

issues they believe are important. The Senate will get better with more women. It is a unique body, and we are all very fortunate to be able to serve in the Senate. But just speaking from personal experience, the Senate, I repeat, is a much better place because of the women who serve in the Senate.

RESERVATION OF LEADER TIME

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

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2007

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 2766, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 2766) to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

Pending:

McCain amendment No. 4241, to name the Act after John Warner, a Senator from Virginia.

Levin amendment No. 4320, to state the sense of Congress on the United States policy on Iraq.

Kerry amendment No. 4442, to require the redeployment of United States Armed Forces from Iraq in order to further a political solution in Iraq, encourage the people of Iraq to provide for their own security, and achieve victory in the war on terror.

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 60 minutes for debate, divided as follows: Senator WARNER, 30 minutes; Senator LEVIN, 15 minutes; and Senator KERRY, 15 minutes.

Who yields time? The Senator from Arizona.

Mr. KYL. Mr. President, on behalf of Senator WARNER, would the Chair please advise me when I have consumed 10 minutes?

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

Mr. KYL. Mr. President, since last Tuesday, scores of my constituents have called my office and otherwise communicated with us, asking a very poignant question. Since last Tuesday, this country has mourned the deaths of two brave soldiers who were kidnapped and mutilated and killed, both Army PFC Kristian Menchaca, from Texas, and Thomas Tucker, of Oregon. The question my constituents are asking me is, How on Earth could the Senate be debating resolutions of withdrawal from Iraq in the same week that we discovered the mutilated bodies of these two American soldiers? Shouldn't our debate, rather, recall the famous words of Abraham Lincoln in his Gettysburg address, "That they shall not have died in vain," and motivate us to redouble our efforts to support our

troops in carrying out the unfinished business that remains in Iraq?

There is unfinished business there, to bring to justice the people who committed these heinous acts and to rid that country and the region once and for all of the evildoers who support that kind of violence against both Americans and Iraqis and who promise in the future to commit that same kind of violence against us until they have become victorious. These are the terrorists.

I found it interesting that one of our colleagues was arguing, wrongly, that there were no terrorists in Iraq before we invaded the country and eliminated Saddam Hussein. The evidence is overwhelming that is not true. But in any event, of what importance is it, given the fact that they are there now, mutilating and killing American soldiers and Iraqi citizens? What do the terrorists have in mind if we pull out?

The President recently and succinctly described the plans of the terrorists, directly quoting from a letter that Ayman al-Zawahiri, who is the second in command of al-Qaida behind Osama bin Laden, wrote to Abu Mus'ab al-Zarqawi, who recently, of course, was brought to justice by American troops and was bin Laden's designated leader of al-Qaida in Iraq:

Their objective is to drive the United States and coalition forces out of Iraq, and use the vacuum that would be created by an American retreat to gain control of that country. They would then use Iraq as a base from which to launch attacks against America, and overthrow moderate governments in the Middle East, and try to establish a totalitarian Islamic empire.

In that same letter, Zawahiri stated that the battle in Iraq "is now the place for the greatest battle of Islam in this era."

It doesn't matter if we are fighting them. They are going to fight us. The point is, they are going to fight us wherever the point of the battle is, based upon their choosing. Today they chose that battle to be in Iraq. In some respects, given the quality of American forces, that is a better place for us to be confronting this enemy, these evildoers, than waiting for them to come back and attack us in the United States. That is why we owe so much to the soldiers and to the sailors and to the airmen and to the Marines whom we have sent into harm's way to confront the enemy there. We owe them not just the best training and the best equipment and the best planning in the world to enable them to carry out their missions but support here at home.

The question my constituents are asking me is, What message does it send to our troops, to our allies, and to our enemies, when we begin talk of withdrawal? You can sugarcoat it all you want. You can call it phased withdrawal, you can call it timelines, but whatever you call it, it pretty much amounts to the same thing.

The distinguished minority leader, as a matter of fact, said just a couple of days ago, and I am quoting:

I think that even though we have at least two positions, I think if you look at them closely, they're both basically the same, that there should be redeployment of troops. It's a question of when.

Indeed. One resolution says: Right away; it has to be done this year. That is a time certain, this year. And another one talks about submission of a plan with estimated dates. Dates, of course, are times certain. Whenever they are established, you have a specific time within which the withdrawal is to occur, whether it is in a phased way or all at once, right next door or 1,000 miles away. The bottom line, whatever you want to call it, is withdrawal of American troops within certain timeframes to no longer be able to perform their mission there.

Why would you take that kind of position when there is work yet to be done? It has to be based upon the guess that by the time that time comes the work will be finished, that we will have done sufficient work in Iraq and training up the Iraqi soldiers and performing, ourselves, that we will no longer be needed. But nobody supporting these resolutions knows that. The military commanders on the ground will tell you that they do not know it. No one can know what the circumstances on the ground will be by the end of 2006 or by the middle of 2007.

All wars are based upon the circumstances at a given time on the ground. It would have been folly, for example, simply because we were losing significant numbers of American soldiers in World War II, for the U.S. Congress to pass a resolution, sending it to President Roosevelt, saying you have to be out of Germany by a date certain and you have to begin a phased withdrawal of our Pacific troops by a date certain.

At that time, America was committed to performing the mission, to getting the job done, to winning the war. What should the condition for withdrawal be? Victory; the ability to say we have accomplished our mission, we have pacified the country to a sufficient extent that we can leave without creating a power vacuum into which the Iranians and the Syrians and perhaps the Turks or others might come into Iraq because of their interests in the area, not sending a message to our allies in the region that, instead of being on the winning side, it turned out that they chose the wrong side, the side that wanted to leave the battlefield before the battle was won.

Think about the Iraqis who are supplying intelligence to us right now. They have calculated that we are the winning side and that they can give us information to help get these evildoers without fear of retribution—that when we leave they are going to be vulnerable to attacks by the insurgents and the terrorists who remain. They calculate that we will stay long enough to do the job. The same thing for the 12 million Iraqi people who elected their Government and the same thing for the

Government that has now stood up in that country that does not want us to leave precipitously. Yes, of course they get the message that they have to eventually be responsible for their own security. Yes, of course they are participating in the training of their army so that they can eventually do this job themselves. They don't need to receive a message from the United States that this is ultimately going to be their responsibility.

They understand that. What we cannot do is send to the Iraqi people, who are now very increasingly cooperating with us, send a message to our allies in the region that they chose the wrong side, and send a message to our American troops that we are not willing to back them all the way to victory.

That would be the way to lose this war. It has been said many times that the insurgents and terrorists cannot defeat our troops. The only way they can win the conflict is if they defeat us here at home by undermining our confidence, by undermining our credibility, and by undermining our support for our troops.

Mr. President, this is the most serious business that the Senate could be debating. It has to do not just with the freedom of Iraqis in the future, or the lives of American soldiers, important as they are; it has to do with the security of the people of the United States of America from terrorists who are seeking places in the world from which to operate. We need to deny them that territory and that support and, in the process, persuade the neighbors of Iraq in the region that they need to stay with us, to continue to get the terrorists out of their country, continue to stop funding the terrorists, and to continue to support our efforts, so that the words of Osama bin Laden will be demonstrated as absolutely false. Remember what he said—that we are the weak horse, he's the strong horse. Where did he get that idea? Because of previous times in which we have withdrawn.

We cannot make that same mistake again. I urge my colleagues to defeat both of these amendments when they are presented this morning.

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

Mr. WARNER. Mr. President, I yield to myself such time as I may require. I thank the Senator from Arizona. He has been a very strong voice, not only in this debate but all debates.

Once again, to me, the debate today hinges around getting this new Government, in which we have invested an awful lot over these 18 months in life and limb, dollars, and in every other way, up and running. It is now running, Mr. President. I have just left a meeting with the Secretary of Defense, the chairman of the Joint Chiefs, and General Casey, the field commander in Iraq, who were briefing a few of us this morning. Clearly, that Government is setting down its roots, getting stabilized, operating as a sovereign entity.

We must give them that support and not send a signal that we are going to pull, possibly, the rug out from under them because it is our security environment, together with the coalition partners, that is enabling that Government to function.

I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. REED. Mr. President, I yield myself 5 minutes from the time allotted.

Mr. President, we should take heed of what the Government of Iraq is doing and saying. We should take heed of the fact that it has made progress in establishing itself and making significant steps forward. In this context, let me again remind my colleagues of what the National Security Adviser for Iraq has said. He suggested we should begin withdrawing troops by the end of this year. That is what the Reed-Levin amendment would require. He also suggests and predicts that by the end of 2007 most American combat forces would be out of the country. He says, in his words:

The eventual removal of coalition troops from Iraqi streets will help the Iraqis, who now see foreign troops as occupiers rather than the liberators they were meant to be. Moreover, the removal of foreign troops will legitimize Iraq's government in the eyes of the people.

I concur with Senator WARNER that we should support the Iraqi Government, pay attention to what they are saying. I think we should pay particular attention to what Iraq's security advisor has said. This was not a casual off-the-cuff remark. He said it first on CNN, where he knew he was speaking to a world audience, particularly an American one. Then he crafted a very careful op ed opinion for the Washington Post. If that is what one of the key leaders of the Iraqi Government is saying, then I think that supports our efforts for the Reed-Levin amendment.

Also, this amendment has been mischaracterized grotesquely. This is not some arbitrary fixed timetable. This is not something where dates mean dates specific. We say precisely that the President shall submit to the Congress a plan by the end of 2006, with estimated dates for the continued, phased redeployment of U.S. forces, with the understanding that unexpected contingencies may arise. I think my colleagues demonstrate a lack of confidence in the ability of the President, listening to his commanders in the field to prepare an estimate of our posture in Iraq over the next several years. There is no end point in our amendment because we recognize, as so many others, that this process could take an indefinite time but a time that at least could be estimated by the President.

Let me also suggest that the Levin-Reed amendment recognizes there will be a residual force in Iraq of American trainers, American logisticians, and of special operations troops to seek out

these terrorists, rather than having young Americans at checkpoints who are subject, because of a lack, apparently, of coordinated support, to being attacked successfully by Iraqis. That mission should be done by the Iraqis. But we cannot give up the right and capability of striking at terrorists in Iraq. This amendment clearly states that. It is something else, too, because we have a lot of people coming to the floor talking about we are going to stay the course and we are going to support them.

We have done nothing virtually with respect to nonmilitary support, effectively, for Iraq. Where are the State Department teams? Months ago, with great fanfare, the President announced we are going to develop eventual reconstruction teams and put them in the provinces of Iraq. There are only four. They lack resources, they lack personnel, and they lack real support and emphasis. Unless we can fix some nonmilitary aspects of the reconstruction, redevelopment, political mentoring, our military efforts will buy us time that we will squander, as we have squandered to date.

Now, the real test of the other side is not the rhetoric on the floor and the slogans that you cannot "cut and run" and appropriately recognizing the great sacrifices of our forces. It is coming down here with a plan—over many years, according to them—and the resources to support that plan—the billions and billions of dollars that we will need over the next several years, the personnel we need in the country, not just from our military forces but from our State Department, our Agency for International Development, and our Justice Department. If we are truly committed to this concept of complete victory, we need a plan. The President has to deliver such a plan. This amendment will require him, we hope, to sketch out that plan.

At the heart of this, it is not about satisfying the Congress, it is about confiding in, with candor, the American people, telling them what the risks are, what the costs are and how we are going to pay for it. It is easy to come down here and say we are going to support our troops and do all these things. But then 2 weeks from today, or a week from today, we will have a bill to cut the estate tax. How do we pay for these troops and give them equipment and reset our equipment? How do we give resources for troops in the field and support this new Iraqi Government? With what?

The real test of the other side will be when they come up with a plan and with money and with resources. I believe this approach is the most sound tactically, strategically, and politically, not to surrender but to succeed.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. HATCH. Mr. President, I am disappointed that we are considering legislation that would force the United

States to withdraw our troops before we have finished the job in Iraq.

It is ironic. Some of my friends on the other side of the aisle fight over judicial nominations, they fight the President while he is trying to protect our country, and they fight each other. Just about the only thing they are unwilling to fight is an actual war.

Let me be clear: We got into the war committed to success, and I am never going to allow us to cut and run.

Let me remind everyone that bin Laden inspired his followers with his view that America was easy to defeat. Let's not do anything to confirm his skewed vision. When we leave Iraq, let's make sure it is stable and secure enough to defend itself.

Last Thursday, we had our first vote on pulling out the troops. We voted on a proposal by the distinguished Senator from Massachusetts who seeks to require the President to set a date for withdrawal by December 31, 2006. Wisely, my colleagues voted down the proposal by a 93 to 6 vote. Now that is a pretty telling vote in today's partisan atmosphere.

The minority is now seeking a scheduled phaseout withdrawal, which would set an artificial deadline that would only encourage and embolden our Nation's enemies. I am sure this will get more votes than the previous proposal, but it clearly doesn't have the votes to pass, and it shouldn't. The enemy will use this estimate and tell the Iraqi population that the United States is leaving. This could have tremendously harmful repercussions.

The United States clearly has a strategy for meeting this difficult challenge in Iraq. Some of those on the other side insist on focusing on the difficulties, while asserting that we have no strategy.

Our goal is to stay in Iraq as long as necessary, but not one day longer.

