thune
DeMint	Lincoln	Vitter
DeWine	Lott	Voinovich
Dodd	Lugar	Warner
Dole	Martinez	Wyden

NAYS—1

Byrd

NOT VOTING—3

Baucus	Lieberman	Snowe
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The amendment (No. 4848) was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 4774, 4846, AS MODIFIED, 4849, 4851, 4761, AS MODIFIED, 4840, AS MODIFIED, 4801, AS MODIFIED, 4864, AS MODIFIED, 4841, 4860, 4797, AND 4855, EN BLOC

Mr. STEVENS. Mr. President, I have a managers' package that I would like to describe:

Amendment No. 4774 for Senator SESSIONS regarding blast protection; amendment No. 4846, as modified, for Senator PRYOR regarding combat support hospitals; amendment No. 4849 for Senator BOND regarding intelligence personnel; amendment No. 4851 for Senator BIDEN regarding military bases in Iraq; amendment No. 4761, as modified, for Senator LOTT regarding UAVs;

amendment No. 4840, as modified, for Senator LEVIN regarding vehicle technology; amendment No. 4801, as modified, for Senator DEWINE regarding shipbuilding; amendment No. 4864, as modified, for Senator NELSON of Florida regarding test and evaluation; amendment No. 4841 for Senator ALLEN regarding OEA study; amendment No. 4860 for Senator MIKULSKI regarding an intelligence project; amendment No. 4797 for Senator VOINOVICH regarding portable batteries; and amendment No. 4855 for Senator DODD regarding Navy UAVs.

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

Mr. President, I ask unanimous consent that these amendments which I send to the desk be considered en bloc and that they be adopted en bloc and that the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendments were agreed to, as follows:

AMENDMENT NO. 4774

(Purpose: To make available from Research, Development, Test and Evaluation, Army, up to \$1,000,000 for blast protection research)

At the end of title VIII, add the following:
SEC. 8109. Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY", up to \$1,000,000 may be available for Program Element 0602787A for blast protection research.

AMENDMENT NO. 4846, AS MODIFIED

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

SEC. 8109. Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY", up to \$10,000,000 may be available for the Combat Support Hospital—Mobile Support Hospital.

AMENDMENT NO. 4849

(Purpose: To make available up to \$8,000,000 for personnel for a certain intelligence activity)

At the appropriate place, insert the following:

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

AMENDMENT NO. 4851

(Purpose: To prohibit the use of funds for establishing United States military installations in Iraq or exercising United States control over the oil resources of Iraq)

At the end of title VIII, add the following:
SEC. 8109. None of the funds appropriated or otherwise made available by this Act may be obligated or expended by the United States government for a purpose as follows:
(1) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq.

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

AMENDMENT NO. 4761, AS MODIFIED

At the end of title VIII, add the following:

SEC. 8109. (1) Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY", up to \$10,000,000 may be available for experimentation and refinement of tactics and doctrine in the use of the Class IV unmanned aerial vehicles and ground stations associated with such vehicles.

AMENDMENT NO. 4840, AS MODIFIED

(Purpose: To make available from Research, Development, Test and Evaluation, Army, up to \$10,000,000 for Combat Vehicle and Automotive Technology)

At the end of title VIII, add the following:
SEC. 8109. Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY", up to \$10,000,000 may be available for Combat Vehicle and Automotive Technology.

AMENDMENT NO. 4801, AS MODIFIED

(Purpose: To make available from Shipbuilding and Conversion, Navy, up to \$10,000,000 for the Carrier Replacement Program for advance procurement of nuclear propulsion equipment)

At the end of title VIII, add the following:
SEC. 8109. Of the amount appropriated or otherwise made available by title III under the heading "SHIPBUILDING AND CONVERSION, NAVY", up to \$10,000,000 may be available for the Carrier Replacement Program for advance procurement of nuclear propulsion equipment.

AMENDMENT NO. 4864, AS MODIFIED

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

SEC. 8109. (a) Except as provided in subsection (b), the Secretary of the Air Force shall, not later than March 31, 2007, submit to the congressional defense committees a cost-benefit analysis of significant proposed realignments or closures of research and development or test and evaluation installations, activities, facilities, laboratories, units, functions, or capabilities of the Air Force. The analysis shall include an evaluation of missions served and alternatives considered and of the benefits, costs, risks, and other considerations associated with each such proposed realignment or closure.

(b) The requirement under subsection (a) does not apply to realignment and closure activities carried out in accordance with the final recommendations of the Defense Base Closure and Realignment Commission under the 2005 round of defense base closure and realignment.

AMENDMENT NO. 4841

(Purpose: To provide that, of the amount appropriated or otherwise made available by title II for Operation and Maintenance, Defense-Wide, up to \$2,000,000 may be available for the Office of Economic Adjustment of the Department of Defense to conduct a traffic study and prepare a report on the improvements required to the transportation infrastructure around Fort Belvoir, Virginia, to accommodate the increase in the workforce located on and around Fort Belvoir resulting from decisions implemented under the 2005 round of defense base closure and realignment)

At the end of title VIII, add the following:
SEC. 8109. (a) Of the amount appropriated or otherwise made available by title II under the heading "OPERATION AND MAINTENANCE, DEFENSE-WIDE", up to \$2,000,000 may be available for the Office of Economic Adjustment of the Department of Defense to conduct a traffic study on the improvements that are required to be carried out to the transportation infrastructure around Fort Belvoir, Virginia, to accommodate the increase in the workforce located on and around Fort Belvoir resulting from decisions

implemented under the 2005 round of defense base closure and realignment. The study shall incorporate the input of the Virginia Department of Transportation and other State and local governments and agencies.

(b) Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the study conducted under subsection (a), including a cost estimate for such improvements and the funding sources, including the Defense Access Road Program, proposed for such improvements.

AMENDMENT NO. 4860

(Purpose: To make available from Procurement, Defense-Wide, up to \$12,600,000 for the completion of the final phase of a certain intelligence activity)

At the end of title VIII, add the following:
SEC. 8019. Of the amount appropriated or otherwise made available by title III under the heading "PROCUREMENT, DEFENSE-WIDE", up to \$12,600,000 may be available for the completion of the final phase of the activity described on pages 337 through 339 of Volume II of Book 1 of the Fiscal Year 2007 Congressional Budget Justification Book of a component of the intelligence community.

AMENDMENT NO. 4797

(Purpose: To provide that, of the amount appropriated or otherwise made available by title IV for the Army for research, development, test and evaluation, up to \$1,000,000 may be available for the Portable Battery Operated Solid-State Electrochemical Oxygen Generator project)

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

SEC. 8109. Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY", \$1,000,000 may be available for the Portable Battery Operated Solid-State Electrochemical Oxygen Generator project for the purpose of developing a field-portable oxygen generation device to enable the quick administration of oxygen to members of the Armed Forces wounded in action.

AMENDMENT NO. 4855

(Purpose: To make available from Research, Development, Test and Evaluation, Navy, up to \$1,000,000 for Energy Regeneration and Conversion Fuel Cell Systems to address Navy Unmanned Underwater Vehicle requirements)

At the end of title VIII, add the following:
SEC. 8109. Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY", up to \$1,000,000 may be available for Energy Regeneration and Conversion Fuel Cell Systems to address Navy Unmanned Underwater Vehicle requirements.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

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

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

that some of our friends in the Chamber are trying to construe the tip credit in a way that I believe is very tortured and, frankly, very wrong. So I have come to the Chamber today to try to explain and alleviate anybody's fears as to what the effect of this law is to be.

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

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

So what employees are receiving under their State laws is what they will continue to receive. As a minimum wage increase goes into effect, the current wage level will be the floor. If a State, such as my State of Oregon, currently has a minimum wage of \$7.50 an hour, this amount will be the wage the employee receives. No one's wage will go decrease. Yet, some are suggesting that if a State does act, or if a court misunderstands the statute, then tipped employees' wages will be lowered. That is not the intent of this tip credit provision.

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

In my experience, when the executive agrees to the content of a law, the legislature drafts it, and the affected stakeholders agree with it, then that is what becomes law. At this time, some continue to want to misrepresent what the tip credit is. For that reason, I would like to include two letters with my statement. The first letter is by the U.S. Department of Labor and the second letter is from the National Restaurant Association. We are all saying the same thing, notwithstanding the efforts of others to try to defeat this compromise bill by distorting what the tip credit means.

The U.S. Department of Labor's Director of Wage and Hour Division has written to the majority leader stating the following:

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

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

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

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

We are talking about seven States, Oregon being one of them—

allows the other seven States to do so. In those seven States, employers would only be permitted a tip credit once their State minimum wage is raised in the future. For example, the minimum wage is currently \$7.50 per hour in Oregon. If the current Federal minimum wage bill passed and was signed into law, the State wage would remain at \$7.50—

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

until the State legislature or inflation increases the State's minimum wage in the future. If the State minimum wage was increased \$1, to \$8.50, only then would the employers be permitted a tip credit of the amount of the minimum wage increase.

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

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

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

Mr. President, I yield the floor.

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

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

AMENDMENT NO. 4844

Mr. SESSIONS. Mr. President, I call up amendment No. 4844.

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

Mr. STEVENS. Mr. President, will the Senator yield for a second? Would the Senator agree to a time limit so that we would vote at 6:15 on the amendment?

Mr. SESSIONS. That would be fine.

Mr. STEVENS. Mr. President, I ask unanimous consent that the vote on this amendment take place at 6:15, with no second-degree amendments being allowed.

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

The clerk will report.

The assistant legislative clerk read as follows:

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

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

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

The amendment is as follows:

AMENDMENT NO. 4844

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

At the end of title VIII, add the following: SEC. 8109. Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY", up to \$77,000,000 may be available for Advanced Conventional Strike Capability (PE #64327N) for the Conventional Trident Modification Program.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. SESSIONS. Mr. President, I offer this amendment to restore the military funding request of \$77 million under research and development for the Conventional Trident Modification Program. The Quadrennial Defense Review—that is, the 4-year review of the military's world strategic plan—made this finding:

We need to make greater progress in fielding prompt, accurate, nonnuclear global strike capabilities, and that we also make further modest reductions in a strategic nuclear force.

So they have looked at that nuclear posture review and as a result have concluded, as General Cartwright and Admiral Giambastiani, as vice chairman of the Joint Chiefs of Staff, in a letter to Senator INOUE, that these capabilities as requested in this request for the Conventional Trident Modification fulfill the military's need for a prompt strike weapon. So this is what they requested. The Conventional Trident Modification Program is designed

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

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

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

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

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

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

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

In a world in which terrorist groups may have access to nuclear weapons it is imperative to give future U.S. Presidents more options to prevent nuclear attack.

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

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

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

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

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

I believe all can agree on the strategic value of the conventional Trident

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

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

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

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

Assuming the above context is not enough to assuage our concerns, the Department of Defense has in place a comprehensive strategy to mitigate risks posed by the misperception or ambiguity problems. One of the measures that they plan is advanced notification to leaders of select States. For example, the United States maintains a robust set of communication links between U.S. leaders and their Russian counterparts and military counterparts all over the world. We have that capability and, in fact, communicate on a

fairly frequent basis, and additional communication links with senior Russian officials are planned, such as the Joint Data Exchange Center for shared early warning. In this case, Russian and U.S. officials would sit side by side in a jointly staffed early warning center. Isn't that a good step forward?

What do we have as a strategy for the United States today? We are reducing significantly the number of our nuclear warheads, and we are creating a center for early warning, where our military people sit down side by side to further eliminate any possibility of a mistake. There are political exchanges and military-to-military talks with Russians and other nations to inform them of our plans for the CTM. These efforts are already underway. We are right up-front with the military leaders around the world about what we are developing and why we are doing it.

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

In summary, the risk of a country misinterpreting the launch of a conventionally armed Trident missile as a nuclear attack are low to nonexistent. The Department of Defense risk mitigation strategy will further eliminate that risk—indeed, eliminate it totally. In this post-September 11 world, we need strategic capabilities to promptly thwart dangerous threats to the United States, where time is of the essence and the regret of not acting is too high to imagine. The conventional Trident option provides our leaders the capability to go after high-value targets where access may be difficult or where other U.S. forces are not present. It is a capability that will be reserved for extreme national emergencies. It is a capability we need today. It is an option any President can have if we move forward and should have.

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

Our Armed Services Committee has voted this out in a compromise fashion to guarantee even further study before the system goes to full development. But we do not need to waste another year. We do not need to go another year without the future President of

the United States having the capability that we have the power to give him, to launch a nonnuclear strike anywhere in the world and hit a target within 30 minutes. It is the right thing to do. It is very important for our Defense Department. They strongly support it as part of their 4-year Quadrennial Defense Review. We have letters from General Cartwright, Vice Chairman of the Joint Chiefs of Staff, and others supporting this matter, and the Secretary of Defense, Donald Rumsfeld. Indeed, Secretary Rumsfeld said in his letter, just a few days ago:

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

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

I strongly urge my colleagues to support this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

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

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

Trident missiles have longer ranges than Tomahawk cruise missiles, and in situations where airspace is restricted, are safer to employ than long-range bombers. Now the need is obvious. The attacks on September 11, the war on terrorism, and the spread of weapons of mass destruction demand prompt global strikes.

I would argue that in the wake of North Korea's missile tests that having this capability becomes even more necessary as an option.

One of the main arguments against CTM is that other countries could mistake a conventional missile launch for a nuclear missile attack.

Even though I am told that is a very low likelihood, to ensure that other

countries don't mistake a conventional missile for a nuclear missile, the Department of Defense is developing assurance measures such as: Advance notification; Shared early warning; Inspections and transparency.