Our strategy is to ensure that the Iraqi people have developed a secure constitutional government that embodies a national compact between all Iraqi groups.

And it is training their forces to provide for their own security.

We have made significant progress. The Iraqis have formed a national government, and they are taking more and more responsibility for their security.

In fact, Iraq has nearly 265,000 trained security forces now—including 115,000 for defense—and that is building daily. Our troops are serving with Iraqi units and running joint combat operations.

We also have—in conjunction with Iraqis—put Al-Qaida, the Saddamites and the Sunni insurgents on the defensive. They spend more time running from us than they do attacking us, although we all agree they are still lethal.

I think it is shameful that we are even considering proposals to withdraw our troops before the job is done in Iraq.

We have seen the cost of U.S. withdrawal before, and we should learn from our past history.

If our Nation sets an artificial deadline for the removal of our forces, all our adversaries need to do is husband their resources until we leave and then emerge, possibly destroying all of the accomplishments to date.

That is not a plan for success—that is a plan for failure.

Mr. NELSON of Florida. Mr. President, the Senate's debate on U.S. policy with respect to the war in Iraq has been healthy. There is no question but that every Member of this Chamber is deeply proud of America's men and women in uniform and the magnificent job they have done and continue to do to bring peace and stability to that troubled land. Like all my colleagues, I want them all to come home to their loved ones and this grateful Nation as soon as possible. But our departure from Iraq must not leave a greater risk of terror taking hold there. We cannot afford to leave Iraq in a condition that terrorists could take over the country, as they did in Afghanistan before September 11.

I have given the views of my colleagues on all sides of today's votes careful consideration. I have concluded that I cannot support any policy that would set an arbitrary timeline for the start, rate, or conclusion of the withdrawal of U.S. forces from Iraq.

The decision to drawdown American forces must be based on the application of our military commanders' professional judgment assessing actual security conditions on the ground. Withdrawal of U.S. forces must be based on the objective criteria of local stability and the capability of Iraqi forces.

Setting a timeline for withdrawal limits our Commander in Chief's strategic options and denies our local commanders the operational flexibility necessary to sustain progress to stability and reduce the risks of the insurgency taking any tactical advantage.

We all pray for the safe return of every one of our men and women in uniform, as soon as the mission of leaving Iraq in the hands of a stable government can be accomplished.

Mr. JEFFORDS. Mr. President, all of Vermont is breathing a sigh of relief with the return from Iraq of 350 members of the Vermont National Guard, many of whom have spent most of the past year in Al Ramadi, one of the hot spots of the war. We are terribly proud of the outstanding job they have done, working in a dangerous area, attempting to root out insurgents, bring stability to the region, and provide a climate that will permit reconstruction and development. These brave men and women have set their private lives on hold for a year and a half, risking injury or death, in order to give Iraqi citizens a chance at a better life. I thank them and all Vermonters who have served and continue to serve in Iraq, Afghanistan and Kuwait.

Vermont has lost 23 sons in the Iraq war, one of the highest per capita casualty rates of any State. As Task Force Saber returns, we hold particu-

larly close the families of those members who are not returning: MSG Chris Chapin of Proctor, 1LT Mark Dooley of Wilmington, SPC Scott McLaughlin of Hardwick; 2LT Mark Procopio of Burlington; SGT Joshua Allen Johnson of Richford and SPC Christopher Merchant of Hardwick. My thoughts and prayers are with them.

Vermont soldiers have performed admirably the job that was asked of them. Now it is incumbent upon us to determine what our role in Iraq should be and how that role should be carried out in the coming year.

I opposed this war from the very beginning. I did not believe the administration's claims that Saddam Hussein was an immediate threat to the United States, and I believed that working through the United Nations would more effectively curtail Saddam Hussein's regime. At the start, in 2003, our presence was welcome, and we had an important obligation to the Iraqi people. But now we find that our presence is in part feeding the cycle of violence that is tearing Iraq apart. Foreign terrorists continue to be recruited to Iraq because that is where they can attack Americans. Iraqi groups are polarized over the American presence and how and when American forces should leave. American military actions continue to be controversial and continue to radicalize certain elements of the population. The newly established permanent Government of Iraq struggles to assert its sovereignty in the face of the heavy American military presence.

It is time that we step back and hand more of the security functions over to the Iraqi security forces. We have been training Iraqi military and police for 3 years. Finally, significant numbers of Iraqi units are able to take over for American units and are doing so in many places across the country. We owe it to them to train, equip, and support Iraqi security forces. But the Iraqi security forces deserve the chance to independently establish the security required for reconstruction and development.

Sectarian violence across Iraq seems to be exacerbated by the U.S. military presence. The presence of American forces makes it more difficult for moderates on all sides to keep out foreign jihadists who are anxious to alter the traditional secular orientation of Iraqi society. The presence of American forces makes it more difficult to shift the Iraqi national debate from conflict to the formation of a unified and effective government. The ongoing presence of American forces makes it harder for the new Iraqi government to take on primary responsibility for countering insurgents in the future.

Ultimately, it must be the Iraqi people, working through their new institutions of government, who find solutions to the religious, ethnic, and cultural divisions that threaten to tear Iraq apart. The Shiite majority must realize that unless it incorporates strong Sunni representation into the

new Government, Sunni minorities will not feel that they can count on the protection of the Government. Kurdish groups want guarantees that their autonomy will be respected. Smaller ethnic and religious groups are worried that democracy means tyranny by the majority over minority populations. The Iraqi people must devise the solutions to these complex problems. They are not likely to look like American solutions. Some of these solutions may not even feel right to us. But our troops have fought for the right of the Iraqi people to decide these things for themselves. We must step back and let them do that.

Getting American troops off the streets of Iraq will remove the sense of occupation that currently pervades parts of Iraq and makes Iraqis feel that their fate is not in their own hands. We may also increase our own security by reducing our visibility in Iraq. Images of American troops patrolling Iraqi streets continue to inflame conservative Arab elements all over the world. The struggle against American occupation is one of the biggest recruiting slogans for radical Muslim groups. If we are serious about fighting terrorism, then we must be mindful of where our own actions foster radicalism and strengthen the enemy.

I will vote for the amendment by the Senator from Massachusetts, Mr. KERRY. The Kerry amendment calls for the withdrawal of the majority of American troops by this time next year, leaving in place those troops necessary to train Iraqi security forces, to conduct specialized counterterrorism operations, or to protect American facilities and personnel. This language would allow U.S. troops to stay in Iraq where absolutely necessary but would bring the bulk of our troops home.

I will also support the Levin amendment, which requires that withdrawal of U.S. forces begin before the end of this year. It calls upon the administration to set up a timetable for the phased redeployment of U.S. troops. It makes clear to the Iraqi Government, the Bush administration, and the American people that we must start getting out of Iraq. While this amendment is not as firm as the Kerry amendment, I believe it is an improvement over the current policy of just staying the course with no clear guidance on withdrawal.

Mr. President, we owe it to the men and women who are serving so nobly in Iraq to not leave them in harm's way 1 day longer than is necessary. We can and we must start drawing down the number of troops in Iraq and bringing our people home. This is the right move for our troops, and it is the right move for the Iraqi people. It takes political courage to change course. It is time the Congress showed a little courage in the face of the daily acts of valor displayed by our troops under fire. I call upon my colleagues to rise to the occasion and do what needs to be done. It is time to end a bad policy and

focus our efforts on the reconstruction and development of Iraq.

Mr. SARBANES. Mr. President, the Department of Defense authorization bill for fiscal year 2007 has now been under consideration on the Senate floor for more than a week. Much of that time has been devoted to discussion of Iraq, which casts a long shadow over every decision we are called to make. I regret that there has been such great unwillingness, until now, to have this issue freely debated on the floor of the Senate, and I commend the floor managers for allowing us to fulfill our constitutional responsibility. If ever there was a time for a resolute and reasoned assessment of our policy in Iraq, this is it.

In undertaking unilateral military action to remove Saddam, the administration chose to pursue a costly policy that has seriously undermined our ability to focus on and deal effectively with the urgent national-security challenges we face. Turning its back on 50 years of bipartisan consensus on the need to work collectively and cooperatively through multilateral institutions—a consensus that carried us through the darkest years of the Cold War—this administration insisted on a go-it-alone strategy that made only minimal gestures toward diplomacy. Pushing aside the many diplomatic, economic and political resources at his disposal, the President squandered the vast outpouring of support that resulted from the tragic events of 9/11. His policies have divided us not only from the vast population of the Muslim and developing world, whose support is more important now than ever in the fight against terrorism, but also from many of our traditional friends and allies in Europe and Asia.

More than 3 years ago I took the Senate floor and posed this question: "Are we going to seek to exercise our power in cooperation, in coordination with others, which in the current context means working through the United Nations; or are we going to move down the path of asserting a unilateral preemptive prerogative, in effect, asserting our right to do what we want anywhere, anytime, to anyone?" I say now that the administration made a grievous mistake in pursuing the second path, and thus today we find ourselves forced to deal with the consequences. Mr. President, I call to the attention of my colleagues my remarks of October 9, 2002.

Had the United States taken that more prudent course, we would find ourselves in a different, and, I would argue, immeasurably stronger position than we are in today. Before the invasion began, we had investigators from the International Atomic Energy Agency on the ground in Iraq, where they were tracking down and following up all reports of weapons of mass destruction. U.S. and British aircraft were enforcing two U.N.-backed no-fly zones, one to protect the Kurds in the north, and another to protect Shiites in the

south. In effect, we had Saddam Hussein in a corner, and we were keeping him there with the blessing of the international community.

The President chose instead to take a reckless and irresponsible gamble. We can count up the number of deaths, we can count up the number of dollars, we can count up the number of injuries from which people will never recover, but none of this begins to account for the true costs to our Nation. We have lost more than 2,500 courageous and dedicated men and women—a tragedy for them and their families, and also for the nation, because they represented the promise and hope of our future. This is not to mention the tens of thousands of innocent Iraqi civilians, women and children alike, who were caught in the crossfire. We have diminished our standing in the eyes of the world, and having declined to use the tools of diplomacy at our disposal, we now find their effectiveness diminished. This military action has clouded our vision and distorted our priorities to the point that the entire question of national security must now be debated through the prism of Iraq.

With our diplomatic resources focused overwhelmingly on Iraq, we have undermined our ability to achieve national security objectives we know to be critical. Today the challenge in Afghanistan is growing, not receding. More than in the past, al Qaida is an international phenomenon that adapts to local conditions, making its detection and destruction ever more difficult. The nuclear challenge posed by Iran is gaining momentum at the same time that our presence in Iraq immeasurably complicates the problems of dealing effectively with Iran, and North Korea has raised its own nuclear challenge to a new level.

Our country's standing in the world community has been diminished on numerous fronts by the profoundly misguided invasion of Iraq and our continuing failure to meet the goals we set for ourselves. We have seriously undermined working relations with our traditional partners and allies, which the President's trip to Vienna has yet again put on vivid display. Sixteen of the original 37 members of the coalition which the administration touted have withdrawn their troops, Japan being only the most recent to announce its departure. Of those who remain, only the United Kingdom has more than 5,000 soldiers on the ground.

This is to say nothing of the toll Iraq has taken at home. There are thousands who have been disabled by serious war-related injuries and trauma. Hundreds of thousands of families have been torn apart by lengthy and unplanned Guard and reserve duty, often creating substantial financial hardship. Our National Guard, thus stretched, is less able to render assistance in the situations it was designed to address. We have had to divert hard-pressed resources from urgent domestic priorities, the recovery from Hurricane Katrina among them.

Yet the administration refuses to face these realities. When at a hearing of the Senate Foreign Relations Committee last fall I asked Secretary of State Condoleezza Rice, referring to Iraq, "Do you think five years from now, some American forces will have come out?" She said, "Senator, I don't want to speculate." Even when asked, "What about 10 years from now?" she refused to rule out the prospect that our troops would still be on the ground in Iraq. Her response revealed the administration's adamant refusal to think through to the consequences of the action, which has characterized our policy in Iraq from the beginning.

It is long past time to face the situation squarely and undertake a fundamental redirection of the policy before more damage is done. The war not only has taken a terrible toll in terms of lives and hopes for the future; it has diverted our attention from the real and urgent threats to our national security and compromised our ability to deal with them. We should not be pursuing an open-ended commitment in Iraq. It was a war that need never have begun. By failing to offer to a viable strategy to bring it to an end, the administration does a grave disservice to our Nation.

Mr. WARNER. Mr. President, in fairness, we should give the sponsors of the Kerry-Feingold amendment the opportunity to speak to the Senate.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. FEINGOLD. Mr. President, I ask to be informed when I have consumed up to 7 minutes.

Mr. President, I thank my colleague from Massachusetts, Senator KERRY, for working together with me so well on this very important amendment. We understand that we are not going to get a majority. We know we are not going to get anywhere near a majority. The Senator and I know we represent the view of a majority of the American people, which has clearly been demonstrated in every indication, whether it be conversation, polling, or town meetings that I hold in Wisconsin. The people of this country know that we have to finish this Iraq mission, that it cannot be open-ended.

To me, the most touching moment of the debate came when the senior Senator from Massachusetts quoted his own brother, Robert Kennedy, who for many of us was a central figure who inspired us to go into politics. I hope he doesn't mind my repeating Robert Kennedy's words in 1968:

Past error is no excuse for its own perpetuation.

That is what the Iraq situation represents. Let's be clear. Every one of us, as the Senator from Massachusetts pointed out last night, voted for the Afghanistan invasion. We did not think that was a mistake. I ask my colleagues on the other side, if they believe we believe in cut-and-run, why aren't we trying to cut-and-run from Afghanistan? Why is no Senator say-

ing: Let's get the troops out of Afghanistan, as difficult as it is? Because that was not a mistake, because that was essential, because we had to go after the Taliban and al-Qaida. It was not a mistake.

What is a mistake, though, is to continue indefinitely the Iraq invasion and Iraq situation with some 138,000 troops, without any realization or recognition that it is sapping our strength, it is sapping our credibility around the world, and it is sapping the resources of our military. It is sapping the recruitment ability of our military. In other words, it is weakening America.

At the same time, as I mentioned on the floor yesterday, the situation appears to be slipping in places where we know al-Qaida was operating—such as Somalia or Mogadishu, now taken over by a radical Islamic government. We are trying to work with Indonesia's Government, but the fact is, in the area between the Philippines and Malaysia and Indonesia, there is an ungoverned area where groups sympathetic to al-Qaida are operating. This is a threat of the exact kind that 9/11 represents, and we know they have successfully pulled off attacks in Indonesia.

Perhaps most compelling to me is the fact that we are losing ground in Afghanistan because we have stopped paying attention to the No. 1 priority in the fight against terrorism.

Let me quote from the Washington Post article from June 20, entitled "In Tribal Pakistan a Tide of Militancy." It says:

In north Waziristan, barbers are ordered not to shave off beards, and thieves have been swiftly beheaded. In Swat, television sets and VCRs have been burned in public. In Dir, religious groups openly recruit teenagers to fight U.S. forces in Afghanistan. In the Khyber area, armed squads have burst into rooming houses, forcing people to pledge to obey Islamic law.

. . . A tide of Islamic militancy is spreading across and beyond the semiautonomous tribal areas of northwest Pakistan, that hug the Afghan border.

. . . Observers say the army's aggressive efforts since 2004 have backfired, alienating the populace with heavy-handed tactics and undermining the traditional authority of tribal elders and officials.

How did we lose focus on those who attacked us on 9/11? Does it make sense to continue to pour virtually all our resources into an Iraq war that is not working? It is time to tell the Iraqis that we have done what we can do militarily, that we will continue to help them in many ways, and we will continue to have special operations forces capacity in that region to take on situations, such as the al-Zarqawi situation. But the notion of continuing to put all of these resources just into Iraq on the absurd notion that that is the key to the fight against al-Qaida is one of the worst mistakes in American foreign policy history. This is an enormous disservice to the American people, and it is especially a disservice to the families of those who have died, those who have been injured, and those

who continue to serve. We owe it to those families to not be standing here when No. 3,000 soldier has died. It doesn't have to happen. It doesn't have to be. What is happening now is a horrible situation, not the imagined problems that the other side continually suggests will occur if we have a reasonable program to bring this to a conclusion within the coming year.

Mr. President, how much time have I consumed?

The ACTING PRESIDENT pro tempore. The Senator has consumed 5 minutes.

Mr. FEINGOLD. Mr. President, I have been a legislator for almost 25 years now. I must say, this is one of the toughest moments of my career, to see the Senate not recognize that we were falsely led into a war, that we falsely led the American people into believing this had something to do with 9/11, and that many of the things that have happened simply didn't have to happen. That is water over the dam.

What has happened after the mistake was made is that mistake after mistake has been compounded. Every day this myth that somehow Iraq is the central focus of the war on terrorism is being used as an excuse to send more and more Americans into harm's way, which is not necessary.

Iraq is not the be all and end all of our national security. Iraq is not the situation that led to 9/11. The American people know it. It is time for this body to catch up and have a reasonable plan to finish the Iraq mission so we can focus on those who attacked us on 9/11.

I reserve the remainder of our time.

The PRESIDING OFFICER (Ms. MURKOWSKI). Who yields time?

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

The PRESIDING OFFICER. There is 8 minutes 15 seconds remaining.

Mr. LEVIN. How about Senator WARNER's time?

The PRESIDING OFFICER. Senator WARNER has 18½ minutes remaining.

Mr. LEVIN. Senator KERRY will go next.

Mr. WARNER. My understanding, Madam President, is that Senator KERRY has approximately 7½ minutes; is that correct?

The PRESIDING OFFICER. The Senator from Massachusetts has 7 minutes 15 seconds.

The Senator from Massachusetts.

Mr. KERRY. Madam President, this is obviously the most important issue facing the country today. I listened to my colleagues on the other side try to make this a debate about something that it is not about.

All of us support the troops. The only question here is how do we most effectively support them. The best way to support the troops is to get this policy right. That is how we support the troops.

There is nothing more disappointing than being a troop in the field and see you are doing missions that don't

make sense or that the overall strategy doesn't make sense. And the record here—as the Senator from Wisconsin has said in quoting Robert Kennedy about past error justifying a perpetuation of the same—the record here is not good.

Prediction after prediction after prediction has been wrong. Policy choice after policy choice after policy choice has been wrong. Young men and women in the U.S. Armed Forces have been wounded and killed because of bad policy decisions, and it is not enough to come to the floor of the Senate and insist: Oh, we have to stay the course because otherwise what our troops are doing would be lost or be in vain.

What would be lost and be in vain is not to look at and think about what is happening over there and to adjust appropriately. Our troops want us and deserve for us to get this policy right.

What Senator FEINGOLD and I are offering, along with Senator LEAHY and Senator BOXER, is a plan that gets it right, that helps us get on a path where we demand accountability and where we still support Iraq.

Sure, we can muddle along on this course. None of us have come to the floor and said the cause is lost. None of us have suggested that we just have to walk away and leave chaos. That is not what this plan does. This plan honors the investment of our troops, and, in fact, what it does is provide a better way of not only empowering the Iraqis but of empowering the United States of America to fight a more effective war on terror.

Let me say it plainly. Redeploying U.S. troops is necessary for success in Iraq, and it is necessary to be able to fight a more effective war on terror. That is why we put this program forward.

Our amendment requires redeployment of American combat forces with important exceptions. At the end of the year, if, in fact, it is necessary to continue to train in order to stand up the Iraqis, we allow for that. If we need to continue to fight al-Qaida because we haven't destroyed it completely in the next year, we allow for that. And we allow, obviously, for the protection of American facilities and forces. There is no other reason to be in Iraq a year from now, other than standing up the Iraqi forces or chasing al-Qaida or protecting our facilities.

So, in fact, what we are providing for is exactly what our policy ought to be, but it begins the redeployment because the fact is—and our generals have said it and every expert has said it—the large presence of American forces in Iraq is contributing to the insurgency.

Why on Earth would Senators want to come to the floor and argue, Let's just stay the course and do the same old thing, when our own generals have told us the same old thing is part of the problem, the same old thing is attracting terrorists, the same old thing is losing us allies, the same old thing is costing us unbelievable sums of money and costing us lives unnecessarily?

Our plan believes there is a better way to fight the war on terror and a better way to be successful in Iraq. It is different from what Senator LEVIN and others are offering, but it is not different in that it has every component of the plan they offer.

I have heard some Senators say we don't have a plan. We have exactly the same plan that is in the Levin amendment except we go further. We maintain an over-the-horizon force to protect our security interests in the region.

In addition to that, we have a date, and it is binding. I don't believe at this point in time that our troops are well served by only having a sense-of-the-Senate resolution. We ought to make policy. We helped make policy that put them there, and we ought to help make the policy to help get them out of there.

Let me also be clear about this, Madam President: This plan continues support for Iraq. There is no drop dead, no depart, no ultimatum. It gives them a deadline to stand up, but it provides the President the ability to continue to train if that hasn't completely happened. The fact is, this amendment permits us to accomplish the job.

General Casey has said—how many times does the commanding general have to say it?—this war cannot be won militarily. The only way to do this is to bring parties together and resolve the political differences that are feeding the insurgency.

How much time do I have remaining?

The PRESIDING OFFICER. There is 2½ minutes remaining.

Mr. KERRY. Madam President, the National Security Adviser of Iraq said it this week. How many of our colleagues came over to the Senate the other day and argued about the sovereignty of Iraq? I am for the sovereignty of Iraq. The sovereignty of Iraq is respected by respecting what they are saying about themselves.

Prime Minister Maliki says they will be able to take the security of 16 out of 18 provinces by the end of this year. Let's honor that. Prime Minister Maliki said getting our troops out will, in fact, legitimize the Government, it will help them. Other Iraqis and Sunnis have said that. Madam President, 94 percent of the Sunnis say the United States should set a timetable; 90 percent of the Shia say the United States should set a timetable. Are the Iraqis cutting and running on themselves by saying that? Of course not.

All these comparisons with World War II are absolutely ridiculous. Of course we wouldn't set a date when we are fighting a uniformed force that has invaded other countries and we can understand how to do it. But this is not a uniformed force. These are terrorists and these are insurgents and these are criminals. These are people whom we need to fight differently. And when our own presence is adding to their ability to recruit, if we are going to be smart, we ought to think about how we are

going to turn around and fight differently.

I remember what it was like when we fought in a war where we were bound by a policy without thinking about how we could change it and be more effective. An awful lot of lives were lost as a result of that when policy leaders failed to change the policy and do what was necessary to win.

If the Iraqis themselves keep talking about a timetable and only deadlines have worked up until this point—the deadline for the transfer of authority for the provisional government, a deadline for the Constitution. The Iraqis wanted to let it slip. We said no. We held their feet to the fire. They did the Constitution. It was the same thing with the elections. We set a deadline. We said the date will be now. They wanted to let it slide. We said no. They held the elections.

I believe it is a more effective way to put America in a position of strength, in a position to fight the war on terror in Somalia, in Afghanistan, and in the other places of the world where al-Qaida is growing. Iraq has been a diversion from the real war on terror, and Iraq has weakened the United States in the world. We deserve to take a position that supports our troops by getting this policy right.

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

Who yields time? The Senator from Virginia.

Mr. WARNER. Madam President, before we start on the next speaker, as I understand it, the standing order recites that the Levin amendment would be the first vote. If I understand the request of the distinguished colleague from Michigan, there is a preference to have it switched so that the Kerry vote will be first. Is that a request being propounded?

Mr. LEVIN. The Senator is correct. I asked both Senators KERRY and FEINGOLD as to what their preference is. They do prefer to go first. That is fine with me, if it is OK with the manager of the bill.

Mr. WARNER. Madam President, there will be no objection on this side to that request. So for the advice of all Senators, the first vote that will occur will be on the Kerry-Feingold amendment to be followed by the Levin-Reed amendment.

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

Who yields time?

Mr. WARNER. I yield such time as the distinguished Senator requires.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, I rise once again to oppose the amendment offered by the Senators from Michigan and Rhode Island and the amendment offered by the Senators from Massachusetts and Wisconsin.

Before I speak about the problems I believe to be inherent in these amendments, I would like for a moment to discuss the nature of the debate upon which this body is engaged.

The discussion over this war is perhaps the most consequential debate the Senate will engage in this year or perhaps in several years. The outcome of the war will impact the stability of the Middle East and the nature of U.S. foreign policy for a generation. It is that important.

So our debate in this Chamber should be a serious weighing of the arguments. Sometimes, unfortunately, the debate seems to have deteriorated into sloganeering, but overall, I think this debate has been very helpful.

I reiterate the fact that we should respect the views of those who disagree with us. I respect and have known my colleagues who are sponsors of these amendments, and I believe that a good, healthy, strong debate is what this Nation needs. In that spirit, I would like to discuss again my strong opposition to the two amendments.

By calling for a withdrawal of American troops tied to arbitrary timetables rather than conditions in country, these amendments literally risk disaster for our intervention in Iraq.

Madam President, the Iraqi security forces, I say to my friends, are clearly unable to maintain security on their own. All one has to do is look at every news story every morning or every evening. Even with the presence of coalition forces in Iraq today, the violence and instability remain at unacceptably high levels. To abandon the fledgling Iraqi Army and police to the insurgents, the militias and the terrorists would risk chaos in Iraq, and chaos in Iraq would mean disaster.

Madam President, there is an old line about those of us who ignore the lessons and mistakes of history are doomed to repeat them. Afghanistan is the classic example of what could happen in Iraq. After years and years of incredible assistance to those who were seeking freedom from the then-Soviet Union occupation of Afghanistan, the Russians were driven out. Then, incredibly, the United States of America totally disengaged—totally disengaged—from Afghanistan. I commend to my colleagues a book called “Ghost Wars” by Steve Coll which won a Pulitzer prize. And in that vacuum, of course, came the Taliban, and the Taliban then obviously was not only a terribly oppressive, brutal, and cruel regime but became a hotbed of training for terrorists, al-Qaida and others.

It is clear to me that if we abandon Iraq to that same chaos, there is no doubt who would come to power, at least in some parts of Iraq, and the consequences we would pay for that.

We watched Afghanistan descend into chaos. There continues to be much debate about Saddam Hussein’s connections to terrorists before our invasion, but there can be no doubt about the centrality of this conflict on the war on terror today. A failed state in Iraq would pose a clear, present, and enduring danger to the security of our country.