And General Cartwright said to me that "the lines of communication are more open than ever between the United States and Russia and China."

Additionally, the Department has studied alternatives. Conventional Trident Modification—CTM—is the only concept available within the next 2 to 3 years. Other options may be available by the middle of the next decade and are being pursued.

The Armed Services Committee, on which I serve, considered this issue and included language on CTM in the Defense Authorization bill. The Strategic Forces Subcommittee held a hearing and briefings; there was full committee discussion during markup and a compromise was reached to fully fund the CTM request, but limit spending beyond \$32,000,000 of R&D funds pending submission of a joint DoD/State Dept report addressing virtually all concerns and alternatives.

Unfortunately, the Defense Appropriations Committee did not fund the program, and required a National Academy of Science study of the underlying mission requirement and options.

General Cartwright and the Vice-Chairman of the Joint Chiefs of Staff, Admiral Giambastiani, believe these questions have already been answered by the JASONS, the Defense Policy Board, the STRATCOM Strategic Advisory Group, and the STRATCOM staff.

In a joint letter from Admiral Giambastiani and General Cartwright they state:

We are aware . . . of a range of issues associated with the use of conventionally-modified Trident missiles, and understand that Congress may desire assurances that these issues be resolved prior to deployment of such a capability. We are confident that the DoD, with the Department of State, can satisfactorily allay these concerns in parallel with continued research and development. This capability is too important to the nation to delay.

Senator SESSIONS and I also have a letter from Secretary Rumsfeld indicating his very strong support for funding of the Conventional Trident Modification program. He said, "Failure to fund this program would delay a capability we need now to respond promptly and precisely to time-sensitive, high value targets anywhere in the world."

The House Armed Services Committee and the House Defense Appropriations Committee had similar concerns, but they have provided R&D funding—\$30,000,000—while awaiting response to their questions.

The benefit of our amendment, and this compromise approach, is that the program will move forward with research and development funding—not procurement funding—while DoD addresses the concerns of CTM critics.

It's a good, bipartisan compromise amendment and I hope our colleagues in the Senate will support it.

The PRESIDING OFFICER. The Senator from Rhode Island.

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

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

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

The Trident submarine contains missiles which are all armed with nuclear weapons. They are part of our strategic triad—probably the most secure part of our triad. And the practical problem for anyone in the world is to determine, if we shoot one of these missiles at them, is it a conventional warhead or is it a nuclear warhead?

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

Another aspect of this whole proposal is that it is premised on the fact that we would only have minutes or so to strike a target. But I think you have to ask yourself, reasonably and realistically, if that is the case, how do we know the target is so dangerous? I presume, in terms of developing our intelligence sources, we first have a suspicion, then we have information, we go out and verify it, and in that process I would assume and would hope that our national security officials would begin to move assets into the area which could conduct a strike with precision weapons.

Again, I think the record of the intelligence community, frankly, in terms of determining targets is one that is spotty at best. That is because of the difficulty of doing this type of intelligence work.

Recall now the first blow in the Iraq war was a precision strike to decapitate their leadership by killing, essentially, Saddam Hussein. It turned out he wasn't there.

Think about if that type of intelligence prompted the firing of a Trident missile, and a nuclear power was

unsure that it was not a nuclear weapon or a conventional weapon and retaliate. I think we are going down a very dangerous path.

Let me also suggest something else, which is inherent in the argument of Senator SESSIONS. I guess the question would be, would we wait, if it is so dangerous and so insistent to act so quickly, would we wait to ensure that the other parties understood—the other parties being Russia or China—that this was a nonnuclear launch? How much time would that take? How could we be sure that we have effectively communicated it? None of this has been investigated.

The comments by the Russian chief of general staff suggests that. So I think we have an obligation to look carefully at this issue before we go down this path.

That is essentially what was agreed to in the Defense authorization bill. The Defense authorization bill says no funds can be expended for R&D until 30 days after a report, which is specified in the committee legislation, is given to the relevant committees in the Senate and the House. If they have all these answers right now, and they are compelling and persuasive, I presume it could be delivered within a few days, starting the 30-day period to be told or to expire. I think this is a prudent thing to do. To go ahead and avoid this report not only contradicts the sentiment on the authorizing committee, but also I think it disregards the difficult questions that have to be asked.

Where is this instantaneous assured notification to others that this is a conventional weapon and not a nuclear weapon? I think that question alone requires an evaluation.

I hope in the disposition of this amendment we would let this report requirement stand, would let the committee do what they have essentially done—roughly the same thing—allowing R&D funding to go forward pending reports of one kind or another. That is the prudent and appropriate thing to do. I hope we would do that.

I yield the floor.

Mr. INOUE. Mr. President, I rise to speak in opposition.

I have spent many hours in discussions on this program with supporters of this program. I have listened to their arguments. And, believe me, I have put in much thought about this matter.

I have concluded that this is not the time to begin development of a conventional Trident missile. Instead, the chairman and I agree—and the Appropriations Committee concurred—that before proceeding to develop this or any alternative program, the Congress needs to have a truly independent study.

As such, the bill includes \$5 million for the National Academy of Sciences to conduct a study to examine the conventional Trident and other alternatives.

I think most Americans are not aware of what we are speaking of when

we say a Trident submarine or Trident missile. A Trident submarine is a nuclear-powered submarine that carries 24 tubes. Each tube can have a nuclear-tipped missile, an intercontinental ballistic missile. All of the military is well aware of this. The Russians know about this. The North Koreans know about this. The Koreans, the Japanese, the Chinese—it is no secret to them. And the proposal is to have four of these missiles conventional, not nuclear.

That sounds reasonable. The argument is that the Russians know that if we fire one, it is not intended to be an attack because if we were to attack a nation, we would have hundreds flying.

But let's turn this around a bit. What if one of those Russian missiles—and they have nuclear-powered submarines that can shoot out from their tubes intercontinental ballistic missiles—let's say they fired one toward Canada, and because of the curvature of the Earth, it has to fly over Washington, DC, or New York City, and the Russians told us: No; we are not firing at you. We are firing at Canada. What do you think our reaction would be? Would we say, go right ahead? The least we will do is put our country on full alert. What is full alert? It is the finger is right over the button, and sometimes a mistake can be made and sometimes the finger gets a bit too heavy.

No. 1, we don't need the conventional warhead.

No. 2, the risk is too great.

How would the North Koreans take it if they saw a missile flying in their direction? How would the Chinese take it? There is no transparency. Today, yes, we can call up on all the nations and say we are going to test a Trident missile, and it is going to fly out of here and it is going to land there, and they can all watch and monitor. But if we were out to demolish something, the question is, Will we notify the world? The answer is obvious. If you want a surprise to get Osama bin Laden, are we going to tell the whole world, "Yes, we are going to fire into that mountain because we want to get Osama bin Laden"? Guess how long he will stick around.

The committee did the right thing by setting aside \$5 million for an independent agency to make the study, not some agency connected to the Department of Defense. I hope my colleagues will vote against this amendment.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I appreciate my colleague so much. I express my appreciation to Senator NELSON of Nebraska for being a cosponsor and for his work on the Committee on Armed Services. I failed to mention that Senator CHUCK HAGEL of Nebraska is also a cosponsor of this amendment.

We have so many ideas about how to defend America that we should not disrespect others who may disagree every now and then on how something should

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

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

It is interesting that we are openly talking with them about the capability, and letting them know what our plans are. The experts tell us they could tell, shortly after a launch, whether or not a missile was aimed at them. Certainly we are not going to launch World War III, no nation would, if a single missile was aimed toward them. We need to think this through.

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

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

The effect of failing to fund this program, a program that was based upon a need identified by the formal 4-year Quadrennial Defense Review of the Department of Defense, a study was made to identify how best to meet that need. This conventional Trident was decided to be the best way to have that need met in short order. That is why the Defense Department has asked for it. They have never been secretive about it. They have been absolutely open about it. They have made sure they have gone the extra mile to carry out a series of steps that would make us not mislead any country. It is the right thing to do.

Our submarines carry 24 nuclear missiles today that can hit a target around the world within 30 minutes. I have a son-in-law in Hawaii who is an officer on a nuclear submarine. I am very proud of him. My daughter is in Hawaii

today. I know a little bit about those submarines. They carry nuclear weapons.

We don't want the President of the United States to have a real serious threat to America existing for a short period of time, and the only response he or she may have is a nuclear weapon. We want them to have extra options, an option to use a non-nuclear weapon.

There was some suggestion by Senator REED, almost like he is afraid for us to have this capability. We have the capability now to launch cruise missiles on shorter range targets where there is more time. We don't go willy-nilly launching cruise missiles. This is a non-nuclear weapon. It would do no more damage than a cruise missile would, maybe less if it is not an explosive warhead. I don't see the danger.

I know the concern. We have had a hearing on it. We have talked about it. The Defense Department, the Chairman of the Joint Chiefs of Staff, and General Cartwright, Strategic Commander, one of the most able officers in the military, one of the most respected, say we need this. They have asked us and written us to do it this year. It is affordable. It will use existing missiles. It will be a missile that now has the capability to launch and is designed to carry nuclear weapons. We are going to "non-nuclear" it and make it a conventional weapon. It is very much needed.

A former Secretary of Defense, Harold Brown, under Jimmy Carter, and former Secretary of Defense, James Schlesinger, under President Reagan, have both asked for this to be done. They said, in an op-ed they voluntarily published, we need this capability.

I urge my colleagues to think this through. If we authorize it, additional studies will be required. My colleagues, please know when you vote on this you are not building and deploying the system but simply doing the research and development. We will have another step in between with the full extra study we have asked by the Defense Department before we make a final decision to go forward.

That is where we are. It is a reasonable approach, an approach that has listened to the concerns of some of our colleagues and tried to respond to those in a way that keeps this on track. We don't want to end up 2, 3, 4 years from now not having done this, leaving the President of the United States in the future without the capability, without an option to protect the people of America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I don't recall a time I have had a dispute with Senator SESSIONS on defense policy but I do on this issue. In the first place, the Committee on Armed Services provided an authorization for the money but told us it cannot be spent until there is a study. I don't support this amend-

ment because I do not agree with the urgency to commit to this solution and commit funds for it when we lack a full understanding of the requirement and a thorough review of the alternatives.

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

Given the concerns raised by some Senators, our committee does not agree we must fund this initiative now. Funding for defense is very tight, as the Senate knows. Given the serious concerns about prompt global strike and the limited fund for defense this year, the Committee on Appropriations—in particular, our subcommittee—has carefully decided to fund only those programs that have been fully explained and justified.

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

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

My third concern with CTM is my preference to do more with our forward-deployed conventional strike assets which may be called back and under positive control under the combatant commanders until final commitment. Our committee recommended the Defense Department look again at how and where our conventional strike forces should be deployed to develop a more responsive means to meet the need for a faster strike capability.

The facts are that Congress does not have sufficient information to make a

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

Is there a time set for the vote?

The PRESIDING OFFICER. The time is set for 6:15.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

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

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

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

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

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

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

This would allow us the capability of launching a nonnuclear weapon, much like our cruise missiles and Tomahawk missiles, to hit a precise target that could represent a deadly threat to the people of the United States of America.

It is unbelievable, really, that we have this capability. Right now the President can do it, but the only missiles he has that he could launch that could hit a target within 30 minutes are nuclear missiles. It would be unlikely we would ever launch one nuclear weapon like that that I can imag-

ine. It could happen, I guess, but it certainly would be cause for the greatest anguish and concern, and it would be unlikely to ever be done.

So I am just saying this is the plan that our experts, who are working on strategic issues in the Department of Defense, believe gives the President a capability and gives the Defense Department, our military, a capability that can help protect America with a conventional weapon. Maybe it will be an inert warhead, inert substance in what would be the warhead, that it is not even an explosive. And it could strike a target around the world that could save thousands and thousands of lives, tip the balance of some sort of military conflict.

So that is where we have reached some disagreement. I am very respectful of the chairman and ranking member of this Appropriations Committee. They have defended America personally, putting their lives on the line for our country. They have, for many years, preserved, protected, and defended this country through very able Defense budgets. Many times it was not so popular. But they have been there, and they have fought for them. And we now have the finest military the world has ever known. I salute them for it. We just have a disagreement on this single matter. I think it is important or I would not raise it.

I urge my colleagues to consider it.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. LEAHY. Mr. President, I ask unanimous consent that the senior Senator from Delaware, Mr. BIDEN, be added as a cosponsor to amendment No. 4827 to the fiscal year 2007 Defense appropriations bill that is already adopted.

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

Mr. LEAHY. I thank the Chair.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. SESSIONS. Mr. President, there are 2 or 3 minutes before the vote, and I will take a brief minute to summarize this matter.

The Secretary of Defense personally has written us and asked that we allow the Department to go forward with this conventional Trident missile capability saying:

Failure to fund this program would delay a capability we need now to respond promptly and precisely to time-sensitive, high-value targets anywhere in the world.

This has also been the subject of an op-ed by former Secretary of Defense Harold Brown, who served under Jimmy Carter, and former Secretary of Defense James Schlesinger, who served under Presidents Nixon and Ford and served in President Carter's Cabinet also. They say we need this now.

It would not deploy this system but would allow research and development, and requires, before any more than \$30 million is spent—before any more than \$30 million is spent—that the Defense Department and the State Department must complete a study and present that to Congress before we go forward.

We do not need to delay. If we wait another year or 2, we will allow another year or 2 or 3 or 4 to go by without the President having the capability within 30 minutes to hit any target on the globe with a nonnuclear weapon.