Now, the sponsors of these amendments seem to base them on a premise

that if we begin withdrawing, the Iraqi Government will somehow get serious and fight the insurgency on its own without our help. That makes the assumption, incredibly, that the present Government in Iraq and the military who are out there fighting all the time and their police are somehow not serious. Of course they are serious. They are just not capable. It is going to take more time and more effort and, I am sorry to say, more American sacrifice before they are capable of assuming those responsibilities. Rather than inducing the Government to crack down on the insurgency, beginning a U.S. withdrawal is more likely to induce average Iraqis to join a militia for protection rather than cast their lots with the Government.

I would also ask the sponsors of the amendments what they advocate if we withdraw and the violence actually worsens and full-scale civil war ensues or terrorists then enjoy a safe haven to plan attacks against Americans and our friends. Do we then face the options only of tolerating this situation in perpetuity or reinvading the country?

We have just one choice in Iraq, and that is to see our mission there through to victory. What does victory mean? It is the classic reduction and eventual elimination of any insurgency, an economy that works, a government that functions, and a military and police that are able to come back and eventually eliminate and destroy an insurgency. That is the way every insurgency in history was put down. There is no peace signing on board the USS *Missouri*. There are no Paris peace talks. It is an insurgency that has to be surrounded, contained, and eliminated.

That is not to say this victory will be quick and easy. It is long and it is hard and it is tough, and many mistakes have been made and all of us have been frustrated by those mistakes. Many of us have been terribly frustrated by the inflated estimates and over-optimistic statements that so frustrated us and the American people when the conditions don’t warrant it. It is still tough today. We can’t fall prey to wishful thinking, that we can put the costs and the difficulties and the frustrations aside by ignoring our challenges and responsibilities. That is something we cannot do.

Madam President, I congratulate my colleagues for their participation in this debate. The American people expect nothing less of us. I hope we are a better informed nation and a better informed body when we vote. It will probably not be the last time we address this issue, but I think it has been done in a comprehensive fashion.

I would close by reminding my colleagues that it was the United States that led the invasion of Iraq, the United States led the occupation, and the United States, with our Iraqi partners, has the responsibility to see this through. It will take more time, more commitment, more support, and more

brave Americans who will lose their lives in the service of this great cause. Despite our cajoling, nagging, and pleading, few other countries around the world will share much of our burden. Iraq is for us to do, for us to win or lose, for us to suffer the consequences or share in the benefits. But in the end, there is only one United States of America, and it is to us that history will look for courage and commitment.

I urge my colleagues to vote against this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. Madam President, I commend my longtime friend from Arizona. He in a very succinct way looked at this debate in the context of what is going on today and tomorrow and the weeks and months to come in Iraq, but he is also looking at it in the context of the future, how generations that follow us will look back on this chapter and moment in history and how the Congress of the United States, hopefully, has given support to the Commander in Chief under the Constitution—our President—to direct the operations of the current conflicts.

The Senator also touched on how we have conducted this debate. I wish to just repeat a few remarks of my opening remarks yesterday with respect to my colleague from Michigan in addressing his amendment. I said that I have studied it carefully. I did not denounce the amendment; I said it was a serious amendment, and it is a serious amendment. It deserves serious thought, and I, and I think others, have given that serious thought to our colleague on his amendment. But I strongly oppose it.

Unlike last year where I sat down and was able to work out with him a conciliatory, bipartisan amendment which got three-quarters of the votes of the Senate, it just, in the form he presented it, was not an option this time. Therefore, regrettably, we approach these critically important votes with far greater partisanship than I had hoped. I had hoped we would have greater bipartisanship.

But my basic message to America and to my colleagues is that we have put an enormous investment into these conflicts, both in Iraq and in Afghanistan. We are focusing today on Iraq, but we have to look at the others.

Madam President, 2,500-plus Americans have lost their lives and left families and loved ones grieving, and 18,000 have survived their wounds and are working to reestablish themselves, many going back into uniform or having never left uniform, but remaining in, which is to their everlasting credit, but others receiving the love and the care of their families and their communities in which they live. There has been enormous sacrifice. We have dollars incalculable in amounts.

Also, what we have on the line is the credibility of the United States of

America. The voice of this Senate will be recorded momentarily. I am optimistic it will be recorded in a way to support the President and his statements that we are there to work with the Iraqi people, to establish their democracy, which they have worked on these 18 months, now with a permanent, unified government, and to try to let this Government of only weeks establish itself, send its roots into the ground, derive its strength, and begin to govern and govern fully a sovereign nation and take on all of the responsibilities.

Both of these amendments, the amendment of the Senator from Michigan and the amendment of the Senator from Massachusetts, would send a message which would indicate there is some wavering, some equivocation here at home in supporting our President, the Commander in Chief, and that goes to the basic credibility of the United States of America, which is on the line in these votes.

There is not one of us here who doesn't desire to have our forces brought home at the earliest possible date, but the formulation by which they can come home rests on the ability of this Government to seize those reins, to establish that security, to rebuild that infrastructure, and gain the confidence and the respect of the Iraqi people. That is a tough job, given the strong dissent between the various religious factions, but this Government appears to be up to it. It must be given a chance. It cannot be crippled at this earliest stage by messages coming from this Chamber and elsewhere that we have less than full confidence in their ability to achieve the goals of a full democracy in Iraq, and they are taking the reins to direct their people. Our credibility is on the line, Madam President.

So I say to my colleagues as you approach this vote, it will be one of the most important that you have ever cast. Future generations of Americans will look back upon this very moment to determine if two branches of our Government, the executive and the legislative, stood side by side in honoring those who have given their lives, their wounds, and the 1 million other men and women of the Armed Forces, plus untold American citizens who, in the years of the Iraqi conflict, have gone over and accepted the risks of serving there, be that in the military or civilian capacities. This is a very heavy investment which has been made by many thousands of courageous Americans to see that we have gotten to where we are today; namely, a new government, a unity government, and to give that government a chance to function without in any way jeopardizing that by sending a signal that we have less than full confidence in their ability to achieve their goals.

Madam President, how much time do I have remaining?

The PRESIDING OFFICER. There is 3½ minutes remaining.

Mr. WARNER. I reserve the remainder of the time.

Mr. LEVIN. Madam President, I yield 3½ minutes to the Senator from North Dakota.

Mr. CONRAD. Madam President, I do not believe it is a wise policy to set a specific date for withdrawal from Iraq. I do believe it makes sense to begin to redeploy our forces sometime this year. Therefore, I will support the Levin amendment. I believe that is the right policy for the following reasons:

No. 1, our military commanders have made clear that is their intention. In fact, the news this morning says in a headline: "U.S. Military to Send Equipment Home." The story goes on to say that the U.S. military has begun sending thousands of Humvees and other war equipment home as more Iraqi units join the fight. The move also anticipates that the number of American troops in Iraq will decline.

Is anybody suggesting our military is engaged in a cut-and-run strategy? I don't think so. It is not a cut-and-run strategy. It has been the long-term plan to begin to redeploy this year.

No. 2, the President has repeatedly said: We will stand down as the Iraqis stand up. Well, according to the administration, tens of thousands, even hundreds of thousands of Iraqis have now stood up. It is time for us to begin to redeploy. That does not constitute a cut-and-run approach but simply common sense.

No. 3, Iraq is ultimately the responsibility of the Iraqis. We cannot forever do the job for them. They must defend their own freedom.

No. 4, there are other priority threats that require our attention, including the worldwide al-Qaida conspiracy, North Korea nuclear weapons and missile development, and Iranian nuclear development.

For those reasons, I support a policy of beginning to redeploy our forces in Iraq this year but without a specific timetable or an arbitrary pace for reducing those troop commitments. That is the right policy. That is the policy outlined in the Levin amendment.

Madam President, I yield the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. Madam President, I had intended to reserve a brief period of time for the President pro tempore, Mr. STEVENS, but in his absence, I will just once again conclude.

The message today is whether we are here to uphold the credibility of the United States of America, as stated most eloquently by our President, as we have come to establish a new government in Iraq. That has been achieved. It has now been 18 months since the beginning of their elections, brave elections, followed by the establishment of a unity government. That Government is functioning, and we must give it an opportunity to govern.

Our President said it most succinctly upon his return from Iraq:

My message to the Iraqi people is this: Seize the moment. Seize this opportunity to develop a government of and by and for the people. And I also have a message to the Iraqi people, that when America gives a commitment, America keeps its commitment.

I yield the floor and yield back any time remaining.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, the credibility of the United States has been proven with the loss of lives and the number of wounded we have suffered in Iraq. We have proven our credibility over 2,500 times because we have lost more than 2,500 of our troops. We have proven our credibility over 17,000 times in terms of the number of people who have been wounded in Iraq. We have proven our credibility with hundreds of billions of dollars to give the Iraqis an opportunity to have a nation. It is up to them to seize that opportunity. It is up to them to decide to make a choice. Do they want a civil war? Do they want to engage in more sectarian battles? Or do they want to reach the kind of political compromises which are essential if they are going to have a nation and end the insurgency and avoid an all-out civil war?

Our credibility has been proven thousands of times and with billions of dollars. We have given a people an opportunity that is extraordinary. We cannot make the decision for them, whether they will seize that opportunity. Only they can make that decision.

Last year we adopted, by an overwhelming vote, an amendment which said that 2006 would be a year of significant transition, with Iraqi security forces taking the lead for the security of a free and sovereign Iraq, thereby creating the conditions for a phased redeployment of U.S. forces in Iraq. Similar to last year's sense of the Congress, this year's sense of the Congress that we are offering is an attempt to change our policy from one of an open-ended commitment—a policy that, as the Secretary of State put it, we are there as long as they need us; as the President of Iraq, Mr. Talabani, put it, the Americans will stay with all the forces that we want for as long as we want them. That is a recipe, a formula for dependency. It is not the way in which Iraq can learn that it must, on its own, in a reasonable period of time, with reasonable notice and consultation, begin to ween itself, as General Casey put it, from overdependence on the American military.

That is the issue. That is what our amendment would urge the President to do. Our amendment does not order the President, as some on that side have actually put it. This is a sense of the Senate. This is something where we, the authors of this amendment, believe that we have a responsibility to use our best efforts to give our best advice as to what our policy should be. It is not a policy of immediately redeploying forces. There is not a precipitous nature to this amendment. It says

by the end of this year, in the next 6 months, to begin the phased redeployment of American forces from Iraq.

That is what the Iraqis say their policy is. That is what their security adviser says their policy is. Their own security adviser, Mr. Rubaie, in the Washington Post 2 days ago said: We envisage the U.S. troop presence by year's end to be under 100,000. That is a redeployment of 30,000 troops. Our amendment tells the Iraqis: Stay with that. Stick to that policy. It is the right policy. You must take over your own nation and make it work and make it happen.

Then Mr. Rubaie, the National Security Adviser of Iraq, in a written document presented to the American people through our newspaper, says that "the removal of coalition troops from Iraqi streets will help the Iraqis who now see foreign troops as occupiers rather than liberators." He says, "The removal of foreign troops will legitimize Iraq's government in the eyes of its people."

Our amendment urging the President to end an open-ended commitment of our troops to Iraq and to begin the redeployment by year's end is a way of implementing what the Iraqis themselves have said they plan on doing.

All Senators want Iraq to end as a success story, every one of us. There is not one Senator who wants anything other than to maximize the chances of success in Iraq. No matter how we voted on the original resolution authorizing force, every one of the 25 or so Senators who voted against that resolution—and I am one of them—wants to maximize the chances of success in Iraq. But to do that, we must prod the Iraqis to take the responsibility for their own nation.

I thank the Presiding Officer and my dear friend from Virginia for the way in which this debate has proceeded. I hope we have made a contribution to the Senate and to the Nation.

Mr. WARNER. Madam President, the order requires that the votes be taken. I ask for the yeas and nays on both amendments.

The PRESIDING OFFICER. Without objection, it is in order to seek the yeas and nays on both amendments.

Is there a sufficient second?

There is a sufficient second with respect to both amendments.

The yeas and nays were ordered.

Mr. WARNER. At this time, the parliamentary situation is leader time, and I yield the floor to the distinguished Democratic leader.

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. REID. Madam President, I would be certainly amiss if I didn't extend my appreciation for the civil nature of this debate to two of the Senate's finest, the distinguished Senator from Virginia and the distinguished Senator from Michigan, two of the finest the Senate has ever had. I thank them both very much for the civil nature of this very contentious debate.

Mr. WARNER. I thank our colleague.

Mr. REID. "That we are to stand by the President, right or wrong, is not only unpatriotic and servile, but is morally treasonable to the American people." Let me repeat that. "That we are to stand by the President, right or wrong, is not only unpatriotic and servile, but is morally treasonable to the American people."

That was Republican President Theodore Roosevelt who said that. It is an appropriate quote for the Senate to hear before we vote.

Today we will decide on a way to move forward in Iraq. I speak in support of the Levin-Reed amendment. I believe it is long past time to change course in Iraq and start to end the President's open-ended commitment. It is time for sound policy, not more tired slogans designed to distort the facts and divide the American people. It is time for a strategy that honors the brave service of our troops. A majority of Americans recognize that we need a new strategy in Iraq. I am hopeful a bipartisan majority of this body will agree.

Almost 4 years ago, we stood in this Chamber debating whether to give the President the authority to go to war in Iraq. Much has happened in Iraq since that fateful day, at a great price to our troops, our taxpayers, our country, and our security. The Iraq war will soon become the longest conflict in this Nation's history, longer than World War II, a war in which we fought across Europe, North Africa, and the Pacific. My own State of Nevada, a small, sparsely populated State, has paid an enormous price in this war. We have lost 39 soldiers in Iraq and Afghanistan, most of them in Iraq. That is 39 fathers, brothers, uncles, sons, daughters, and aunts who will never come home. Thousands of other Nevadans have sacrificed as well. Last year 70 percent of the National Guard of Nevada was deployed. These Nevadans deserve to know their sacrifices will be honored. They deserve to know their Government has a plan for success in Iraq that honors our troops and completes the mission. Just as important, they deserve an honest debate, not political slogans and not a President and a Republican Congress content with no plan and no end in sight.

Today the real choice facing this body is a choice between doing nothing, the so-called "stay the course" option the President and his supporters advocate, or changing the course and providing our troops and the Iraqi people a way forward. After 4 long years, more than 2,500 Americans have died, thousands have been grievously wounded. Hundreds of billions of dollars have been spent and threats ignored around the globe. Congress needs to offer a new direction. I believe we need to signal to the Iraqi Government that our patience and our presence in Iraq are not unlimited. We need to say to President Bush: You need a plan for the Iraqis to take responsibility for their own country, their own security, so

that the phased redeployment of U.S. troops from Iraq can begin by year's end.

Robert Taft, a great Republican Senator, said:

Criticism in time of war is essential to the maintenance of any kind of democratic government.

Senator Taft was talking about World War II. But his words still ring true. There is nothing careless about pointing to the President's mistakes and missteps in Iraq. In fact, we must. His misjudgments have made America less safe. From the outset, administration blunders increased the costs and risks of confronting Saddam Hussein and securing Iraq: The administration built its case for war on faulty and cherry-picked intelligence. Smoking guns would become mushroom clouds. Al-Qaida and Saddam had a dangerous alliance. Nuclear weapons materials were flowing into Iraq from Africa. We could invade Iraq without diverting resources from the ongoing war on terror. The Iraq war would be over quickly, and the costs would be covered by the proceeds from Iraqi oil sales.

All these assertions, every one of them, turned out to be false. By the start of 2003, U.S. troops and intelligence assets had already been diverted from the hunt for Osama bin Laden in order to prepare for an attack on Iraq. The President's war plan turned out to be as deficient as the prewar intelligence. He rejected the Powell Doctrine's key tenets: No. 1, that military force should be used as a last resort; No. 2, that force, when used, should be overwhelming; and No. 3, that there must be a clear exit strategy from the conflict. And he rejected the advice of his senior military commanders who called for 4 to 500,000 troops, a recommendation that was based on years of hard-learned and costly lessons.

As a result, after the Iraqi Government fell, there were not enough forces to pacify the country, to control looting, to guard the ammo dumps, to secure the borders, and to restore civility. The seeds for the insurgency and the sectarian warfare that would soon plague Iraq had been sown. But this didn't stop the President from donning a flight suit and landing on an aircraft carrier to declare "mission accomplished" in May of 2003, more than 2 years ago.

Since that date, 95 percent of our casualties have occurred in Iraq—since the "mission accomplished" performance on that aircraft carrier.

Meanwhile, his viceroy in Baghdad continued to execute a series of disastrous decisions, including disbanding the Iraqi Army, purging the Government of all Baath Party officials, and delaying the training of Iraqi security forces. These early missteps had far-reaching consequences that our troops must live with.

Three and a half years after the start of the war, there is still not a single Iraq Army battalion that can operate

independently—not one. On the reconstruction front, things aren't any better. The President who campaigned on the pledge not to do nation building unfortunately stuck to that pledge. From the start, the rebuilding effort was plagued in Iraq by massive corruption and contracting abuses. The American taxpayer and the Iraqi people have paid the price.

Power, water, and oil production all soon slipped below prewar levels. Today, oil production is still 400,000 barrels per day below prewar levels. And the availability of electricity in Baghdad dropped from 16 hours a day prior to the war to its current average of 4 hours a day.

These Bush administration missteps have reduced Iraqi support for our presence and fueled anti-American sentiments and insurgent activity. As a result, the mission of our troops has become more difficult and certainly more dangerous.

At the same time the President was sending too few troops for the mission in Iraq, he even failed to provide those he did send—those valiant troops—with armor and equipment which they need to do the job. Military families already stretched and burdened from multiple deployments were forced to buy armor and ship it to their loved ones serving in Iraq.

They went out and bought equipment and sent it to their loved ones because the military wasn't providing it. Combat units had to jury-rig vehicles with scrap metal in order to get some extra degree of protection from the improvised explosive devices—and understandably so.

A study by the Marine Corps last year found that 80 percent of upper-body fatalities could have been prevented with proper armor. The greatest military in the world should not have to depend on scrap metal from Iraqi junk yards to protect its troops.

Meanwhile, security problems in Iraq grow more dangerous every day. In April and May of this year alone, more than 160 U.S. troops have been killed in Iraq. Weekly insurgent attacks are higher than they have ever been. At least five troops were killed in Iraq yesterday. We don't know the exact number, but at least five were killed yesterday.

The country has become what it was not before the war—a training ground and a launching pad for acts of international terror.

The killing of terrorist Zarqawi was a step forward. But as we have seen, the killings have not ended. Sectarian violence has not ceased because the Iraqi Government has failed to make the political compromises necessary to create a stable government that can provide for the security of its people—people taken from buses, kidnapped, and likely will be killed.

That is only part of what happened last night in Iraq. I recall vividly when the Senate paused for a moment of silence when we reached the grim mile-

stone of 2,000 U.S. military killed in Iraq. But just last week on a date that arrived far too quickly, we paused again to honor the now 2,500 who have given their lives. And, of course, that figure has since passed and there is more.

The Senate has an obligation to our troops and their families to do everything we can to delay indefinitely the next milestone. Are we going to have a moment of silence for 3,000 of our best?

Twenty-five hundred dead Americans is not “just a number,” as Tony Snowe, the President's spokesman, said. These 2,500 are sons, daughters, mothers, fathers, husbands, and wives. They are PFC Thomas Tucker and PFC Kristian Menchaca, whose mutilated bodies were found in Iraq yesterday. These aren't just numbers.

We owe it to these troops and all of our forces serving in Iraq to develop a sound policy. We hear a lot of rhetoric about “supporting the troops.” But the best way we can support them is with a smart strategy—not with more rhetoric or slogans. That is why the Levin-Reed amendment is so important.

The Levin-Reed amendment recognizes that it is time to transform the U.S. mission in Iraq and to begin the responsible redeployment of U.S. forces this year. It builds upon the bipartisan Senate amendment which we passed overwhelmingly last year calling for “2006 to be a year of significant transition in Iraq.” With the midpoint of 2006 upon us, that transition must begin.

The open-ended commitment advocated by the President and the majority—that is the Republicans in this body—is not the way to get the Iraqis to assume responsibility for governing and securing their country. They have trained 287,000 troops.

The Levin-Reed amendment recognizes that there are only political solutions remaining in Iraq, not military solutions. This amendment rightfully focuses on the need to reconcile the sectarian differences, to regionalize the U.S. strategy, and to revitalize reconstruction efforts.

Passage of this amendment would chart a new course, one that is well balanced between the military, the political, the regional, and the international solutions. An open-ended commitment is not sustainable, and the American people know that.

The war is now costing the American people every month upwards of \$2 billion—\$500 million each week. The military has been stretched so thin, with every available combat unit of the Army and Marine Corps serving multiple tours in Iraq.

This war is not a matter for “future Presidents” as President Bush said. It is his war. It is the war of President George Bush. And the time to act is now, for as we are bogged down in Iraq, the threats to our freedom around the world only grow.

An open-ended commitment in Iraq hurts our ability to address other national security challenges around the

world. While beginning the phased redeployment this year will allow many of our troops to come home, it will also permit the President to redeploy forces so they can deal with other crises such as we now have in Afghanistan—where four or five were killed yesterday—where the resurgent Taliban threat must be eliminated and Osama bin Laden must be finally captured or killed.

I watched the floor debate yesterday. The majority, instead of offering their vision for the future in Iraq, or even speaking to the merits of the Levin-Reed amendment, chose to resort to a familiar playbook straight from Karl Rove's book of partisan political tricks. They have engaged in these cheap political attacks saying Democrats want to “surrender” and “cut and run.” Not only are these attacks baseless, but they won't help Iraqis—and they certainly won't help our troops who are right now lugging 70-pound packs in 100-degree heat while trying to avoid roadside bombs and snipers.

The Republicans in the Senate stand alone, insisting on “no plan and no end.” It isn't a position shared by the American people, and it isn't even a position shared by our military leaders.

On today's morning news, it is reported that General Casey, commander of U.S. forces in Iraq, has stated that thousands of troops will likely be redeployed by year's end. That is General Casey.

To my Republican colleagues, is General Casey surrendering? To my Republican colleagues, is General Casey cutting and running? To my Republican colleagues, is General Casey admitting defeat? I think not.

Over at the White House, we see similar partisan games. The administration continues to mislead the American people. The Vice President continues to insist the insurgency is in its “last throes,” despite the headlines we read every day. The President continues to insist that we will “stand down when Iraqis stand up.” That has yet to occur.

It is time to change from the slogans, the attacks, and the continual misleading nature of this administration as it relates to the war in Iraq. Demanding a change of course is not irresponsible, it is not unpatriotic, it is the right thing to do.

Edward R. Murrow said:

We must not confuse dissent with disloyalty. When the loyal opposition dies, I think the soul of America dies with it.

For all of those troops who are serving on their third and fourth tours of duty, for those who have served on their first and second tours of duty, for all those Iraqis who want to see an end to the civil war plaguing their nation, for all those people who want Iraq to succeed in delivering a free and democratic way of life, for those who believe we need to refocus on the larger global war on terror, we must vote for a change in policy and a change in direction. We must reject the “stay the

course" doctrine of the Bush administration. We must vote for the Levin-Reed amendment.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. FRIST. Madam President, I thank both managers for a superb debate and discussion over the course of the last several days—and really the last several weeks—as we have focused on an issue that is no more important to the American people than the safety and security of the American people.

We can take great pride in what our Nation and our military men and women have accomplished in Iraq. We thank them. We thank their families for their commitment and for their dedication. But we did not go into Iraq in pursuit of oil or riches or some other national advantage. We went as a volunteer—as a nation willing to enforce the mandates of the you U.N. Security Council when others were content to allow Saddam Hussein to defy those mandates.

Some critics accused us at the time of "unilateralism," but in fact we acted to vindicate multilateralism—most importantly, the authority of the Security Council and the credibility of many resolutions it adopted with respect to Iraq between 1991 and 2003.

We went into Iraq to end a cruel dictatorship and free a people that was no less deserving of freedom than any other. As a result of our efforts, the dictatorship has ended, and the people of Iraq are now embarked on a grand democratic project, seeking to build a pluralistic, multiethnic, multireligious democracy in the heart of the Arab world.

This is a project without precedent in the Arab world. And because it is so novel, it has come under assault from religious fundamentalists, Sunni and Shiite extremists, and others whose narrow agendas are threatened by the prospect of democracy in that part of the world.

We have made an enormous investment in the success of this project. It would be foolish to squander that investment just as we are seeing success.

Last year, millions of Iraqis—half of them women—defied the threats of the terrorists and streamed to the polls in three national elections. Iraq's Sunni population participated in greater numbers each time.

On June 8—just a couple of weeks ago—the new democratically elected Prime Minister Jawad al-Maliki named the last three Cabinet members, the Ministers of Defense, Interior, and Security, thereby completing formation of his unity government.

That same day, the death of the foremost terrorist in Iraq, Abu Musab al-Zarqawi, was announced in Baghdad. That was huge progress.

We made a commitment to the new government of Prime Minister Maliki, and it would be impossible to imagine a worse time than now, just 2 weeks after that government was fully formed and its most ferocious enemy eliminated, to turn our backs on it.

None of us know for sure exactly how the democratic reform in Iraq will turn out, as we stay committed, but we do know it will fail if it is abandoned prematurely by the United States.

Withdrawal is not an option. Surrender is not a solution. Every Senator must make his own decision and live with his own conscience, but this Senator will not be responsible for condemning the 26 million people of Iraq to decades more of violence and repression—not when there is a democratic alternative before us that is so manifestly committed to creating the kind of pluralistic society that until now has been absent from the Arab world.

Another reason we went into Iraq was because we were convinced that Saddam Hussein was continuing his pursuit of weapons of mass destruction—chemical weapons that he had developed and used before.

And the events of 9/11 had taught us that there is no greater threat to us today than that posed by state sponsors of terrorism—such as Iraq under Saddam Hussein—working to acquire such weapons.

After the war, of course, there emerged a big debate over whether Saddam Hussein really was working on weapons of mass destruction in 2003.

But there is no debate that there was a strong international consensus prior to 2003 that Saddam Hussein must be pursuing weapons of mass destruction.

This was the view not only of the Bush administration, but also of the Clinton administration, as well as the opinion of most other governments around the world.

It made sense for two reasons.