The concern over misinterpretation of the missile launch intent has been dealt with openly and directly by the military. They have talked with foreign nations about it. We will make every effort to ensure that does not happen. And it, indeed, as I have explained earlier, should not be a problem, as these former Secretaries of Defense stated.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the Sessions amendment.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

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

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

The result was announced—yeas 31, nays 67, as follows:

[Rollcall Vote No. 227 Leg.]

YEAS—31

Alexander	Domenici	McConnell
Allard	Ensign	Nelson (NE)
Allen	Enzi	Sessions
Bunning	Frist	Specter
Chambliss	Graham	Talent
Coburn	Hagel	Thomas
Cornyn	Inhofe	Thune
Craig	Isakson	Vitter
Crapo	Kyl	Warner
DeMint	Landrieu	
Dole	Martinez	

NAYS—67

Akaka	Coleman	Jeffords
Bayh	Collins	Johnson
Bennett	Conrad	Kennedy
Biden	Dayton	Kerry
Bingaman	DeWine	Kohl
Bond	Dodd	Lautenberg
Boxer	Dorgan	Leahy
Brownback	Durbin	Levin
Burns	Feingold	Lincoln
Burr	Feinstein	Lott
Byrd	Grassley	Lugar
Cantwell	Gregg	McCain
Carper	Harkin	Menendez
Chafee	Hatch	Mikulski
Clinton	Hutchison	Murkowski
Cochran	Inouye	Murray

Nelson (FL)	Salazar	Stabenow
Obama	Santorum	Stevens
Pryor	Sarbanes	Sununu
Reed	Schumer	Voinovich
Reid	Shelby	Wyden
Roberts	Smith	
Rockefeller	Snowe	

NOT VOTING—2

Baucus	Lieberman
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The amendment (No. 4844) was rejected.

Mr. STEVENS. Mr. President, if we can get order, I can inform the Senators of what I know of the schedule. The Senator from Arizona, Mr. KYL, has an amendment he wishes to discuss. It has been cleared on both sides. I understand he will take about 20 minutes. We have another managers' package, and I will continue to work on packages.

After Senator KYL has his amendment adopted by a voice vote, we will turn to the amendment to be offered by Senator STABENOW, which I understand will take some time. I tell the Senate, after those two, I know of no other Senator who has asked to call up an amendment.

If there is no amendment to be offered and debated, I will move for third reading.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, everyone should know that we have cooperated on this bill every step of the way. There was no reason to do a motion to proceed to this. We allowed this to take place in spite of the fact that there were many other things going on taking the attention of the Senators.

We have been very cooperative in offering amendments. This is a bill that is very important to the country. I think they should allow us a little bit of time to determine what is in the bill and what should be in the bill.

There are people who have amendments to offer, and for my friend, the distinguished senior Senator from Alaska, to come here and threaten us that he is going to try to stop debate on this bill is not in keeping with the decorum of the Senate.

We have amendments to offer. I have offered, starting this morning, that we come up with a list of finite amendments and finish this bill in a reasonable amount of time when we get back. We are not going to be able to finish this bill now. We have the so-called trifecta, we have the pensions program we have to deal with that affects 45 million people directly, 145 million people indirectly.

In addition to that, we have these tax extenders.

We, the Democrats, didn't put us in this procedural quagmire. Had it not been for the distinguished Congressman from Tennessee, who said: We outfoxed the Democrats—no Democrat was outfoxed. The American people haven't been outfoxed. We didn't put anyone in this position. We are here because of what the majority decided to do.

Don't give us the hustle on the Defense bill. We have been ready to move

to this Defense bill for a long time. But we can't do it because we are stuck on the road to legislative heaven the Republicans have, which is the estate tax repeal. So don't come here like I was born yesterday and tell me what you are going to do because I wasn't born yesterday.

We are ready to cooperate, and we have been, but don't threaten my Senators that they are not going to be able to offer amendments.

Mr. STEVENS. Mr. President, do I have the floor? I thought I had the floor.

I am pleased to hear the distinguished minority leader mention this fact. Let's be sure: Senator INOUE and I have managed this bill now, one or the other of us, since 1981. We have never been on this floor longer than 3 days for the Defense bill. All I said was I am going to move to third reading if no one is here to offer an amendment. I didn't block anybody's amendment. All it takes, if I do move to third reading, all it takes is someone to ask for the floor or offer an amendment.

Let me tell the Senate this, though: We know what is happening. When we get back, we will have other business that will come ahead of this bill. We have to get this bill passed and to the President before the end of this fiscal year. When the House comes back, we can't get to conference if we don't finish it tonight or tomorrow until about the third week of September, and it takes time to confer on a bill such as this. It takes a lot of time, staff time. It is an enormous bill now because we have added considerable moneys to it that the House hasn't even considered.

When we come back, this bill has to be to the President before September 20. What the Senator is suggesting, as I understand it, is that we will take a couple days after we finish whatever is carried over from this session, if cloture is voted tomorrow, and this bill goes back on the calendar; do you know that? It would take unanimous consent to call it back up.

All I am saying is we manage this bill with the idea of protecting these people in uniform. Anyone can raise an amendment. I am prepared to stay all night tonight, all day tomorrow, all the next night. If you want to debate, debate. That is what we used to do in this society is be a debate society. It is not society.

I take umbrage with the fact that the good Senator said I threatened him. I didn't threaten anybody. I said I was going to offer a motion or make a request to go to third reading if no one has an amendment to debate. I say that again. It is not a threat; it is a promise, Mr. President.

The PRESIDING OFFICER. The minority leader.

Mr. REID. Mr. President, I want to get along with everybody. I really have tried. I came here this morning at 9:30, and I said: We are ready to vote on the big bill that cloture was filed on last night. I am ready to do that. We were

ready to do that this morning. I want to finish the pensions bill. I want to do something on the extenders. That is where I hoped we would have been—to have completed all this.

No one has to worry about moving this when we get back. We want this bill to be completed. We want it to be done right. No one questions the capability of Senator INOUE and Senator STEVENS on the Defense appropriations bill. But we can see the light at the end of the tunnel.

Hey, listen, some of my Senators are leaving. They don't need to be here to vote on cloture. Some of them would like to be here to vote on cloture. What I suggest is we have a program to complete the work around here.

People have come to me—Democrats and Republicans—asking: What do you propose? I propose we vote on the so-called trifecta—I have another name for it—and do the pensions bill and try to get the extenders done. That is not easy lifting. That is a big project for us. And the Defense bill, I am sorry it was brought up when it was and it wasn't done sooner.

As I said, we have cooperated with this body. We intend to continue to do that. And if the distinguished Senator wants to stay here all night, then fine, that is fine, we will have a cloture vote in the morning. As everybody knows, after the cloture vote, there aren't going to be a lot of people around here.

I have agreed not for endless amendments—we want to finish this bill—but that we have a list of finite amendments. These two good managers—I know when we get to these amendments, some of them will not be able to be taken, so to speak, and will be headed to the dark hole of the conference. Some amendments will have to have votes, but not many.

I said to the majority leader personally, and I say here: We will finish this bill and take no more than 2 days when we get back. I am not going to agree on a time for final passage, but I told the distinguished majority leader that. We are not trying to do anything other than to just move along.

There have been a few times—not often—I probably raised my voice a little more than I should have. If I offended anyone, I am sorry.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, while we are all on the Senate floor, everyone knows the business we have before us before we begin our recess, and part, I think, of what we see rise here is we have a lot to do in a short period of time. All the business is very important. Indeed, people have been very cooperative. We were allowed to go to the Department of Defense appropriations bill by unanimous consent on Wednesday night or Tuesday—was it Tuesday night? We all agreed to go to the bill. We have had a good debate and a fair number of amendments.

Now it is almost 7 o'clock and the business we need to do is the Department of Defense appropriations. We do

have the trifecta bill which, as everybody knows, by normal procedure will be tomorrow morning—we will agree upon a time, an hour after we come in, but we can agree to do that at 9:30. It is normal procedure. Then we do have to deal with pensions. We know how important it is to get that done before we leave.

The Democratic leader mentioned trying to do something with extenders. I think we made good progress. We have some pending amendments. I wouldn't put it out of the realm—but I would like to hear the Democratic leader's response—if we worked hard for the next 4, 5 hours and really plowed through the amendments, that we could even finish the appropriations bill and tonight go to the trifecta bill, dispose of that—however the votes fall—and we all know that will be very close. Then immediately deal with the pensions bill tonight. Then we would have everything done.

I know probably the response will be that there is no way to finish the Department of Defense appropriations bill, given the long list of the amendments we referred to, although if we did stay here and spend 5 hours, 6, 7 hours or 3 hours, 4 hours and just plowed through the amendments and addressed them, finish that—this has to be done by unanimous consent—go to the trifecta bill, go to pensions, and then go home.

I would be interested in the Democratic leader's response.

Mr. REID. Mr. President, I have worked with my caucus and I have other Senators working with each Senator. We have done a number of hotlines to find out amendments that are pending. We have a number of amendments that are pending. People feel very strongly about that. We are not going to finish the bill tonight. I guess if we worked all night, if that would be the choice, it would be by attrition. I think it is just a strange way to do business.

I know people want to get the work done, but we have been willing to do this bill for a long time. I have been on the floor and talked about it: Why don't we move to the Defense appropriations bill?

We have spent all week on things, but it seems to me we should have been doing things other than estate tax repeal, which we have dealt with so many times. I have already given my speech on that. People know how I feel about that issue.

I think we are being totally reasonable. I am not telling the leader he has to file cloture on this bill. I am saying there are a lot of amendments. We have about 50 amendments on our side. We know that as time goes on they will be whittled down. These managers will accept some. The Republicans have amendments.

I say with all due respect to my friend, the distinguished majority leader—and I know his job is a lot harder than mine; I know that—we can't fin-

ish the Defense bill tonight, as much as he wants to, and as much as the two distinguished managers want to. We just can't do it. It just won't happen.

As I said, no one has to file cloture. I have told you—I say it here in front of all my colleagues—we will finish the bill in 2 days when we get back. I don't think with all the turmoil going on around the world today involving our fighting men and women—I think it might not be a bad idea to have the break to find out where we need to go when we get back because things are moving very rapidly all over the world. Anyway, I don't think we can do it, I say to the leader. I think we would be much better off finishing this bill in a couple days when we get back, and I think we will be more in tune to do it. We will finish it as is scheduled, as I indicated to all my Senators here.

Mr. FRIST. Mr. President, while we are talking about it, we will be out for, I guess, 4 weeks and then Labor Day, and we will come back that Tuesday. Again, I haven't talked with the chairman or ranking member, but does that mean we can finish it late Wednesday night; spend that Tuesday and Wednesday on it?

Mr. REID. We come in Tuesday, work on the bill Tuesday, finish it Wednesday. It may be a late night, but we will finish. I told you 2 days, and all my Senators are here, and we will finish it in 2 days.

Mr. FRIST. That just helps clarify so we know what we are working with. I know the chairman wants to make a comment. Right now the way things exist, because I filed cloture last night, we should say right now we will be voting at 9:30 tomorrow morning on trifecta. We still—and I don't want to close that down—have the option, the opportunity of maybe doing it tonight. We can go back in the cloakroom and talk about what the schedule will be.

I will turn to the chairman. I know he wants to make a comment, but let's not close finishing tonight. It would have to be under a very tight agreement of how we complete this Department of Defense bill. This is an absolutely critical bill for this country.

I have heard very clearly—and the Democratic leader and I have been talking about it—if we had to put it off and if we can finish it late that Wednesday night is something we can consider. The chairman and ranking member need to think about that. It means we need to continue to work tonight before we do the trifecta.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I don't want to be disrespectful to anybody, and I consider every person—at least I consider every person on this floor my friend. I am old enough to know that I have outlived most of my enemies.

As a practical matter—I don't want to get a little maudlin about this, but these men and women overseas, they are not taking August off. They are not in a rush to get on an airplane. We could finish this bill.

My notice of going to go to third reading if there were no amendments is normal. Filibusters started around this Senate when people didn't want to go to third reading so they offered amendment after amendment after amendment so the leader could not take us to third reading.

We developed a procedure, a family thing here now, that now we do it like Marcus of Queensbury rules. I remember being on this floor overnight for two and three nights in a row, and so does my friend from Hawaii. I don't disagree with this procedure—it is a more humane procedure—but I do think we have a job to do, and the No. 1 job to do is to get this Defense bill to the President before the fiscal year starts.

Now, I understand we can get a commitment that we will finish by Wednesday night. Wednesday night means we can't get the papers to the House until Thursday or Friday, and it will be the next week before we confer, and then we will confer at least a week with the House, and that would be reasonable because both the House and Senate have other things to do than just confer with each other. We are going to get back here with this bill sometime around I would say the 21st, and then guess what. Then we would probably go home—it is just before the election—and we probably wouldn't get around to this bill because first we have to wait for the House to get it to us, as a matter of fact, because it is an appropriations bill. So we are looking at getting this bill back sometime around the 26th or the 27th, if everything goes right—if everything goes right.

I would prefer to have a time agreement for Wednesday night and that we would vote at a time certain, but I will take our friend's point of view and say: OK, we will commit as Senators that we will finish this vote on Wednesday night. I wish we could do a lot better. I think we are going to be criticized, every one of us, for deciding to go home rather than finish this bill.

Now, I have heard a lot of rhetoric from the other side during this year. You have not had that kind of rhetoric from me so far this year, but if people want to keep it going, we can debate whether we should get this thing done and if we can get it done. I can guarantee you the Senator from Hawaii and I could finish this bill tonight if we had cooperation. There is not one amendment I know of that will take all night—nothing in this bill requires something that would take all night.