First, Saddam Hussein had a long track record of not only seeking, but also of using, chemical weapons. He had used chemical weapons against his own people in the 1980s. And at the end of the first Persian Gulf war in 1991 he was found to have an advanced nuclear weapons program—a program that may have only been 1 to 2 years away from producing a nuclear weapon.

Second, Saddam Hussein was acting like a man who had something to hide; he was obstructing the U.N.'s weapons inspectors and repeatedly defying U.S. disarmament mandates. No one can explain why Saddam acted this way if he in fact had no weapons of mass destruction programs to hide.

And it is certainly true that if Saddam Hussein were still in power today, Iraq would remain on the list with Iran and North Korea of countries that we fear will develop weapons of mass destruction and pass them to terrorists.

Because Saddam Hussein has been removed from power, Iraq is no longer on that list.

But we must remember that many of Saddam's weapons scientist—those who produced the chemical weapons he used against the Kurds in the 1980s and who came close to producing nuclear weapons in the early 1990s—are still in Iraq.

However, in a democratic Iraq these scientists pose no threat because a

democratic Iraq would never seek to revive Saddam Hussein's weapons programs.

If we were to cut and run from Iraq, and risk letting the terrorists take power, we would again have to fear that these scientists, and what remains of Saddam's weapons infrastructure, would once again be put to work producing weapons that in the hands of international terrorists could destroy our cities and decimate our population.

Again, every Senator must live with his own conscience, but this Senator does not want to be complicit in a decision that could reverse the success we've achieved since 9/11 in keeping terrorism from our shores and weapons of mass destruction out of the hands of terrorists.

The amendments before us are intentionally misleading. They are written in soft language and wrapped in reassuring concepts.

They don't sue such terms as "retreat" or "withdrawal," but instead call for "redeployment" of our Armed Forces from Iraq.

They don't say that the withdrawal should take place on an artificial timetable and be concluded by an arbitrary date. Instead, they say that the "redeployment" should take place under a "schedule," that the "schedule" should be "planned," that the "plan" should be "coordinated" with the Government of Iraq, and that the Congress should be "consulted" at every stage.

None of this artful language, however, can conceal what is really proposed and what really at stake.

The proponents of these amendments want us to tell the new Government of Iraq that we're leaving—no matter what the implications for the future of their country; no matter how much they plead with us to stay; no matter how great the risk that the investment that we and they have made to date in building a new Iraq will be squandered and turned to naught.

The amendments may differ in some of the details—how long we'll wait until we actually leave, how emphatically we tell the Iraqi people we really care about them as we walk out the door, but the bottom line is the same.

The amendments tell us to set a deadline and leave by the deadline.

This would be a dangerous policy, a reckless policy, and a shameful policy.

The time to leave Iraq is when we have achieved our objectives. If we knew our objectives were unachievable then these amendments might make sense. But our objectives are achievable and we are achieving them.

The brave men and women of our Armed Forces are fighting daily to win victory in Iraq, and it would dishonor them, to say nothing of their fallen comrades, to cut and run at a time as promising as now.

The spirit of these amendments is the spirit of defeatism and surrender.

This is not the spirit that made America the great Nation it is today, and I trust that when we vote we will

send the message that there is no room for defeatism in the United States.

The PRESIDING OFFICER (Mr. ENSIGN). The question is on agreeing to the amendment No. 4442 offered by the Senator from Massachusetts.

The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

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

The result was announced—yeas 13, nays 86, as follows:

[Rollcall Vote No. 181 Leg.]

YEAS—13

Akaka	Inouye	Leahy
Boxer	Jeffords	Menendez
Durbin	Kennedy	Wyden
Feingold	Kerry	
Harkin	Lautenberg	

NAYS—86

Alexander	DeWine	Mikulski
Allard	Dodd	Murkowski
Allen	Dole	Murray
Baucus	Domenici	Nelson (FL)
Bayh	Dorgan	Nelson (NE)
Bennett	Ensign	Obama
Biden	Enzi	Pryor
Bingaman	Feinstein	Reed
Bond	Frist	Reid
Brownback	Graham	Roberts
Bunning	Grassley	Salazar
Burns	Gregg	Santorum
Burr	Hagel	Sarbanes
Byrd	Hatch	Schumer
Cantwell	Hutchison	Sessions
Carper	Inhofe	Shelby
Chafee	Isakson	Smith
Chambliss	Johnson	Snowe
Clinton	Kohl	Specter
Coburn	Kyl	Stabenow
Cochran	Landrieu	Stevens
Coleman	Levin	Stevens
Collins	Lieberman	Sununu
Conrad	Lincoln	Talent
Cornyn	Lott	Thomas
Craig	Lugar	Thune
Crapo	Martinez	Vitter
Dayton	McCain	Voinovich
DeMint	McConnell	Warner

NOT VOTING—1

Rockefeller

The amendment (No. 4442) was rejected.

Mr. WARNER. 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. WARNER. Mr. President, the following two votes will each be 10 minutes in duration.

The PRESIDING OFFICER. The question is on agreeing to the Levin amendment No. 4320.

The yeas and nays have been ordered, and the clerk will call the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

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

The result was announced—yeas 39, nays 60, as follows:

[Rollcall Vote No. 182 Leg.]

YEAS—39

Akaka	Bayh	Bingaman
Baucus	Biden	Boxer

Byrd	Harkin	Menendez
Cantwell	Inouye	Mikulski
Carper	Jeffords	Murray
Chafee	Johnson	Obama
Clinton	Kennedy	Reed
Conrad	Kerry	Reid
Dodd	Kohl	Salazar
Dorgan	Lautenberg	Sarbanes
Durbin	Leahy	Schumer
Feingold	Levin	Stabenow
Feinstein	Lincoln	Wyden

NAYS—60

Alexander	Dole	McConnell
Allard	Domenici	Murkowski
Allen	Ensign	Nelson (FL)
Bennett	Enzi	Nelson (NE)
Bond	Frist	Pryor
Brownback	Graham	Roberts
Bunning	Grassley	Santorum
Burns	Gregg	Sessions
Burr	Hagel	Shelby
Chambliss	Hatch	Smith
Coburn	Hutchison	Snowe
Cochran	Inhofe	Specter
Coleman	Isakson	Stevens
Collins	Kyl	Sununu
Cornyn	Landrieu	Talent
Craig	Lieberman	Thomas
Crapo	Lott	Thune
Dayton	Lugar	Vitter
DeMint	Martinez	Voinovich
DeWine	McCain	Warner

NOT VOTING—1

Rockefeller

The amendment (No. 4320) was rejected.

Mr. WARNER. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. FEINGOLD. Mr. President, I oppose cutting off debate on this important bill prematurely. I have two amendments that have not been considered by the Senate—one to help service members called to active duty, the other to cancel this year's automatic pay raise for Members of Congress—that will be shut out if we invoke cloture. We should be doing all that we can to help members of our armed services who are serving so courageously. And, with the Nation's deficits and the tab for the Iraq war at alarming levels, we should not be accepting another backdoor payraise. At a minimum, the Senate should consider and vote on those worthy amendments before completing work on the Defense authorization bill.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on S. 2766, the National Defense Authorization Act for fiscal year 2007.

Bill Frist, John W. Warner, John E. Sununu, Jim Bunning, George Allen, Lamar Alexander, Craig Thomas, Kay Bailey Hutchison, Chuck Hagel, Ted Stevens, Judd Gregg, Robert F. Bennett, Thad Cochran, Pat Roberts, Pete Domenici, Jim Inhofe, Jeff Sessions.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on S. 2766, the National Defense Authorization Act for fiscal year 2007, shall be brought to a close? The yeas and nays are mandatory under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

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

The yeas and nays resulted—yeas 98, nays 1, as follows:

[Rollcall Vote No. 183 Leg.]

YEAS—98

Akaka	Dole	McCain
Alexander	Domenici	McConnell
Allard	Dorgan	Menendez
Allen	Durbin	Mikulski
Baucus	Ensign	Murkowski
Bayh	Enzi	Murray
Bennett	Feinstein	Nelson (FL)
Biden	Frist	Nelson (NE)
Bingaman	Graham	Obama
Bond	Grassley	Pryor
Boxer	Gregg	Reed
Brownback	Hagel	Reid
Bunning	Harkin	Roberts
Burns	Hatch	Salazar
Burr	Hutchison	Santorum
Byrd	Inhofe	Sarbanes
Cantwell	Inouye	Schumer
Carper	Isakson	Sessions
Chafee	Jeffords	Shelby
Chambliss	Johnson	Smith
Clinton	Kennedy	Snowe
Coburn	Kerry	Specter
Cochran	Kohl	Stabenow
Coleman	Kyl	Stevens
Collins	Landrieu	Sununu
Conrad	Lautenberg	Talent
Cornyn	Leahy	Thomas
Craig	Levin	Thune
Crapo	Lieberman	Vitter
Dayton	Lincoln	Voinovich
DeMint	Lott	Warner
DeWine	Lugar	Wyden
Dodd	Martinez	

NAYS—1

Feingold

NOT VOTING—1

Rockefeller

The PRESIDING OFFICER. On this vote, the yeas are 98, the nays are 1. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. WARNER. 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. WARNER. Mr. President, first, on behalf of Senator LEVIN and myself, I thank all the Members for the strong cooperation to procedurally move this series of amendments and to proceed with the bill. Speaking just for myself—my ranking member is absent for a moment—I believe very strongly that this bill can be completed today before sunset. Of course, this is one of the longest days of the year, so that might be a little longer than some might wish, but I do think it is achievable. I say that most respectfully.

What we recommend to be done now—and I will ask unanimous consent—is the Senate now turn to an

amendment by the distinguished Senator from Texas, and I am told by the Senator that she will seek a voice vote. That has been cleared on both sides. The next amendment will be offered by our distinguished colleague from Georgia, a member of the committee, Mr. CHAMBLISS. That will take perhaps an hour or more and will require a record vote. Thereafter, I ask unanimous consent that the Senate then recognize the Senator from Minnesota, Mr. DAYTON, to address the Senate with regard to amendments and the bill as a whole.

I would also say to colleagues, subject to confirmation by the leadership, that I am recommending there be no votes from now until 3:30. There are two very serious functions taking place, both of a religious nature, in our city, and Members are attending either the last rites of Philip Merrill, a personal friend of mine, a wonderful man who recently lost his life on the Chesapeake Bay, and then I understand a distinguished archbishop of the Catholic Church is being installed with a ceremony today.

Therefore, the bill will continue its momentum in this period of time, and following those votes, I am certain the leadership will give the managers such guidance as to when we can conclude this bill, which again I hope will be today.

So at this time, I yield the floor.

Mr. McCAIN. Mr. President, if the chairman will yield just for a second, we don't need an hour on this amendment, I say to my friend from Virginia. I think 40 minutes equally divided would be sufficient for my purposes. I don't know about the author of the amendment; he might want more time.

Mr. CHAMBLISS. Mr. President, the only thing I would say is I have several folks who want to speak on it. If we could get an hour equally divided, my guess is we won't use it.

Mr. WARNER. Mr. President, I ask unanimous consent that there be an hour equally divided between the distinguished Senators from Georgia and Arizona on the Chambliss amendment.

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

Mr. WARNER. We have covered as much ground as we can procedurally at this point, and I yield the floor.

AMENDMENT NO. 4377

Mrs. HUTCHISON. I call up amendment No. 4377 and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON] proposes an amendment numbered 4377.

Mrs. HUTCHISON. 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 include a delineation of the homeland defense and civil support missions of the National Guard and Reserves in the Quadrennial Defense Review)

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

SEC. 924. INCLUSION OF HOMELAND DEFENSE AND CIVIL SUPPORT MISSIONS OF THE NATIONAL GUARD AND RESERVES IN THE QUADRENNIAL DEFENSE REVIEW.

Section 118(d) of title 10, United States Code, is amended—

(1) by redesignating paragraph (15) as paragraph (16); and

(2) by inserting after paragraph (14) the following new paragraph (15):

“(15) The homeland defense mission and civil support missions of the active and reserve components of the armed forces, including the organization and capabilities required for the active and reserve components to discharge each such mission.”.

Mrs. HUTCHISON. Mr. President, this amendment would require the Department of Defense to clarify in the Quadrennial Defense Review the homeland defense and civil support missions of the National Guard and Reserves.

The QDR is a comprehensive examination of national defense strategy, force structure, force mobilization, and modernization plans, infrastructure, budget plans—all elements of the defense program. It is the planning that goes on every 4 years. The QDR is in process now for the next 4 years. The goal of the QDR is to determine the defense strategy of the United States and its established defense programs for the next 20 years, and it is updated every 4 years.

For decades, homeland defense has been a mission of the Department of Defense. However, only after the 9/11 attacks in 2001 did this very important mission really come to the forefront in defense planning. Unfortunately, the present QDR lacks sufficient guidance for the Guard and Reserve components in this very important mission they have.

The amendment I am proposing would require the Department of Defense to include in the QDR a definition of the homeland defense and civil support missions of the National Guard and Reserves. The Department has not really formalized the requirements for the role of the National Guard and Reserve in homeland security. We know the President has ordered the deployment of Guard and Reserve to our borders to try to secure our borders, so we need a really comprehensive look and guidance for the Reserve component, particularly the Guard, concerning their roles and how they will be able to train and equip for homeland security missions.

Today, the National Guard and Reserve must debate the merits of their initiatives and their equipment procurement. That is not the way it should be. Our Guard and Reserve do a fabulous job. They are on active duty in Iraq and Afghanistan today. They have gone through several cycles of deployment to Iraq and Afghanistan. There is a Texas Guard unit in Bosnia in command and control today, continuing the peacekeeping mission

there. They are doing their jobs, they are being called up at a level that is very high, but ambiguities remain in their homeland security mission.

Competition for resources continues, and there is a lack of clarity about what role the Department actually expects them to have. This omission was painfully obvious after 9/11. After Hurricanes Rita and Katrina and now with the deployment to the border, which I totally support, their mission is once again expanding. This amendment will provide the DOD with the information it needs to determine the role the National Guard and Reserves should have, must have, and will continue to have, but with more clarification, in the defense of our country.

This is a very important amendment. I believe it will add to their responsibilities, and they will be able to get the equipment and the training they need to do the jobs we are asking them to do in homeland defense and for the other civil emergencies we have.

Mr. President, I ask for the support of my colleagues for this amendment.

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

Mrs. HUTCHISON. Mr. President, I urge the adoption of the amendment.

The PRESIDING OFFICER. There being no further debate, the question is on agreeing to the amendment.

The amendment (No. 4377) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mrs. HUTCHISON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, we will turn to the distinguished Senator from Georgia for his amendment, with 1 hour equally divided.

The PRESIDING OFFICER. The Senator from Georgia.

AMENDMENT NO. 4261

Mr. CHAMBLISS. I rise today to call up amendment No. 4261 and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside and the clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. CHAMBLISS], for himself, Mr. HATCH, Mr. ISAKSON, Mr. INHOFE, Mr. LIEBERMAN, Mr. CORNYN, Mr. THUNE, Mr. BENNETT and Mr. STEVENS, proposes an amendment numbered 4261.

Mr. CHAMBLISS. 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 authorize multiyear procurement of F-22A fighter aircraft and F-119 engines)

On page 29, strike lines 6 through 15 and insert the following:

SEC. 146. FUNDING FOR PROCUREMENT OF F-22A FIGHTER AIRCRAFT.

(a) PROHIBITION ON USE OF INCREMENTAL FUNDING.—The Secretary of the Air Force shall not use incremental funding for the procurement of F-22A fighter aircraft.

(b) **MULTIYEAR PROCUREMENT.**—The Secretary of the Air Force may, in accordance with section 2306b of title 10, United States Code, enter into a multiyear contract beginning with the fiscal year 2007 program year for procurement of not more than 60 F-22A fighter aircraft.

SEC. 147. MULTIYEAR PROCUREMENT OF F-119 ENGINES FOR F-22A FIGHTER AIRCRAFT.

The Secretary of the Air Force may, in accordance with section 2306b of title 10, United States Code, enter into a multiyear contract beginning with the fiscal year 2007 program year for procurement of the following:

(1) Not more than 120 F-119 engines for F-22A fighter aircraft.

(2) Not more than 13 spare F-119 engines for F-22A fighter aircraft.

Mr. CHAMBLISS. Let me say, it is very difficult, any time you have to oppose your subcommittee chairman—and in this case the full committee chairman—on an issue, particularly two Senators whom I hold in such high esteem. But we do have a disagreement in a very professional way on this issue. At the end of the day, all of us intend to do what is in the best interests of the men and women who fight for America.

The F-22A Raptor is the U.S. Air Force's top priority for providing a joint force with air dominance, operational access, homeland and cruise missile defense for the next 20-plus years. The F-22A is a first-of-a-kind multimission fighter aircraft that combines Stealth, supercruise, advanced maneuverability, and integrated avionics to make it the world's most capable combat aircraft.

This amendment authorizes a 3-year multiyear procurement contract for the F-22. This is not about spending money, it is about saving money, and it is about good acquisition practices and policy.

This amendment will save approximately \$235 million as a minimum amount, allowing DOD to use this money for other priorities or allow us, the Congress, to return these dollars to the taxpayers.

An independent study, commissioned by the Office of the Secretary of Defense, is the only independent study yet to be done for the F-22 multiyear contract. In that study, the Institute for Defense Analysis, or IDA, concluded that the proposed F-22A multiyear contract, first of all, meets all the criteria provided in the law and does, in fact, save the taxpayer a minimum of \$235 million over the next 3 years.

The study was not completed in time for the Senate Armed Services Committee markup back in early May, which is why it was not included in the Senate bill at that time, or at least we didn't have an amendment at that time. However, the study was submitted to the Armed Services Committee on the 16th of May.

Since I have been on this committee, we have been talking about the need to conduct acquisitions better, cheaper, and more efficiently. This amendment does exactly that. We know we are

going to buy 60 F-22s over the next 3 years. That is the current plan. The DOD budget provides for the funding, and I have heard no one in Congress question the need for the airplane. As a matter of fact, this airplane today is flying in rotation around the country and soon will be flying around the world as it is scheduled to go into rotation to Iraq shortly. As we are sitting here today, I suspect there is an F-22 flying over Washington, DC, protecting the skies over our Nation's Capital.

The only question is how are we going to buy these airplanes? Are we going to buy them with 3 1-year contracts and pay more money, or are we going to buy them with a 3-year multiyear contract and save a quarter of a billion dollars?

We need to have a high standard for what qualifies for a multiyear contract. As a matter of comparison, the F-414 engine for the F-18 saved 2.8 percent and \$51 million. The multiyear contract for two previous F-16 multiyears saved \$246 million and \$262 million respectively.

By comparison, the proposed F-22A multiyear contract saves 2.6 percent and a minimum of \$235 million.

The point is that the F-22 multiyear is in the same category in terms of percent savings and total savings of multiyear contracts that this body has previously approved.

Also, the per-plane savings on the F-22 multiyear will be identical to the per-plane savings on the F/A-18 multiyear, that being \$3.8 million per plane. That is why the authors of the independent business case analysis at IDA judge this multiyear to have significant savings, and I agree with them.

Much has been made over the old criteria for multiyear savings, which was a minimum of 10 percent. But, frankly, that was changed early on in law and now, instead of 10 percent the statute does say, "substantial savings."

The 2005 QDR, which was provided to Congress in concert with the fiscal year 2007 budget request, restructures the F-22A program to extend production through the fiscal year 2010 with a multiyear acquisition contract to ensure the Department does not have a gap in fifth-generation Stealth capabilities. To obtain a more favorable cost, DOD's strategy requested authority for a 3-year multiyear procurement contract to buy 60 F-22s, 20 in each of the years 2007 through 2009. This strategy was outlined in a letter from Undersecretary of Defense Ken Krieg in a letter to the Senate Armed Services Committee on February 13, 2006.

Mr. President, I ask unanimous consent to print that letter in the RECORD.

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

THE UNDER SECRETARY OF DEFENSE
FOR ACQUISITION, TECHNOLOGY
AND LOGISTICS,

Washington, DC, February 13, 2006.

Hon. JOHN W. WARNER,
Chairman, Committee on Armed Services, U.S.
Senate, Washington, DC.

DEAR MR. CHAIRMAN: Consistent with the Conference Report on the Department of Defense Appropriations Act, 2006, Public Law, 109-148, the Department has studied alternatives for the continued acquisition of the F-22A aircraft beyond Fiscal Year (FY) 2008. This has culminated in the procurement strategy identified in the President's Budget for FY 2007 (PB07).

The Quadrennial Defense Review Joint Air Dominance study and budget deliberations addressed alternative procurement quantities, rates, and force structure mixes. The Department's PB07 plan provides for procurement of F-22A aircraft through FY 2010. To obtain a favorable cost, the strategy employs multiyear procurement of 20 aircraft each, in Lots 7, 8, and 9, beginning in FY 2008, providing a total force structure of 183 aircraft. FY 2007 funds will be used to contract for delivery of economic-order-quantity items, sub-assemblies and material required for Lot 7, advance procurement for Lot 8 aircraft, and for other allowable costs including, sustainment support, production engineering, laboratories and combined test force infrastructure. This strategy also procures titanium one-year earlier than normal advanced procurement to accommodate the long-lead now required to buy titanium. This plan substantially reduces the F-22A procurement funds required by the Department in FY 2007, allowing the Department to meet other high-priority requirements.

Continuing the F-22A procurement through FY 2010 retains fifth-generation tactical aircraft procurement options in the event of delays in the Joint Strike Fighter (JSF) program. These actions also benefit the JSF program by helping to reduce overhead rates and by retaining technical expertise across the tactical aircraft industrial base, including the prime contractor, subcontractors, and suppliers.

The Department is preparing the business case cost comparison of multiyear and successive annual procurements required by subsection 2306b(a)(1) of title 10, United States Code. We intend to make the business case available to the congressional defense committees by May 15, 2006, to support FY 2007 Congressional budget deliberations.

I appreciate the foresight of the Congress in directing the Department to study alternatives for the continued acquisition of the F-22A. I believe that we have developed a fiscally responsible strategy that will allow us to sustain this viable tactical aircraft production line.

Similar letters have been sent to the chairmen and ranking members of the other Congressional defense committees.

Sincerely,

KENNETH J. KRIEG.

Mr. CHAMBLISS. The business case for the F-22 is clear and was validated during the QDR by the Joint Army Dominance Study. This study included any number of options of tactical air mixes, including various combinations of F-22s, FA-18s, and joint strike fighter and other airborne weapons systems, so we are not proceeding with a random plan but one that has been validated by careful analysis.

The business plan was also validated by the IDA study, again the only independent organization that has looked at this multiyear plan.

There are six criteria for meeting a multiyear contract. The independent IDA business case analysis judges the F-22 program according to each of these six criteria. I mention this because there is a GAO study that came out, coincidentally, this week relative to the multiyear procurement of the F-22. It is critical of the multiyear contract.

The GAO study, though, contains, frankly, false factual information. For example, in the GAO study they talk about the cost of the airplane actually increasing under the multiyear contract. But what they fail to take into consideration is that originally, before the reprogramming to do 20 airplanes this year and 20 in the next budget and 20 in the next budget, the Air Force was going to ask for 29 planes in the next budget and 27 in the following budget.

If you build 29 versus 20, it is going to be cheaper. But that is the factual information that the GAO plugged into their numbers—29 instead of 20. That is why there is a higher price cost that the GAO came up with.

Second, the GAO report talks about the fact that under the Air Force proposal, there is not enough funding in the budget to pay for these airplanes. We are going to have to use what is called incremental funding.

That was talked about early on in the process but abandoned. Here we are in the end of June of this year. The reprogramming took place the end of last year and the early part of this year. The facts were known at that time. GAO ignored those facts.

Second, the incremental funding issue that was talked about early on was abandoned early in the year. GAO ignored that and included those false facts in its report. So the GAO study, frankly, is not correct because it is not based on the actual, as we say in the law—the facts in evidence.

There is one other issue relative to the GAO that I am going to conclude with and that is this. It gives a list of the factors that it took into consideration in doing its report. There is one glaring factual statement, one factual provision that is left out of consideration by the GAO. That is talking to pilots that fly this airplane.

I have talked to several of those guys. We had a red flag operation that was done several weeks ago by the Air Force. In talking to a couple of those pilots afterward, it was unbelievable what they had to say about flying the F-22.

One of them said this:

In the United States Air Force, we don't look to win 51-49. We look to win 100-nothing, and that is what the Raptor gives us.

The Raptor is the follow-on for the F-15 and F-16. It is the fifth-generation fighter. It is going to allow us to continue air superiority and air dominance against any potential threat that might be forthcoming. I urge my colleagues to support the multiyear proposal that is included in the Presi-

dent's budget, that is included in the authorization bill that comes to the Senate from the House, that will go into conference. We will save the taxpayer a minimum of \$225 million over the next 3 years. I reserve the remainder of my time.

Mr. DOMENICI. Will the Senator yield 5 minutes to the Senator from New Mexico?

Mr. CHAMBLISS. I will be happy to yield 5 minutes to the Senator from New Mexico.

Mr. DOMENICI. Mr. President, I say to Senator MCCAIN, I understand he wants to speak in opposition to the amendment. I will not be long.

Mr. MCCAIN. No problem.

Mr. DOMENICI. Understand, we will each speak our piece here. It is not a pleasure to come and oppose my colleague. Nonetheless, I must say that it seems to me we are always talking in the Senate about trying to do things that are more efficient; trying to do good business, do things in a way they ought to be done. Here we have an opportunity to do that.

We have a situation where the new fighter, the world-class F-22—but I am not going to take the Senate's time praising its qualities. We have heard some of that from the distinguished Senator from Georgia. We could spend all afternoon talking about what a fantastic airplane it is. That is not the issue before us.

The issue before us is that the Defense Department needs a multiyear procurement authority to acquire these airplanes. The administration requested a multiyear procurement authority for the F-22s. The House Defense Authorization bill granted the request. It makes plain, good business sense that the Senate do the same—that we give the Department what it needs.

I also support this because, as indicated by the principal sponsor of the amendment, the distinguished senior Senator from Georgia, this authority will save money.

We are going to hear something to the contrary, but the contrary evidence is from reports that do not apply to the 20-per-year acquisition of the F-22. That is what we are trying to do. That is what the Defense Department's final studies were based upon—acquisition of 20 per year, for multiple years. A multiyear procurement of this nature would net a savings of between \$225 million and \$325 million.