So again, I am not the leader. You two are leaders. You make up your minds. But I am going to be super critical of this Senate if this bill doesn't go to the President in time to have this bill become law by the end of the fiscal year.

Mr. FRIST. Mr. President, let me just say, if the chairman and the ranking member believe this bill can be finished tonight, even if it takes all night, we ought to finish it tonight. There is

no question in terms of the importance of this bill. If it looks as if that is impossible, which we have heard, then we should entertain the proposal put forth by the Democratic leader of finishing Wednesday night. But if there is any way we can finish, I think we should finish tonight. I think everybody would be willing to stay, as it is that important to this country.

Again, I just heard the chairman saying we could finish it tonight. It is going to be hard, but if we stay here and literally stay on the floor and march through the amendments with the appropriate debate, then that is what we should do. I don't think we need to make a decision right this second because we can make it among ourselves when we are not before the American people. But if we can finish it, we should finish it.

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. REID. We all know the talent of the senior Senator from Alaska, a wonderful man, and it is good that he hasn't been upset with us recently. But where was my friend when we were spending all the time on gay marriage and other such things when we should have been working on this?

We don't run this place; the majority runs the Senate. We do our best to represent our constituents. But we don't need to be told it is our fault the Defense appropriations bill is not going forward. We have been willing to work on the Defense appropriations bill, and I say as someone who has managed a lot of bills here on the floor, if we were attempting to stall, there are a lot of other ways of doing that.

We had very short debates on these amendments. Any one of these amendments, I say to the leader, could have taken all day, but we set reasonable times for our amendments and we voted on them. I think the record is very clear that we have tried to cooperate.

However, there is too much to do, and I think it is asking too much, especially when we look down the road. I talked to one of my friends on the other side of the aisle. If we don't do this pensions bill, we have two airline companies that are going to dump their pensions. Everyone knows it is Delta and Northwest Airlines. They are in bankruptcy. They are going to dump those pensions, affecting tens of thousands of people working for those two airlines.

So no matter how strongly the Senator from Alaska feels about moving his bill forward, we have a lot of other things to do that are extremely important also. We understand the importance of the fighting men and women in this country, and we have been stalwarts in working with the majority in taking care of the Defense authorization bill, which moved quite quickly, considering all of the other things we had to do at the time.

So I say that we will continue plowing through these amendments, but we

won't finish them, no matter if we stay here all night.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. FRIST. Mr. President, I believe the various proposals are on the table in terms of how we might spend the next 24 hours. I will talk to the Democratic leader and we can talk to our colleagues. What I would suggest is that we turn the podium and the floor back over to the managers and we proceed with the amendments. I think we have a couple of amendments that are ready to go, and then we will have more to say about the schedule.

As it exists right now, unless there is some other agreement, we will be voting on the Family Prosperity Act at around 9:30 in the morning, but we may come to some other agreement in our conversations, and we will continue to vote and keep plowing ahead on this particular bill.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

AMENDMENT NO. 4842

Mr. KYL. Mr. President, I ask for the regular order, and I call up amendment No. 4842, and I ask unanimous consent that Senator ENSIGN be added as a cosponsor and indicate that I am ready to vote, and I do not call for a rollcall vote or the yeas and nays at this time.

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

The Senator from Arizona will suspend until we can hear from the Senator from Alaska.

Mr. STEVENS. Mr. President, from what I understand, if the Senator would defer for a moment, we are checking one item pertaining to that amendment.

I have another managers' package, Mr. President. I will present it later. I thank the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Thank you, Mr. President. I am not sure what the status is now. Is the regular order to take the vote on amendment No. 4842?

The PRESIDING OFFICER. That amendment is pending.

Mr. KYL. As I said, Mr. President, I am prepared to vote and will not call for the yeas and nays.

Mr. STEVENS. I think someone should explain the amendment.

Mr. KYL. Mr. President, I am happy to explain this amendment.

This amendment deals with royalty relief and requires that the Secretary of the Interior put a price threshold on any royalty relief in the future and confirms his authority to have done so in the past.

Mr. STEVENS. Mr. President, I am told it has been cleared by leadership on both sides, and under the circumstances I would ask for a voice vote.

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

The amendment (No. 4842) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider that action.

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

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 4767, 4867, AS MODIFIED, 4757, AND 4868, EN BLOC

Mr. STEVENS. Mr. President, if the Senator from Michigan would allow me to, I will present a managers' package including amendment No. 4767, for Senator SESSIONS, regarding body armor; amendment No. 4867, as modified, for Senator BYRD, regarding Camp Perry; amendment No. 4757, for Senator SANTORUM, regarding electromagnetic guns; and amendment No. 4868, for Senator CLINTON, regarding families of the Guard and Reserve.

I send these amendments to the desk, having been cleared on both sides, and I ask unanimous consent that these amendments be considered en bloc, agreed to en bloc, and that the motions to reconsider be laid upon the table en bloc.

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

The amendments were agreed to, as follows:

AMENDMENT NO. 4767

(Purpose: To make available from Research, Development, Test and Evaluation, Army, up to \$1,000,000 for Thermoplastic Composite Body Armor research)

At the end of title VIII, add the following:

SEC. 8109. Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY", up to \$1,000,000 may be available for Program Element 0602105A for Thermoplastic Composite Body Armor research.

AMENDMENT NO. 4867, AS MODIFIED

(Purpose: To provide that, of the amount appropriated or otherwise made available by title II for the Army National Guard for operation and maintenance, up to \$7,500,000 may be available to renovate and repair existing barracks at Camp Perry, Port Clinton, Ohio)

At the end of title VIII, add the following:

SEC. 8109. Of the amount appropriated or otherwise made available by title II under the heading "OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD", up to \$7,500,000 may be available to renovate and repair existing barracks at Camp Perry, Port Clinton, Ohio.

AMENDMENT NO. 4757

(Purpose: To make available from Research, Development, Test and Evaluation, Army, up to \$3,000,000 for Advanced Switching and Cooling Concepts for Electromagnetic Gun Applications)

At the end of title VIII, add the following:

SEC. 8109. Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY", up to \$3,000,000 may be available for Weapons and Munitions Advanced Technology (PE #603004A) for Advanced Switching and Cooling Concepts for Electromagnetic Gun Applications.

AMENDMENT NO. 4868

On page ___, between lines ___ and ___, insert the following:

SEC. ___. Of the amount appropriated by title ___ under the heading "Operation-Maintenance Defense-Wide", up to \$6,000,000 may be used for community-based programs

that provide mental health and readjustment assistance to members of the National Guard and Reserve and their families on their return from deployment.

Mr. STEVENS. Mr. President, I thank the Senator for allowing me to go ahead.

The PRESIDING OFFICER (Mr. ALLEN). The Senator from Michigan.

AMENDMENT NO. 4875

Ms. STABENOW. Mr. President, I send an amendment to the desk on behalf of myself, Senator REED of Rhode Island, Senator REID of Nevada, Senator LEAHY, and Senator LEVIN.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Ms. Tabenow], for herself, Mr. REID, Mr. REED, Mr. LEAHY, and Mr. LEVIN, proposes an amendment numbered 4875.

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

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

The amendment is as follows:

AMENDMENT NO. 4875

(Purpose: To increase by \$200,000,000 the amount appropriated or otherwise made available by title IX for the purpose of supplying needed humanitarian assistance to the innocent Lebanese and Israeli civilians who have been affected by the hostilities between Hezbollah and the Government of Israel)

On page 238, after line 24, add the following:

SEC. 9012. (a) The amount appropriated or otherwise made available by this title is hereby increased by \$200,000,000.

(b) Of the amount appropriated or otherwise made available by this title, as increased by subsection (a), \$200,000,000 may be made available for humanitarian assistance, including food, water, cooking fuel, shelter, medicine, and other assistance, for the innocent Lebanese and Israeli civilians who have been affected by the hostilities between Hezbollah and the Government of Israel.

(c) The amount made available under subsection (a) is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109-234.

Ms. STABENOW. Mr. President, I rise today to offer an amendment to provide \$200 million for humanitarian assistance to the innocent Lebanese and Israeli citizens who have been caught in the hostilities between Hezbollah and Israel. The last 3 weeks have brought horrific bloodshed on both sides of the Israeli and Lebanese border. The Secretary of State has pledged \$30 million in humanitarian aid. That is a good first step, but considering the extent of the humanitarian suffering in both Lebanon and Israel, it certainly is not enough.

On July 25, the U.S. Ambassador to Lebanon, Jeffrey Feltman, declared a humanitarian emergency in Lebanon, and since that time the situation for innocent people has worsened. The violence affects mothers and fathers and

sisters and brothers and children and whole communities on both sides who need our assistance. Many innocent Americans from both sides of the Israeli-Lebanon border have fled back to Michigan and to other places in the country to escape the violence.

Thousands of people from Michigan, including buses of schoolchildren who went to Israel for a trip and thousands of people who went to Lebanon for summer vacation, for weddings, for funerals, for the ability to visit grandpa and grandma to have them see the new grandchildren, and family members who are sharing with each other during the summer, as we all do, found themselves caught in a situation that was certainly unexpected when Hezbollah attacked Israel. Many citizens have been able to escape the violence, but unfortunately some have been too poor to relocate or frankly don't want to leave their homes. Too many innocent people, families with elderly relatives, small children, have had a horrific front row seat to this conflict.

The Lebanese Government estimates there are 841 dead as of today, 3,243 injured, and over 700,000 Lebanese civilians—one-quarter of the population of the country—have been displaced internally or to other countries. The stories of innocent citizens have weighed heavily on me, and I believe we must do something to help them. I know my colleagues feel that way as well.

In Israel, it is the same. There are 51 dead, and more than 300 civilians have been wounded by rocket attacks. More than 500,000 Israeli citizens are spending a significant amount of time in bomb shelters, their children terrified, with families trying to console each other in constant fear, terrorized by Hezbollah rockets.

I believe, and I hope my colleagues will agree, that the U.S. Government must assert its leadership at this critical point in time. It must assert its leadership to stop the violence as soon as possible. We must also make it clear that we will step forward as a country to provide humanitarian aid at this critical time. So many people from these two countries have friends and relatives here in America who are desperately concerned about what is happening, who are asking us in America to step up and to help.

Time is really of the essence. This is a critical time to both send the dollars and send a message that we in America, with big hearts, are willing to reach out and make a difference in terms of humanitarian aid that is needed at this critical time. I hope my colleagues will join with me in supporting this amendment.

Mr. DURBIN. Will the Senator from Michigan yield for a question?

Ms. STABENOW. I will be happy to.

Mr. DURBIN. Mr. President, I say through the Chair, I commend the Senator from Michigan. I know she has a substantial Lebanese population in her State. We have a substantial Lebanese population as well. They are fine peo-

ple, good people, who have made a success here in America, proud of their heritage in Lebanon. They are following every day, every minute the news that is coming back that reminds us of the suffering that is taking place both in Israel and in Lebanon.

I am glad the Senator from Michigan has addressed this issue. I would like to ask the Senator this. I have prepared a bill, with Senator SUNUNU and Senator FEINGOLD as cosponsors, which addresses another aspect of this issue. There are many Lebanese who are currently visiting in the United States or studying in the United States here legally on visas, whose visas may expire at any time—tomorrow or in the next week or month. Many of them are concerned about being forced to return to a war zone, being asked to return to a place that may be dangerous.

We know we evacuated American citizens out of Lebanon for fear for their own safety and warned the others not to stay. We know many other countries did the same.

I ask the Senator from Michigan, in addition to her excellent amendment relative to humanitarian assistance for those both in Lebanon and Israel, does she feel this temporary protected status which we would offer on a temporary basis should be expedited as well so these visitors will have a chance, if they want, to stay in the United States in a safe place until the hostilities have ended?

Ms. STABENOW. I thank my friend and our leader from Illinois, and I commend him for this legislation. In fact, I am proud to lend my name to the legislation. I hope we move urgently to let people know that they will not be required to go home to a place where we have been evacuating thousands and thousands of people, sending ships in to evacuate Americans.

I must say, we have had over 25,000 people from Michigan alone. We have seen over 13,000 come back. Those who are still there are desperately concerned about their family members, not being able to hear from them. Often there is no phone, no computer. So the idea of sending people here back into that violence makes absolutely no sense.

I commend the Senator. I hope part of what we would do before we leave is to make it clear that we would not ask those innocent people to return to a war zone.

Mr. DURBIN. If the Senator will further yield for a question through the Chair, I am sure the Senator is aware that we have done this before. When people are visiting in the United States and hostilities break out in their homeland, we have offered them a chance to stay here on a temporary basis.

I might add, there are safeguards built into this process. If there is anyone about whom we have a question as to whether or not they are safe to remain in the United States, they will not receive this temporary status.

That goes without saying. We want to make certain that the people who remain here are truly those innocent travelers—students, members of families—who are concerned about whether returning home could endanger them or people who are here.

I ask the Senator from Michigan, if we are in a predicament where a family is here visiting their relatives in Chicago or Detroit and they have small children and they are from one of the parts of southern Lebanon that has been under fire, does it not stand to reason that we as a compassionate people would say to them: You can wait. Stay with your family. We are not going to force you to leave. We have done this in the past, and I hope the Senator from Michigan believes, as I do, that it is reasonable to do it under these circumstances.

Ms. STABENOW. I say to my friend from Illinois, I could not agree more. When you talk about people who come to visit, I think about the group of families and children I met with on Saturday who actually came home from Lebanon—escaped, essentially—but were talking about their family members who are here. Bint Jbeil—that is the town in southern Lebanon where they identified a Hezbollah stronghold—is also a place that 15,000 people in Michigan call their hometown. People have come to visit in the summer, to do the things that we all do: to go to the family wedding, to visit grandpa and grandma; as older citizens, coming to visit the grandchildren. There are all kinds of families who come back and forth all the time. That we would have people that are here be forced to go back to a war zone is really unthinkable.

I commend again our distinguished Senator from Illinois for his leadership, focusing on this issue which is so critical. I hope we would in fact bring that bill before the Senate for a vote or seek unanimous consent before we leave. It is absolutely critical.

I hope, again, we are going to make it clear that for those, whether they are in Lebanon or Israel, who have found themselves without any prior warning to be in a situation where they are innocently caught in the violence that has occurred, we, as Americans, need to do what we know how to do, which is to reach out and to help and be a part of a worldwide humanitarian effort. We need to address those issues—whether it is food, clothing, shelter, crucial issues to so many people, tens of thousands of people, probably hundreds of thousands, who find themselves in a situation where they are looking around for someone to help them.

America needs to be an important leader in lending our support. I am hopeful this amendment of \$200 million will be included as an emergency spending category in this legislation.

Mr. DURBIN. Mr. President, I ask unanimous consent to be added as a cosponsor to the pending amendment by the Senator from Michigan.

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

Mr. DURBIN. Will the Senator yield for a question?

Ms. STABENOW. I am happy to yield.

Mr. DURBIN. I would like to finish the comments I made about this temporary protected status so the record is clear for colleagues who are following this important debate—and particularly our Lebanese-American friends who are watching this, I am sure, with great interest, because of the efforts of the Senator from Michigan—I would like to put in the RECORD at this point that in 1990, Congress enacted the Temporary Protected Status Statute. It grants that for 1 year nationals from El Salvador who were residing in the United States the right to stay. That was done of course because of hostilities.

After that, the Attorney General, administratively, in consultation with the State Department, granted this as well to residents from the following countries: Kuwait, Rwanda, Lebanon—this was during the period from 1991 to March of 1993—Kosovo, the provinces of Serbia, Bosnia, and Herzegovina, and Angola and Sierra Leon.

I might also say to the Senator from Michigan, what we are hoping to add, as a separate bill that might pass independently or be part of this bill, is consistent with what we are currently doing. We have offered this temporary relief from deportation or temporary protected status to those who are from the countries of Burundi, El Salvador, Honduras, Liberia, Nicaragua, Somalia, and Sudan.

The reason I raise these issues is I want all my colleagues to know what we are suggesting is entirely consistent with the values of previous administrations of both political parties. It is an act of compassion and humanitarianism which I think reflects well on the United States, as does the amendment by the Senator from Michigan.

This may not be in the form of a question—it might not qualify for “Jeopardy”—but I say to her: I commend her for her humanitarian assistance, and I hope she will join us in helping to pass the other amendment as a separate issue.

Mr. KENNEDY. Will the Senator yield?

Ms. STABENOW. Yes.

Mr. KENNEDY. I want to join, as the ranking member of the Immigration and Refugee Committee, in support of what the Senator from Illinois has stated. The idea of temporary status has been longstanding. We have extended it in circumstances which do not even compare to the conditions that we have seen now in Lebanon. So I have joined being a cosponsor of that amendment.

It can be done administratively, as the Senator from Illinois and others have pointed out. We certainly welcome that. If you look back in the his-

tory of that, you will find that legislation in a number of instances was introduced and then the administration moved, and moved rapidly, when it was brought to their attention. That certainly ought to be done now in the most expeditious way.

Second, I welcome the opportunity to join the Senator on the humanitarian aid and assistance. We had an opportunity to talk to the representatives of the NGOs on several different occasions over the period of these past days, as well as with the representatives of the Israeli Government. There is a process now to try to extend humanitarian aid and assistance—both from the point of view of the Israeli Government but also in support of U.N. agencies and non-governmental agencies.

There are supplies that are in the area that need to get through. I think that needs focus and attention and support by all of the interested parties. But what we are basically talking about with the Defense appropriations is hopefully there will be a meaningful cease-fire that will take place. What the Senator from Michigan is talking about now is to reflect the concern for Lebanon and what has happened to that country, reflecting the fact that we here ought to extend humanitarian aid and assistance.

I commend her. I think this makes a great deal of sense. I hope the amendment will be accepted.

Ms. STABENOW. Reclaiming my time, Mr. President, and I thank my colleague from Massachusetts very much, let me also just say when it comes to the temporary protected status, the legislation the Senator from Illinois has spoken about, I would add one more occasion recently in which we moved in this direction.

On another piece of legislation, Senator LEVIN and I offered an amendment that was accepted by this Senate to address the concerns of those from Iraq who are in the Chaldean community, who are Christians in Iraq, who are truly the true minority religious community in Iraq, and concerns that those who are here, who are Chaldeans, do not have to be returned now that Saddam Hussein is no longer in power because they in fact continue to find themselves in a situation of religious persecution.

So we have passed that in another bill, supported by colleagues on both sides of the aisle, which continues the whole premise of making sure that while those who are here on a temporary legal status would not be required to return if, in fact, their lives are in jeopardy; if we are putting them back into a danger zone.

I wholeheartedly agree and appreciate what the Senator from Illinois has done.

I once again ask colleagues—I see my friend from New Hampshire on the floor so I will bring this to a close. I am hopeful that we will come together and that we could unanimously move

forward in this effort to provide humanitarian assistance to those in Lebanon and in Israel who are innocent citizens, caught in the middle of the violence that has occurred.

Many, many people have suffered. I hope we will send a strong message that we will stand with those who are working very hard to bring humanitarian assistance.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. CARPER. Mr. President, I ask unanimous consent that Senator LANDRIEU of Louisiana be added as a cosponsor of amendment No. 2724.

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

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SUNUNU. Mr. President, I very much appreciate what the Senator from Michigan is trying to do with the amendment. We have seen vivid images on television that depict the impact and destruction of the infrastructure—bridges, powerplants, the airport in Beirut, and, of course, the huge civilian toll that has been taken in Lebanon.

We all understand there is going to be a real need, and an immediate need, for humanitarian assistance. The State Department has taken steps to provide resources and assistance both in funding and material in the pipeline. But there is no question that additional funding is going to be needed in order to help the Government of Lebanon and the people of Lebanon rebuild and establish normalcy once again, in addition to all the assistance and work that will be done to ensure not just a strong government but compliance with U.N. resolutions, the demilitarization of Hezbollah, which is going to be so important to that country.

The Senator from Michigan, the Senator from Illinois, and others have also worked with the State Department to ensure that there are humanitarian corridors available to get assistance to those towns and villages in southern Lebanon that have been most heavily hit in terms of civilian casualties.

We need resources and funding. We need material, but we also need those humanitarian corridors.

I want to specifically speak a little bit about the protective status legislation that I cosponsored with Senator DURBIN and others. This is essential to send the right message to the Lebanese people and to the world that we are not going to send immigrants back into a war zone simply because their immigration status has changed. This is a temporary measure but an absolutely crucial one. It is the right thing to do while the fighting in southern Lebanon rages on.

We have funding needs, we have needs for humanitarian corridors, we have needs for protective status. All of these are essential if we are going to put Lebanon on the path to a peaceful resolution to their situation.

Mr. STEVENS. Mr. President, the bilateral assistance account has \$4 bil-

lion in it. The Economic Support Fund has \$12 billion in it. I am talking about in the fiscal year we are in right now. There is no shown need for additional moneys to assist the State Department. The State Department has an enormous amount of funds set aside for such cases. It has an international disaster and famine assistance account, the emergency refugees and migration assistance account. We have no reports at all that the administration and all of the people involved in all of these activities have run out of money. Even if they did, if they are close to that, the foreign assistance bill will be before us in September that deals with these various sums.

The Stabenow amendment causes the bill to violate its 302(b) allocation by providing \$200 million, if the emergency designation is not removed.

This is a rule XVI problem. This is not authorized. There are specific accounts already authorized, as I have said. There is existing for this fiscal year alone \$6 billion involved in the area which could provide assistance.

I raise a point of order that this violates rule XVI.

Ms. STABENOW. Mr. President, will the Senator yield for a question?

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

Ms. STABENOW. Mr. President, I ask the Senator from Alaska if he would join us in working through those accounts to make sure that the dollars are, in fact, available. We understand that an amount has been identified of possibly \$300 million needed, at least by the State Department. It is my understanding about \$100 million has been pledged by other countries, leaving a \$200 million gap.

I ask the chairman if he would work with myself and others who care deeply about this to identify specific funds to be able to go toward this desperately needed humanitarian effort.

Mr. STEVENS. I would be happy to author along with the Senator a sense-of-the-Senate resolution that the administration should proceed as rapidly as possible to use the funds which are in existence now and, if they are not sufficient, to submit a request for those funds.

I am not against the funds, but I believe that bill is coming along. The Appropriations Committee is coming along. It has a substantial amount of money in it this year. I don't see the need to add it to this bill.

If this amendment were agreed to, it would mean that we would have to confer with even another committee when we get back in September in order to satisfy the necessity to get a conference report to the President in time.

I reluctantly raised this point of order.

Mr. LEAHY. Mr. President, I rise in strong support of the amendment offered by the Senator from Michigan to provide \$200 million in emergency humanitarian and reconstruction aid to

Lebanese and Israeli civilians affected by the conflict between Hezbollah and Israel.

I commend Senator STABENOW for this amendment. If this conflict and the terrible loss of innocent lives and destruction of civilian infrastructure in Lebanon and Israel had occurred three months ago when we were debating the fiscal year 2006 emergency supplemental, there would have been no question that we would have included this aid.

To date, the U.S. Government has pledged \$30 million in humanitarian aid to Lebanon. While welcome, this is only a tiny fraction of what is needed.

Over 900,000 Lebanese citizens—one in five—have fled their homes and are either displaced in Lebanon, living in schools and public buildings, or are refugees in Syria. Estimates are that 200,000 people are in immediate need of humanitarian aid including food, water, fuel, shelter and medical care.

Basic goods are in short supply and hospitals in the south of Lebanon are facing electricity and water shortages. Just getting access to people who are in the greatest need has been a difficult challenge for relief organizations.

The United Nations and the International Committee of the Red Cross have been doing their best to evacuate people and deliver medical supplies, shelter materials, and food to affected people in southern Lebanon.

Current estimates are that at least \$300 million will be needed in the next 3 months to meet their basic needs.

The international community has pledged assistance, but if past practice is any indicator, pledges often do not turn into actual contributions.

This additional \$200 million in humanitarian and reconstruction aid would demonstrate the commitment of the United States to help the innocent victims on both sides of this conflict.

The funds should be used by USAID's Office of Foreign Disaster Assistance and the State Department's Bureau of Population, Refugees and Migration, which have already depleted much of their available funds and without this amendment will be forced to rob funds that are needed to respond to other humanitarian disasters—in Darfur, the Horn of Africa, and elsewhere.

I thank the Senator from Michigan for offering this amendment and urge its adoption.

The PRESIDING OFFICER. The Senator from New Jersey.

AMENDMENT NO. 4863

Mr. MENENDEZ. Mr. President, I call up my amendment, which is at the desk.

The PRESIDING OFFICER. The clerk will report. The assistant legislative clerk read as follows:

The Senator from New Jersey [Mr. MENENDEZ] proposes an amendment numbered 4863.

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

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

The amendment is as follows:

(Purpose: To make available from Operation and Maintenance, Navy, up to an additional \$3,000,000 to fund improvements to physical security at Navy recruiting stations and to improve data security)

At the end of title VIII, add the following: SEC. 8109. Of the amount appropriated or otherwise made available by title II under the heading "OPERATION AND MAINTENANCE, NAVY", up to \$3,000,000 may be available to the Navy to fund improvements to physical security at Navy recruiting stations and to improve data security.

Mr. MENENDEZ. Mr. President, this amendment is in response to some breaches in our security as they relate to critical information about recruits that we are seeking in the Armed Services of the United States.

In May of this year, we learned about the security breach at the Veterans' Administration that jeopardized the personnel records of 26.5 million of our Nation's veterans. Fortunately, the stolen laptop that contained this information was recovered, but we know this is not an isolated incident.

In June of this year, nearly 28,000 Navy sailors and their family members had their information compromised when it was posted on a Web site. Information, including their names, Social Security numbers, and birth dates was on line for anyone to see and use for any nefarious purpose. Millions of people had access to the most sensitive personal information, and the long-term damage that it may have caused cannot be measured.

But the security failures don't end there. Just last week, we learned that in my home State of New Jersey, two laptop computers were stolen from Navy officers. These computers contained the personal information of some 31,000 Navy recruiters and applicants. The theft jeopardized potentially the security of thousands of New Jerseyans, including high school students who were actively being recruited.

Our country has some very strict laws to protect minors, but all of these efforts are meaningless if criminals can easily get their hands on the names and personal information of our young people by simply snatching a laptop.

Senator LAUTENBERG and I wrote a letter to the Secretary of the Navy requesting a full accounting on how the theft occurred and the action the Navy has taken in response. The Navy came to my office and briefed us about where they are in this process. They are having a full investigation. But during the course of that discussion, it became rather clear to me that, in fact, they need assistance in trying to improve the physical security at these Navy recruiting stations, and also to improve data security.

In view of what we learned during the course of these discussions, we come to the Senate floor because we believe that this is something that is incredibly important. If you are going to recruit people from our communities and say come join the Armed Services of

the United States, in this case the Navy, and we ask for critical information from them as they make a decision to join, or to be considered and to be further recruited, we want people to have confidence that the critical information they give about themselves—Social Security number, birth date, and other critical information—is ultimately secure, that they can feel secure that the information will be secure.

It is very important when we see these breaches that have taken place to, in fact, move forward in a way that helps us give people a sense of satisfaction that when they go to a recruiting entity, regardless of which branch of the service it is, that, in fact, the information they give will be secure.

We know identity theft jeopardizes one's financial future, personal safety, and constitutional right to privacy, and allowing it to happen to men and women who seek to serve in our military is absolutely unacceptable.

We believe our amendment, which basically makes available from the operation and maintenance of the Navy, up to an additional \$3 million to fund improvements to physical security at Navy recruiting stations and to improve data security is, in fact, critically important. We specifically note the Navy because it was in June and July of this year that we have seen two breaches of security.

I think it is important to ensure that at a time in which we are already pretty dramatically stretched in terms of the Armed Forces of the United States, and we are asking Americans to consider joining the services, we are going to provide them a guarantee that their personal information, critical personal information, does not become public information, information that can ultimately dramatically affect them.

This amendment basically would move in the direction of trying to ensure that these Navy recruiting sites where this information is often kept—because it is the first source of where the recruiting goes on between, in this case, the Navy and those in the communities in which the stations find themselves—can be secure so that we do not experience what we experienced in New Jersey last week.

I ask for the yeas and nays.

Mr. STEVENS. Mr. President, we are prepared to accept the amendment. If the Senator wants the yeas and nays, he is entitled to them.

The PRESIDING OFFICER. Does the Senator withdraw the request?

Mr. REID. No.

The PRESIDING OFFICER. Is there a sufficient second?

There is now a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. Mr. President, I think we have to have some time to notify people when the vote is going to take place. I ask the cloakrooms to tell us what time to have this amendment voted on.

There have been 114 amendments filed on this bill so far. We have taken

care of five of them in the managers' packages and several of them in the form of colloquies that have satisfied the issue raised by the amendments. Seven have been voted on or have been withdrawn because of a point of order under rule XVI.

I believe we have about 20 active amendments still pending before us.

I still say it is possible that we could finish tonight, if we wanted to. It is a leadership decision. I am not the leader. If the leaders make the decision that we will not finish tonight, that is fine for me. But for now, we are prepared to accept this amendment. I have no debate against it.

I ask that the rollcall commence at any time the leader says it should be. I would say we ought to have at least 10 minutes of debate before we vote on it. I know some people are having dinner and will have to come back.

I ask unanimous consent that the vote commence at 8 o'clock.

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

Mr. REID. Mr. President, the only thing I ask is that the distinguished manager of the bill amend his consent to indicate there will be no second-degree amendments in order prior to the vote.

Mr. STEVENS. I agree to that, and I make that request.

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

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

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

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

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

Mr. STEVENS. Any other pending amendments?

The PRESIDING OFFICER. The only amendment pending is 4863, the Menendez amendment, which is, under the previous order, to be voted on at 8 o'clock.

The hour of 8 p.m. having arrived, under the previous order, the question is on agreeing to the Menendez amendment. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from New Mexico (Mr. DOMENICI) and the Senator from Mississippi (Mr. LOTT).

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

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

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 228 Leg.]

YEAS—96

Akaka	Dole	McConnell
Alexander	Dorgan	Menendez
Allard	Durbin	Mikulski
Allen	Ensign	Murkowski
Bayh	Enzi	Murray
Bennett	Feingold	Nelson (FL)
Biden	Feinstein	Nelson (NE)
Bingaman	Frist	Obama
Bond	Graham	Pryor
Boxer	Grassley	Reed
Brownback	Gregg	Reid
Bunning	Hagel	Roberts
Burns	Harkin	Rockefeller
Burr	Hatch	Salazar
Byrd	Hutchison	Santorum
Cantwell	Inhofe	Sarbanes
Carper	Inouye	Schumer
Chafee	Isakson	Sessions
Chambliss	Jeffords	Shelby
Clinton	Johnson	Smith
Coburn	Kennedy	Snowe
Cochran	Kerry	Specter
Coleman	Kohl	Stabenow
Collins	Kyl	Stevens
Conrad	Landrieu	Sununu
Cornyn	Lautenberg	Talent
Craig	Leahy	Thomas
Crapo	Levin	Thune
Dayton	Lincoln	Vitter
DeMint	Lugar	Voinovich
DeWine	Martinez	Warner
Dodd	McCain	Wyden

NOT VOTING—4

Baucus	Lieberman
Domenici	Lott

The amendment (No. 4863) was agreed to.

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

The motion to lay on the table was agreed to.

WASTE MANAGEMENT ON MILITARY BASES

Mr. FRIST. Mr. President, I request to engage Senator ALEXANDER in a colloquy about the costs and methods of managing waste on military bases. I ask my friend if he shares my conclusion that it would be prudent for the Department of Defense to consider a variety of options when dealing with municipal solid waste on military bases. Waste removal currently consumes significant sums of defense spending, and significant cost savings from improved waste management could be applied to critical defense needs. Military bases on islands, where waste is usually removed by barge, suffer acute cost and space challenges.

New technologies are giving the Department of Defense better waste management options on military bases and creating new choices to re-use and recycle waste. Currently there is a development project under consideration at Fort Campbell that uses a continuous flow process that recycles 90 percent of municipal solid waste (MSW) without any separation prior to processing. In fact, testing at Fort Campbell in 2001 and Fort Benning 2002 demonstrated the feasibility of the technology and that the process and products made from the derivative from this waste processing technique were safe and highly effective as a soil application at DoD test and training ranges. It is my hope that the Department of Defense will consider this process of managing municipal solid waste as it looks to streamline its operational costs. Does

my friend from Tennessee agree with this assessment that the Department of Defense should consider this as an option for waste management?

Mr. ALEXANDER. I thank my friend from Tennessee and agree that the Department of Defense should consider all options when managing municipal waste on military bases and facilities. The waste management testing that my colleague from Tennessee references suggests that waste management costs for military bases can be reduced over the long term and that landfill space needs can be greatly reduced. The technology in question addresses two major needs faced by our military bases.

First, all bases produce large amounts of municipal solid waste, which is sent to a declining number of landfills. Executive Order 13101 directs the Department of Defense to develop targets for landfill diversion and directs the Department of Defense, along with other Federal agencies, to take the lead in pollution prevention efforts.

The second need is military test and training ranges, which are often severely depleted of vegetation. The resulting soil erosion and increase of dust in the air impairs our ability to rapidly train military forces at these facilities, and the application of sterilized, processed waste to vegetation depleted training grounds can reduce erosion and airborne dust. This technology could solve both problems, and I agree with my friend from Tennessee that this process should be considered by the Department of Defense when examining base waste management and overall facilities operations.

NORTHERN CALIFORNIA INSTITUTE FOR RESEARCH AND EDUCATION

Mrs. BOXER. Mr. President, Senator FEINSTEIN and I would like to thank the Senator from Alaska and the Senator from Hawaii for their outstanding leadership on this bill and especially for their dedication to ensuring that our Nation's combat-wounded service members receive the best possible services and care.

I would like to ask both Senators to work with us during conference negotiations in support of funding for the Northern California Institute of Research and Education, NCIRE.

This funding will support the work of the Neuroscience Center of Excellence at the San Francisco Veterans Affairs Medical Center—a state-of-the-art facility dedicated to the diagnosis, prevention, and management of neurodegenerative diseases, brain and spinal cord injuries, and neuropsychiatric disorders such as post-traumatic stress disorder, PTSD, that occur in U.S. warfighters.

I had the privilege of recently visiting NCIRE. Let me tell you, the work they are doing is cutting-edge and absolutely vital to our Nation's warfighters and veterans. They are developing new ways to diagnose and treat PTSD in an effort to ensure that our more recent veterans do not share

the same fate as so many of those from earlier conflicts, including Vietnam. I had the honor of meeting a Vietnam veteran during my visit to NCIRE who told me that he just got his life back because of NCIRE's work. This is a man who served his country and came back to spend much of his time jobless, homeless, and without hope. NCIRE is working to make sure that our Iraq and Afghanistan veterans do not share the same fate.

Mrs. FEINSTEIN. I share my home State colleague's support for the great work the Northern California Institute for Research and Education is doing on behalf of our veterans. NCIRE was founded in 1988 to administer research at the San Francisco VA Medical Center. It is the largest of over 90 non-profit research institutes associated with the VA. It is also designated as a Department of Defense Center of Excellence in Neuroscience and Neuroimaging for its work benefiting our more recent veterans, including gulf war illness, post-traumatic stress disorder, neurotrauma and closed-head injury resulting from combat.

The Neuroscience Center of Excellence is the VA's premier research instrument for neurodegenerative diseases and brings together VA and Defense resources to conduct medical research in the areas most important for our active military and veterans. Research in neuroimaging, neuropsychiatry and basic neuroscience is targeted at diagnosis, prevention and management of neurodegenerative diseases, brain and spinal cord injuries, and neuropsychiatric disorders such as post-traumatic stress disorder.

In the near future, NCIRE will be working to enhance high-resolution imaging strategies to predict and prevent combat-related damage to the brain and the nervous system, expand neuropsychiatric studies into PTSD, and understanding of vulnerabilities to PTSD and its effect on combat performance.

I would note that the House version of this bill provides \$4 million for the Neuroscience Center of Excellence's research in neuroimaging and neuropsychiatric trauma in U.S. warfighters. I understand the chairman's concern about the growth of health research spending in this bill, but would point out that this facility is designated as a DoD Center of Excellence.

I look forward to working with Chairman STEVENS and Senator INOUE as we go to conference. It is my hope that we can work together to support this important funding provided in the House version of this bill.

Mr. STEVENS. I share my colleagues' interest in ensuring that our active military and veterans receive the best health care possible. I am happy to work with them as we move this legislation through conference.

Mr. INOUE. I concur with the chairman. The Senators have my commitment that I will work with them on

this important funding during conference negotiations.

KC-135 TANKER REPLACEMENT PROGRAM

Mr. SHELBY. Mr. President, I rise today to speak on the subject of the Air Force's KC-135 Tanker Replacement Program. Like my colleagues, one of my top priorities is to keep our Nation safe, and I am working to ensure that our servicemembers have the best equipment possible. Our Air Force has a fleet of aging refueling tankers that are currently experiencing problems. I simply do not believe we can wait 35 years to replace them.

Mr. STEVENS. Mr. President, I agree with the senior Senator from Alabama. Our warfighters need air refueling tankers to ensure that the United States can keep both our military and humanitarian commitments abroad. It is critical that our armed forces have the equipment to respond quickly and in force. However, the Defense Subcommittee's allocation was \$9 billion less than the President's budget. Tough choices had to be made. The Tanker Replacement Program was deemed to have sufficient funds from previous years, given the schedule delays that will impact fiscal year 2007.

Mr. SHELBY. Mr. President, as we move towards conference on the fiscal year 2007 Defense appropriations and authorization bills, it has come to my attention that the authorizers and appropriators may be receiving differing information regarding the necessity for funding in fiscal year 2007. I have a letter from the Air Force's Deputy for Budget dated August 2, 2006, stating that the Air Force needs a minimum of \$70 million in research, development, test & evaluation funds for fiscal year 2007 in addition to the funds remaining in the tanker transfer fund. I want to make certain that both the Armed Services Committee and Defense Subcommittee on Appropriations are receiving identical funding information from the Air Force. To that end, I am committed to working with my colleagues to ensure that we are all receiving the same information and have the same understanding of the needs for this program to move forward.

Further, Mr. President, while I understand that the subcommittee's recommendation to reduce funding was based upon their belief that there are sufficient funds remaining in fiscal year 2005 and 2006 to support systems development and demonstration, the Air Force has stated that they would need at least \$70 million in fiscal year 2007 to move forward and award a contract in 2007. I greatly appreciate Chairman STEVENS' assistance with this program and look forward to continuing to work with him to replace our aging tanker fleet.

Mr. MCCAIN. Mr. President, I wholeheartedly agree with my colleague from Alabama that it is essential that we all have the same understanding of the requirements for this program. In March 2006, the Air Force indicated that, among other things, tanker re-

placement monies in fiscal year 2007 would be "early to need." Thus, by the Air Force's own estimate, there is no need for additional funds for fiscal year 2007. I do support the Department of Defense's interest in recapitalizing its fleet of aging tankers. However, we need to ensure that the Air Force is committed to full and open competition on the program. To protect taxpayers' interests and national security, the Air Force must exercise a competition that is straightforward and traditional. In particular, the Air Force should rigorously follow an acquisition process based on established legal and regulatory guidelines, specifically setting aside any factors from its procurement evaluation that may improperly eliminate competition before bids are actually submitted. Our Armed Forces need the best tanker solution possible, and that means that any source with a reliable, high quality product that can provide aerial refueling services in a timely and cost-effective fashion, should be considered.

Mr. SHELBY. Mr. President, I thank my distinguished colleagues from Alaska and Arizona.

VACCINE HEALTH CARE CENTERS

Mr. BIDEN. Mr. President, I thank the chairman and ranking member for taking the time to discuss an issue that is very important to me and to the well-being of our military personnel.

As both of you well know, the military today relies on vaccines as an element of force protection. In order to keep our military healthy and to protect against biological threats, we require personnel to be vaccinated. These vaccines are generally considered to be "safe", but they are still drugs that are put into the body. As such, there are always a small number of personnel that have adverse reactions.

These personnel are our responsibility. While serving their Nation, they are required to take these vaccinations. If they are made ill by that requirement, we must give them the best possible care, just as we do for those who lose a limb serving the Nation.

In 2001, Congress recognized that we needed to develop specific expertise for treating these rare and complicated cases and created the vaccine health care centers. Last year, the vaccine health care centers treated 708 personnel. That is a caseload increase of 83 percent since they began operations in 2001.

Today, the centers are unique in the Nation for their expertise in adult vaccinations and adverse reactions to them. They are a critical component of force protection, assuring our military personnel that if they become ill from a mandatory vaccination, they will get adequate care.

Mr. STEVENS. I want to thank my colleague for again raising this important issue. He has been a consistent advocate of our need to care for those injured by mandatory vaccines. The vaccine health care centers are a vital

component in regular force protection. The centers help military medical providers administer vaccines in the most effective and safe manner and they provide expert care for that small number of personnel who have complicated adverse reactions.

Mr. BIDEN. I want to also thank my colleague for including \$2 million specifically for the vaccine health care centers in the fiscal year 2007 Defense appropriations bill. I believe it was the committee's intent, in a difficult budget year, to show their support for keeping the centers intact pending the GAO report expected in mid-fiscal year 2007. Is that correct?

Mr. STEVENS. Yes. In the past, the centers have been funded with supplemental funds. Last year we provided a portion of the funding in the regular budget and sought to show our support again this year. We understand that in the past, the Army has used supplemental funds to help cover the annual operating costs of all the centers, which is approximately \$6 million. This year, we sought to provide some assistance by designating a portion of the regular budget in fiscal year 2007, \$2 million, for the vaccine health care centers. It is not meant to be a cap on what can and should be spent.

Mr. BIDEN. I thank my colleague. It was also my understanding, based on discussions during consideration of the last supplemental in the spring, that the military was fully committed to retaining the complete capabilities of the vaccine health care centers in their current form pending the completion of the GAO report.

As my friend knows, Congress would also like to see a plan from the Department of Defense for meeting this need. On this year's Defense authorization bill, the Senate agreed unanimously to my amendment prohibiting the restructuring or downsizing of the current vaccine health care centers until the Department provides Congress with a report outlining their plans to meet the needs of our military personnel for pre- and post-vaccination care over the next decade.

Mr. STEVENS. Again, I agree with my colleague. I understand the Department of the Army has covered the costs of operating all these centers, even though some are located on Air Force and Navy installations. It is my hope that the Assistant Secretary for Health Affairs for the Office of the Secretary of Defense can provide that plan and look at how to support and maintain the vaccine health care centers in a joint setting. It was the committee's understanding that these centers would be fully funded and kept intact pending the report from GAO.

Mr. BIDEN. I would ask both of my friends if they are committed to ensuring that happens?

Mr. STEVENS. Yes.

Mr. INOUE. Yes.

Mr. BIDEN. I thank my colleagues for their assistance. I hope that next year we will have a comprehensive and

useful GAO report and a DOD report that will help us ensure that we are meeting the unique force protection needs created by mandatory vaccinations in the best possible way. Until then, I greatly appreciate their commitment to ensuring that we do not lose the capabilities that have been established to date and are regularly utilized by our military personnel.

FUNDS FOR IMPROVING POLYGRAPHS

Mr. CRAIG. Mr. President, I engage my colleague the distinguished chairman of the Defense Appropriations Subcommittee in a short colloquy to clarify the intended use of funds provided in the fiscal year 2007 Department of Defense appropriations bills.

Mr. STEVENS. I would be glad to engage in a colloquy with my friend the distinguished senior Senator from Idaho.

Mr. CRAIG. Mr. President, the current standard in polygraph use is woefully inadequate. Last year's Defense appropriations bill included funding for a project that would improve the use of polygraphs within the Department of Defense. The project will ultimately benefit all institutions that use polygraphs to assure security. The project research will lead to the polygraph becoming a fully standardized, machine administered, scientifically based test, thus getting rid of the flaws that are inherent in the current use of polygraphs. Boise State University in my home State of Idaho is well qualified to do this research and develop the standardized technology. It is my hope that the funds that were appropriated in fiscal year 2006 will be made available soon and that the funds in the fiscal year 2007 Senate defense appropriations bill will be available to continue the work that will begin with last year's appropriation. Is it the expectation of the distinguished Chairman of the Defense Appropriations Subcommittee that the Department of Defense make last year's funds available as soon as possible to assure that this important research goes forward and that fiscal year 2007 funds be used to continue this important work?

Mr. STEVENS. The Senator raises a valid concern. It is this chairman's expectation that the funds provided by our subcommittee in last year's bill be made available quickly by the Department of Defense and that this important research be conducted in an expedient manner.

Mr. CRAIG. I thank my colleague from Alaska for clarifying this point and for his interest in this issue.

LUPUS

Mr. SCHUMER. Mr. President, I wish to speak about lupus, a chronic and devastating autoimmune disease which affects a growing number of military personnel, their family members, and veterans. I would like to have this disease included in the Department of Defense Peer Reviewed Medical Research Program. I am glad to see my friend Chairman STEVENS is on the floor to discuss this issue with me.

Mr. STEVENS. I am happy to discuss this program with the Senator from New York.

Mr. SCHUMER. For the past 2 years, Congress has included lupus as one of the diseases eligible for research funding through this highly regarded DOD program. This program has proven effective in filling essential gaps in research efforts funded by private industry and other public sources.

Mr. STEVENS. The Senator from New York is correct. This disease has been listed in the program by the Congress for priority consideration.

Mr. SCHUMER. This disease predominantly affects women and African Americans, which are a growing demographic in today's military. This debilitating disease damages vital organs and can cause disability or even death. Despite its prevalence and seriousness, lupus is notoriously difficult to diagnose, and no new treatments have been developed in more than 25 years.

Chairman STEVENS, because of the expert research that is conducted in this area through the Peer Reviewed Medical Research Program, I hope you agree, and support adding lupus to the list of diseases eligible for funding under the DOD Peer Reviewed Medical Research Program.

Mr. STEVENS. I assure the Senator from New York I will do everything I can in conference to add this disease to the peer reviewed medical research list for consideration by the Department of Defense.

Mr. SCHUMER. I thank the chairman for his commitment.

TISSUE ENGINEERING RESEARCH

Mr. SANTORUM. Mr. President, I wish to engage in a brief colloquy with the distinguished chairman of the Defense Appropriations Subcommittee regarding innovative research being used to treat our soldiers.

Tissue engineers in the U.S. are applying principles of biology and engineering to grow human replacement tissue for virtually every part of the human body—tissues that will replace those damaged by disease or injury. Recently, enormous national attention was focused on the creation of fully functioning tissue-engineered bladders—bladders grown in the laboratory and implanted in children with spina bifida. One day, tissue engineering may eliminate the need for organ transplantation. In the near term, this exciting field of biomedicine has developed several products for immediate use, some of which have important implications for wounded military personnel.

Novel biological scaffolds for wound treatment are being developed to eliminate the need for skin grafts. The work is based upon extensive preliminary research that shows biologic scaffolds from extracellular matrix—a component of virtually every tissue—can promote tissue growth that very closely resembles tissue regeneration. The scaffolds, called urinary bladder matrix, or UMB, have two “layers”: a membrane surface upon which skin

cells may grow and differentiate quite readily and a lower surface that may integrate well into the underlying wound bed. This UBM scaffold represents new hope for soldiers who have a need for skin grafts.

A significant amount of this work is being done at the Pittsburgh Tissue Engineering Initiative's Soldier Treatment and Regeneration Consortium, STRaC. The potential benefits of this research are boundless, and I am proud to have consistently supported STRaC and its mission. I thank the distinguished Chairman for his past support of this research.

As part of this initiative, scientists are working to develop a tissue-engineered ear utilizing a patient's own cells to grow a replacement ear for one severely damaged in combat in Iraq. In the first phase of this 12-month project a small biopsy of healthy tissue will be taken and, using known techniques, scientists will isolate cells and from them millions of additional cells will be grown in the lab. A specially modified scaffold prepared from an FDA-approved implant will be “seeded” with these cells. After biocompatibility and long-term durability of this implant are established in an animal model, a biopsy will be taken from a soldier currently awaiting treatment at Brooke Army Medical Center in San Antonio. Cartilage and skin cells will be used to create a patient-specific ear replacement. These techniques are expected to be useful in replacement therapies for numerous other body parts for our soldiers returning from Iraq and Afghanistan.

Mr. President, I will ask unanimous consent that a letter be printed in the RECORD from COL John Holcomb, Commander of the U.S. Army Institute of Surgical Research at Fort Sam Houston, TX, that expresses his views on this line of research. Colonel Holcomb's facility is the primary receiving site for all significantly burned casualties from the war in Iraq. He stipulates that integrating the opportunities currently underway in regenerative medicine are important for both short- and long-term advances for military medical research and clinical care.

Mr. President, I ask the distinguished chairman of the Defense Appropriations Subcommittee to comment on the research that I have described and which the Army has been using to the benefit of our men and women returning from Iraq and Afghanistan.

Mr. STEVENS. Mr. President, the research the Senator from Pennsylvania is describing is exactly the reason that the committee provided \$45 million for the Peer Reviewed Medical Research Program. We need to get innovative treatments to our men and women in uniform as quickly as possible. I urge the Department to give the tissue engineering research proposal described by the Senator from Pennsylvania full and fair consideration.

Mr. SANTORUM. I ask unanimous consent that the letter to which I referred be printed in the RECORD.

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

DEPARTMENT OF THE ARMY, U.S.
ARMY INSTITUTE OF SURGICAL RE-
SEARCH,

Fort Sam Houston, TX, July 24, 2006.

Dr. ALAN RUSSELL,
*Director, Institute for Regenerative Medicine,
University of Pittsburgh School of Medicine
Pittsburgh, PA.*

DEAR DR. RUSSELL: I am writing to share with you our continuing interests in your work on Regenerative Medicine. I am the Commander of the US Army Institute of Surgical Research at Fort Sam Houston, Texas and the Army Surgeons General Trauma Consultant. I have been in Iraq 8 times since the war started and my facility is the primary receiving site for all significantly burned casualties from the war. Our experiences have convinced us that partnering with your world-class research programs and integrating the opportunities currently underway in regenerative medicine are important for both short and long term advances for military medical research and clinical care.

Areas of particular interest for us continue to be hemostasis, resuscitation, bone tissue injury) soft tissue injury, trauma informatics and clinical trauma research. These six areas all focus on saving soldiers' lives and returning them back to duty as soon as possible. Collaboration with you continues to help us in our medical mission to serve these soldiers.

I sincerely look forward to our continuing this important partnership and using the technologies available today and in the future so we can meet these increasingly complex challenges to better serve our warfighters.

Sincerely,

JOHN B. HOLCOMB,
*Colonel, U.S. Army,
Chief, Trauma Division,
Trauma Consultant for the Surgeon General Commanding.*

Mr. PRYOR. Mr. President, I have an amendment that calls for a Pentagon report on several aspects of the assistance we provide to the widows and children of our fallen soldiers. In his second inaugural address, President Lincoln said, "let us strive on to finish the work we are in, to bind up the nation's wounds, to care for him who shall have borne the battle and for his widow, and his orphan." That simple, eloquent phrase has become the motto of the Department of Veterans Affairs, but it certainly applies to programs run by the Department of Defense as well. Today we are considering the bill that funds the Department of Defense, including the offices that provide benefits to the survivors of our servicemen and servicewomen killed in Iraq and Afghanistan.

I have recently seen and heard about enough instances of wives who are having problems getting the survivor benefits they should be getting, of delays in implementing a new health care benefit for the children of servicemembers who died on active duty, and similar problems that I think the Congress

should hear from the Pentagon about them. In 18 months the regulations for this new health care program are not finished. That is costing a widow money or it is keeping her children from the health care they need. Or both. I would like to hear from the Pentagon what is taking so long.

A number of problems and delays I have heard or read of in the various benefit programs may be attributable to a simple lack of enough personnel to process forms, take calls, and get payments out. I want to hear from the Pentagon if there are enough people on board to get this important job done so that the families of our fallen soldiers do not suffer any more hardship than they already must.

I do commend the Defense Department for setting up a new call center that is designed to help survivors navigate the process through which they sign up for and receive these various benefits. I also want to know how that's working. For these reasons I am introducing an amendment that asks the Secretary of Defense to report back to Congress on these questions. It is fine for us to establish benefit programs but just as important to keep an eye on them and make sure they work, and without delays. I hope this amendment will be adopted, and I ask my colleagues for their support.

Mr. MCCONNELL. Mr. President, I would like to discuss the Kennedy amendment, which passed the Senate earlier today by unanimous consent. This amendment would require that the Director of National Intelligence submit to Congress a new National Intelligence Estimate on Iraq's security situation. At the outset, I would note that Senators ROBERTS and STEVENS should both be applauded for their efforts to improve the original Kennedy amendment.

That said, I would like to make clear my understanding of the Kennedy amendment, as modified. I believe that the Kennedy amendment, if enacted, should be interpreted to mean that the intelligence community should undertake an objective analysis of the situation in Iraq. The original Kennedy amendment included questions that appeared to drive toward predetermined answers, thus potentially distorting the intelligence value of the report. I believe the administration should take notice of the changes that were made to the original Kennedy amendment language and recognize that these changes, which moved the amendment toward requesting information in a more objective manner, were the reason the amendment was able to pass by unanimous consent.

I share the majority leader's concern that those in the intelligence community should take the time they need to conduct a dispassionate analysis of the Iraq situation and not be swayed by the political context within which this amendment was initially offered.

Mr. FEINGOLD. Mr. President, I am pleased that the Senate is considering

the Defense Department appropriations bill. As many of my colleagues have noted, this bill provides essential funding for the men and women in uniform who are serving bravely around the world. It provides a well-deserved 2.2 percent across-the-board pay raise for our military personnel, along with funding money to help equip and resupply our military, which has been strained to the breaking point by the war in Iraq.

Before I discuss what I believe are the broader implications of this bill, I would like to express my sincere gratitude to the men and women in uniform and their families, who are bearing the heaviest burden of our Nation's military operations around the world. The brave men and women who make up our military are serving in desolate, harsh, and too often deadly conditions throughout the world, and their professionalism, dedication, and honor are appreciated by all of us in this body.

I specifically commend the men and women of Wisconsin who are currently serving, or have served, in the military. Wisconsin has lost 58 of its sons and daughters in Iraq, and 4 in Afghanistan. I am proud of the service and accomplishments of the citizens of my State and am grateful for their contributions to our country.

The greatest tribute we could pay to the men and women of the Armed Forces, however, would be to create a national security policy that addresses the most serious threats to our country, and that makes all of us more secure. Unfortunately, the administration has failed to provide such a policy—in fact, its Iraq policy has actually undermined our national security—and this appropriations bill fails to put things right. While this bill provides necessary and valuable support for our military and their families, this bill does not address the fundamental fact that members of the military are being asked to put their lives on the line in Iraq for a policy that has not succeeded, has very little chance of succeeding, and does not appear to have any end in sight. And let's not forget that the American taxpayer is footing the enormous and growing bill for this unsuccessful policy.

Much of the funding in the bill is associated with the fallout of this administration's failed policy in Iraq, and with a military that has been strained by the current pace of operations in Iraq, to the point where it has a diminished readiness level to respond to other crises. And we have no shortage of other potential crises these days.

For anyone following developments in Iraq, it is abundantly clear that this administration is pursuing a flawed and damaging strategy there. It is clear that the presence of 130,000 U.S. military personnel in Iraq is not contributing to political stability in Iraq or quelling sectarian violence; that the administration has failed to articulate a policy or strategy for establishing long-term stability in Iraq; and that

the administration failed to take into account what an unending and devastating commitment in Iraq could do to our military capability and to our national security.

Sectarian violence is on the rise. Security is not getting better in Iraq. The United Nations has reported that an average of 100 civilians were killed per day in June. The U.N. just released a report suggesting that over 6,000 civilians have died over the past 2 months. And the administration seems unable to settle on an appropriate strategy to address these worsening conditions. Just 2 months ago General Casey came to Washington to discuss the significant drawdown of U.S. troops from Iraq. Now, just a few weeks later, troop deployments are being extended beyond a year, and we are no closer to helping Iraqis establish stability in their country than we were over a year ago.

It is clear that our current approach in Iraq is not going to establish stability in Iraq. We need a new strategy—a political and economic strategy—that will help establish long-term stability in Iraq. Perpetuating the massive presence of U.S. forces in Iraq is not the answer. We need a new strategy in Iraq so that we can repair our military and strengthen our national security. Anything short of a change in course will ensure more of the same.

It is also clear that the war in Iraq is having a negative—and dramatic—effect on our military's capability and readiness levels. Because of the heavy usage of military equipment in Iraq, the Army National Guard's 34 brigades are not combat-ready, and it will be no easy task getting our physical capacity back up to full strength.

While I applaud the efforts of Senators DODD and REED of Rhode Island to include in this bill sufficient "reset" funds for the U.S. Army and Marine Corps, I think it is imperative to remember that this is a war of choice. This is a war that this administration designed and pressed on the American people as "urgent." This is a war that was based on false pretenses, launched with poor planning, and implemented without any concept whatsoever of how significant the drain on our national resources would be. This is a war that the administration chose the "time and place" for but that now cannot seem to end. And now, after years, it is apparent that stability cannot be won militarily. The costs we are incurring in Iraq are devastating, they are endless, and they are not advancing our national interests—particularly when our military is losing its capacity to respond to future threats globally and to defend our country from the terrorist networks that attacked us on 9/11.

I would like to quote the Army Chief of Staff, General Peter Schoomaker, who testified in front of the House in June. He painted a dire picture of our military's equipment in Iraq:

This sustained strategic demand has placed a tremendous strain on the Army's people

and equipment which have been employed in the harsh operating environments of Iraq and Afghanistan. In Operation Iraqi Freedom, for example, crews are driving tanks in excess of 4,000 miles a year—five times more than the programmed annual usage rate of 800 miles. Army helicopters are experiencing usage rates roughly two to three times programmed rates. Our truck fleet is experiencing some of the most pronounced problems of excessive wear, operating at five to six times programmed rates.

This testimony highlights not only the physical strain that military operations in Iraq are having on our military capability but also the strain on our readiness to deal with the serious threats to our national security around the world. We were ill prepared for our operations in Iraq, and now Iraq is making us ill prepared to respond to other crises.

Lieutenant General Blum, head of the National Guard, also painted a dire picture yesterday when he noted that three-quarters of the National Guard are not ready for combat. A significant portion of our Special Forces personnel are deployed to Iraq, and there is no doubt about the draining effect that operations in Iraq are having on the rest of our government.

This is a major concern. While this bill includes some important funds to help restore readiness levels, we are not addressing the root causes of what is placing such a strain and limitation on our military.

With that said, I would like to shift to the very work—reconstruction—that was originally designed to help develop a sound political and economic infrastructure in Iraq and, as the administration has consistently repeated, help set the "conditions for success." Unfortunately, there isn't much to report.

Reconstruction efforts in Iraq are troubled. The SIGIR released a new quarterly report this week on U.S. reconstruction efforts in Iraq, and it is clear that, after billions of taxpayer dollars have been spent, major obstacles remain. SIGIR has concluded that large unforeseen security costs, massive corruption within the Iraqi Government, administrative overhead, and waste have crippled original reconstruction strategies and have prevented the completion of up to half of the work originally called for in critical sectors such as water, power, and electricity.

It is also troubling that the recent SIGIR report suggests that there still is no strategy for transitioning the responsibility for reconstruction efforts in Iraq from the United States to the Iraqi Government. Reconstruction efforts in Iraq have been dominated for more than 3 years by U.S. funding and companies, and now as it comes time to transfer the responsibility and management of reconstruction efforts to the Iraqis, it has become clear that Iraqis don't have the capacity to complete the many projects left unfinished.

Most troubling, in my mind, is the fact that the GAO has recently reported that there does not currently

exist a strategy that links reconstruction efforts to broader political and strategic goals in Iraq. I am not sure how we will achieve any goals in Iraq if we don't have a sense of how reconstruction efforts, political efforts, and security efforts fit together. Given that stability in Iraq will only come through political and economic progress, it is troubling to know that no strategy exists to link any of this together.

While this bill doesn't address reconstruction funding, it is clear that unless there is a comprehensive strategy to bring these efforts together, security conditions in Iraq won't get better. This has a direct impact on the troops currently in Iraq, which in turn has a direct impact on our national security.

Mr. President, our ongoing military presence in Iraq is hurting our national security. It is putting a tremendous strain on our military itself and it is limiting our capacity to deal with other crises around the world, including Lebanon, Iran, North Korea, Somalia, and Afghanistan.

We need a drastic change of course in Iraq. We need to redeploy our troops so that we can focus on these very real threats to our national security, and on al-Qaida and its allies. We need a strong military, and we also need a strong national security strategy that honors the men and women in uniform who serve our country selflessly around the world.

Mr. SCHUMER. Thank you, Mr. President. I rise to speak about amendment No. 4783 which has been filed and accepted into this bill.

I would like to thank my colleagues, Chairman STEVENS and Ranking Member INOUE, for agreeing to accept this amendment and for their management of this bill which is so critical to funding the needs of those who serve our country.

When our service men and women, fighting so bravely in the face of such grave danger, go into battle, they should have all the resources and technology they need to not only get the job done but come home healthy and safely to their families.

This is why I was dismayed to learn that our troops in Iraq and Afghanistan are not equipped with the medical bandages they need to stop heavy bleeding from potentially fatal wounds. These hemostatic agents—which are small enough to be easily carried by all soldiers—can literally save lives.

Unfortunately, those supplies are being stockpiled in medical units and soldiers are writing home to their friends and families to say that they need these bandages on the front lines.

Take a moment to think about that. Imagine a mother or father, sitting in their living room, scared stiff every day that they might not see their son or daughter alive again, reading a letter begging them to send bandages so their son or daughter can take care of themselves if they are hurt.

We need to do better because sending these men and women into harm's way without the medical equipment they need is simply unacceptable.

Hemostatic agents are chemical compounds that have been tested and proven to help save soldiers' lives by forming powerful clots which halt blood loss so a wounded soldier has a better chance of getting to an operating room.

Stopping rapid blood loss from a wound is critically important because, according to the American Red Cross, half of all military deaths on the battlefield are a result of excessive blood loss.

Distribution problems can be no excuse. We must ensure that every single soldier has at least one of these bandages or packets with them at all times. And, of course, the medical units should have as many as they see fit.

Mr. President, it is more than obvious that our men and women who are risking their lives should have access to any and all life saving items, such as these hemostatic agents.

A group on Long Island called Jacob's Light Foundation has taken matters into its own hands and is raising money to buy these bandages and packets to send them directly to soldiers. I am grateful for their efforts, but the bottom line is, this is the military's responsibility, not the families'.

Families who have already sacrificed so much should not have to dip into their own pockets to ensure their children survive an attack.

That is why when we debated the Department of Defense Authorization bill a few weeks ago, we added language to ensure that there are plenty of the bandages to go around.

My amendment on this bill, which I am proud to note that Senators COLEMAN and CLINTON have joined me on, will ensure that sufficient funds are available during the fiscal year to make that happen. It provides \$11 million to purchase these hemostatic agents and get them to our troops on the front lines.

Mr. President, we have the means to prevent unnecessary deaths on the battlefield instead, we are nickel and diming our troops.

Mr. FRIST. Mr. President, Lonnie Stubblefield is 17, a recent graduate of Macon County High School in Lafayette, TN. He enjoys Sudoku puzzles and

brainteasers—he likes to challenge himself. He doesn't look the part, but he's in the Army now.

Zach Khan is 38, a small business owner and an insurance agent. He wanted to do something meaningful in life. He was looking for something with plenty of future opportunities, great benefits, and maybe even a little prestige. He's in the Army now.

Linda Yanez is 19, a first generation American with Mexican roots who calls herself "a small-town girl from the woods." She was looking for a way to make "a difference somewhere to someone." She's in the Army now.

Jesse Alexander is also 19, a 2003 grad of Maplewood High in Nashville, TN. He's a student majoring in education at Tennessee State University, and works part-time as a security guard. He's earnest, self-disciplined—and he's in the Army now.

Why do I mention Lonnie, Zach, Linda, and Jesse? Because they have something in common. Each walked into a local recruiting office in the Volunteer State—Tennessee—and joined America's Volunteer Army.

I cannot tell you how very proud I am of them.

Soon, they will join the ranks of the many thousands of Tennesseans already risking their lives—day-in and day-out—to defend our freedom. Currently, roughly 14,000 Tennesseans serve in the National Guard.

Across the globe, in more than 130 countries, some 247,000 troops and civilians are on the frontline. Every day, they are risking their lives to defend our freedom—and the freedom of the people in whose countries they are stationed.

No one would have guessed, almost 5 years ago, now, that we would be free from having suffered another major terrorist attack on our soil. We have been extraordinarily fortunate.

And we have been safe because our brave fellow Americans are putting their lives on the line to protect this country.

Our troops provide us an invaluable service—fighting daily to defend our priceless ideals. These are young Americans—men and women who have never seen the world. Yet they have the pride and the courage—and most importantly, the faith—to join our military and become our bravest defenders.

Mr. President, we owe our troops a debt of honor. For their invaluable

service, we owe them the very best resources. And as U.S. Senators, it's our responsibility to provide those resources to them.

That is why the bill before us today—the Defense Appropriations bill—is so very important. It provides our soldiers with the resources, training, technology, equipment, and authorities they need to win the global war on terror.

From cutting edge technologies to personnel protection systems—the spending bill keeps our military strong so that our men and women in uniform can keep America safe.

The bill provides nearly \$470 billion in resources for the Department of Defense—funding key readiness programs critical to combating terrorism and enhancing homeland defense.

It includes an additional \$55 billion in emergency funding for operations in Iraq and Afghanistan—that is, operations related to the global war on terror.

And it contains provisions aimed at improving the quality of life of our service members—including a 2.2 percent across-the-board pay raise for all military personnel.

I am confident that the bill before us today will enable our troops to continue anticipating and meeting the challenges and threats of tomorrow—while maintaining high levels of readiness today.

Our brave men and women place their lives at grave risk when they volunteer to join our military and become our Nation's defenders at the frontline. We owe them nothing less than first-class training, the latest in modern technology and equipment, and quality infrastructure.

Senators STEVENS and INOUE have worked hard to ensure that the bill before us now delivers the funding for the cutting edge resources and service our troops deserve. I thank them for their dedication to seeing this bill through.

As we wrap up debate on this bill, I urge my fellow Senators to join me in supporting this bill. I ask them to join me in providing the funding critical to keeping our troops prepared and at the ready.

America's security depends on our troops. And our troops are depending on us.

THE PRESIDING OFFICER. The majority leader.

NOTICE

*Incomplete record of Senate proceedings.
Today's Senate proceedings will be continued in Book II.*