It seems to this Senator that this is precisely what we ought to be doing. We ought to be doing more of this, not less. Is anybody doubting we are going to buy this many of these Raptors? I don't hear that talk. I thought I was going to hear it 6 or 8 months ago when we were talking about a number of systems, some of which are on hold, but this one is not.

Therefore, we ought to proceed and save millions of dollars that can be used for other needs. \$300 million, for example, would pay for 4,200 National

Guard troops in active duty for 1 year. That is a lot of money. This is a monster bill, and one might say what is the difference here? \$225 million to \$325 million in savings doesn't amount to much. I submit it is a pretty big amount.

There has been some talk this week about a new GAO report that is critical of this multiyear procurement. But this report reshapes old arguments and uses old data that is not relevant to the Department's data regarding the multiyear acquisition, which has been stated in detail by the senior Senator from Georgia.

Therefore, I submit that the airplane we are going to rely on—which without question the Quadrennial Defense Review says we must have—we ought to go ahead and procure on a multiyear basis today when we vote on this amendment.

I thank the Senator for yielding time. I believe he has a compelling argument, and I hope the Senate will follow his lead.

I yield the floor.

Mr. CHAMBLISS. Mr. President, I yield 2 minutes to the Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I thank my colleague from Georgia and my colleague from Arizona.

What is the bottom line here? Simply put, Senator CHAMBLISS has offered an amendment that is supported by the ministration that will enable the Air Force to buy 20 F-22s Raptors a year for the next 3 years. By entering into this multiple year contract, the independent Institute for Defense Analysis believes that the American taxpayer will save at least \$225 million.

Why are we buying the F-22? Because it is a war-winner. This fighter, which is also a very capable bomber, is now operational with the 1st Fighter Wing. The Raptor is stealthier than the famous F-117 Nighthawk, which dropped the first bombs during the first gulf war. But unlike the Nighthawk, that must fly at night in order to survive in a combat environment, the F-22 brings stealth capability out of the night, enabling operations in high threat areas 24 hours a day 7 days a week.

I have been to the Air Force base where I have talked with the pilots and have seen this plane and have seen it fly. It is a marvel.

The Raptor is the world's most lethal and maneuverable fighter aircraft. This is accomplished in no small part by its supercruise engines. Supercruise engines do not need to go to after-burner in order to achieve supersonic flight. This provides the F-22 with a strategic advantage by enabling supersonic speeds to be maintained for a far greater length of time. By comparison, all other fighters require their engines to go to after-burner to achieve supersonic speeds. This consumes a tremendous amount of fuel and greatly limits an aircraft's range.

Another legitimate question is why not just rely on the aircraft we have today? Over the past 30 years, the United States has been able to maintain air superiority in every conflict largely due to the F-15C. However, with the great advancements in technology over the past several years, the F-15 has struggled to keep pace. For example, the F-15 is not a stealth aircraft and its computer systems are based on obsolete technology. My colleagues should remember that the F-15 first flew in the early 1970s. During the ensuing years, nations have been consistently developing new aircraft and missile systems to defeat this fighter.

Obviously, we need the F-22 and we have identified a means to save money while we are buying it.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I don't oppose the F-22 program. In fact, the Armed Services subcommittee provided and the Senate Armed Services Committee marked down an additional \$1.4 billion for 20 F-22s.

The issue is not, frankly, whether we support the F-22. Rightly or wrongly, we all do—and every member of the committee does. The question is, Are we going to act responsibly? The question is, Are we going to authorize a multiyear procurement of an aircraft that has—and it is not unusual—experienced time after time dramatic delays and cost overruns? Are we ready to do that? Not according to the GAO, not according to the OMB, not according to the Congressional Research Service, and not according to every outside observer of this program.

Let me give a small example. The F-22 experienced an initial operational capability delay of 9 years 9 months; initial operational test and evaluation delayed 5 years 3 months; full rate production delay of 5 years 3 months; low rate initial production, 4 years 9 months; first delivery of operational aircraft delayed 4 years 7 months; first flight delayed 2 years; and completion of critical design review delayed 1 year 4 months. The record is not good. In fact, the record is terrible. In 1991, the estimated cost, according to the U.S. Air Force, for the aircraft was going to be \$114 million—in then-year dollars; now, \$354 million per copy.

This program—not atypically—has experienced significant delays and cost overruns, which, by the way, maybe we will get into at some point. Then they received incentive bonuses, even for violations of Nunn-McCurdy. We are not talking about the purchase of F-22s. What we are talking about is, are we going to violate the basic principles and the law which requires certain criteria to be met before multiyear acquisition of these aircraft? The report prepared by the Comptroller General of the United States clearly states that four of the six criteria set forth in the law have not been met by the Air Force. They have not been met. Yet here we are debating a measure that

would effectively permit the Air Force to be held unaccountable, to end run a good Government provision in Federal law that is specifically designed to ensure accountability in our Government.

There have been two Nunn-McCurdy violations, according to the Comptroller General. Since its inception, this program has been subject to 2 Nunn-McCurdy violations and has been rebaselined 14 times just to avoid additional breaches. Fourteen times they have rebaselined the cost of this weapons system. We all know the game. They come and they say: This weapons system is going to cost X. They get it authorized, then we get it, and guess what happens. It ends up costing dramatically more money—in the case of this aircraft, from \$114 million each to \$354 million each, and it is still in a relatively embryonic stage.

The Air Force, I am sorry to say, has misrepresented several things, including the termination cost of the C-130J.

The Air Force—a September 28, 2005, Defense Contract Audit Agency report points out that Lockheed-Martin earned a profit of almost 27 percent—\$643 million—on a \$2.4 billion, 60-aircraft, multiprocurement for C-130 aircraft. The estimate on the actual multiyear procurement cost savings for the F-22—the Air Force acquisition officers misrepresented the F-22 program as a stably funded program. Last year, Congress authorized and appropriated enough money for 24 F-22 aircraft. The Air Force bought 22. We have been asking them: What happened to the other two airplanes? We still haven't gotten a response. How we buy the F-22 is not subject to unfettered discretion. If we choose to buy them under a multiyear contract, we must do so in compliance with the law. This amendment does not.

The Congressional Research Service points out the many ongoing technical problems with the F-22—avionics problems, airframe problems, engine problems. The F-119 engine fuel consumption has been unsatisfactory, and problems were experienced with the engine's core combustor, which did not demonstrate desired temperature levels. The F-22's cockpit canopy experienced ongoing challenges, including cracking and reliability. It goes on and on. Many of these things are associated with the development of a new weapons system.

By the way, I have never met a pilot who didn't like to fly a new weapons system, but the fact is that it is not ready for multiyear procurement. That was the subject of extensive hearings in the subcommittee and consideration in the full committee. I don't expect this body to rubberstamp everything the committee does, but I can tell you that extensive analysis and study was done on it.

I also point out that literally every outside group, including the IDA, had concerns about it, even though they alleged that there would be significant

cost savings. But the fact is that even the IDA, which my friend from Georgia points out—this form of contracting bears significant risks. Multiyear procurement reduces Congressional budgetary flexibility, both for the instant program and across other programs within the Defense portfolio.

I urge my colleagues who consider supporting this amendment—and we know very well that there will be reductions in defense spending. It happens historically as wars wind down. Already on the House side, there has been a proposal for significant reductions in defense spending, which I do not support but apparently may be the final product for next year from the House Appropriations Committee.

We are going to lock in multiyear procurement for a weapons system that has experienced dramatic cost overruns. And I am not saying we shouldn't procure this aircraft. I am saying we should. I am not totally convinced that it would actually meet the challenges of the war on terrorism, but I strongly support it. But before we give them a blank check, I think we should regard what we are doing here—locking in, in a multiyear fashion, the procurement of a weapons system that has gone from \$100-and-some million per copy to over \$300 million per copy which still has very significant technical problems associated with it. I would caution and urge my colleagues to understand this in the larger context.

Finally, we have a responsibility of oversight in the committee and as a body. If we allow multiyear procurement, we basically give up those oversight responsibilities. And when we talk about a couple hundred million dollars, which is big money, and cost savings, look at the overruns, the billions in cost overruns they have already experienced, and we still haven't got a fully tested, completed, and operational product.

I understand the desire of my friend from Georgia to make sure this program is basically locked in, which is what this amendment will do. I don't think we are ready for it. Every outfit outside of the U.S. Air Force—and even the IDA, with a qualified endorsement—the Congressional Research Service, OMB, GAO, and all the others concur in that conclusion.

I hope we will reject this amendment, but I certainly understand and respect the position of my friend from Georgia.

Mr. WARNER. Mr. President, I find myself, as chairman, having to live up to my responsibilities. Not only do I have the highest regard for our colleague from Georgia, I have a high regard for this airplane. These airplanes are stationed in Virginia. I am supporting the position taken by Senator MCCAIN against the constituent interests in my own State because I feel ever so importantly the statements made by Senator MCCAIN—namely, that the oversight which our committee tries to provide should be respected in this Chamber. It is our collective judgment. The majority of the

Senators, having voted on this in various ways in our committee, believe that we should not go to this multiyear procurement at this time for reasons eloquently stated by the Senator from Arizona.

I regret deeply to be in opposition to one of our most valued Members, the Senator from Georgia, but let me point this out: You have to sometimes stand apart from constituent interests, State interests, and do what you believe is in the best interests of this country.

I say this with a sense of humility. I walked into the Pentagon in February of 1969 as then-Under Secretary of the Navy. The halls of the building were filled with the wreckage of a plane called TFX in which this country had invested billions of dollars to build and it was finally concluded that, for a number of reasons, the contract shouldn't go forward. Thereafter, in the positions as Under Secretary and Secretary of the Navy, I worked with the S-3, a new AFW airplane, bringing that along. I worked with the F-14. As a matter of fact, this distinguished aide of the Armed Services Committee was an F-14 pilot and has reminisced with me many times—thank you for putting two engines on that plane—because many a time he landed on a carrier with one engine.

The planes are complicated situations, and they are becoming more and more complicated each year, and it is the collective judgment of the members of the Senate Armed Services Committee that we should not abdicate our oversight and jump into this multiyear procurement.

I support the airplane. I am hopefully getting additional aircraft at my base in Virginia. I am proud of that. But I am going to support what I think is a proper management decision. To support the Chambliss amendment would be, frankly, a violation of statute on the books, the law of the land. Subsection A(1) through subsection 6 of section 2306(b) of title 10, United States Code, establishes the conditions for entering into a multiyear procurement contract. The statute requires the use of such a contract resulting in a substantial savings. This multiyear procurement proposal under this amendment would not provide substantial savings—some savings but not substantial. The statute also requires that the estimates of both the cost of the contract and the anticipated cost avoidance through the use of a multiyear contract are realistic.

Just listen to what Senator McCAIN said. The estimates are not realistic. The Air Force had budgeted for 24 F-22A aircraft in fiscal year 2006 but will only be able to buy 22 or 23 aircraft with the available funds.

Mr. President, the statute also requires that there is a reasonable expectation that throughout the contemplated contract period the head of the agency will request funding for the contract at the level required to avoid contract cancellation. There is no rea-

sonable expectation that the level of funding required to avoid contract cancellation will be met. The multiyear justification package sent to Congress on May 16, 2006 presented a program that was underfunded by \$674 million.

By statute, I say to colleagues, this amendment cannot be supported. By statute, by the majority of the members of the Committee of the Armed Services having examined it carefully, through subcommittee and full committee review, it cannot be supported. I say most respectfully to the Senator from Georgia, we are facing here a rather interesting chapter of a very significant and important defense contractor trying to get through this body a decision which is in violation of statute and overrides the judgment of the majority of the members of the Armed Services Committee. I urge Senators not to support this amendment.

The PRESIDING OFFICER (Mr. VITTER). The Senator from Georgia is recognized.

Mr. CHAMBLISS. Mr. President, I yield 3 minutes to my colleague from Georgia, Senator ISAKSON.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. ISAKSON. Mr. President, I thank my distinguished colleague, the senior Senator from Georgia, SAXBY CHAMBLISS, for offering this amendment. I have the greatest regard for the committee and subcommittee chairmen. Senators WARNER and MCCAIN are outstanding Members of this body. I beg to differ with them, and I want to focus my debate on two critical areas.

One is Senator CHAMBLISS presents as a selling point of this amendment that \$235 million in savings that a multiyear contract brings would not happen if you were doing annual contracts. The distinguished Senator from Arizona acknowledged, did not argue that that number was not correct. The distinguished Senator from Virginia also did not argue that number wasn't correct but made the following statement, that that is not a substantial savings. That is at best a subjective judgment, but I would call \$235 million substantial any time.

Secondly, I would like to quote from a letter—and I ask unanimous consent to have this letter printed in the RECORD—dated June 8 from James Finley, Deputy Under Secretary of Defense, to the GAO.

Over the past several procurement lots, the Air Force has been very successfully working with the prime contractor to drive down cost. Unit flyaway costs have come down 35 percent between Lot 1 and Lot 5. If stopped, production re-start would be very costly and difficult to resume, breaking this positive trend.

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

DEPUTY UNDER SECRETARY OF DEFENSE,
Washington, DC, June 8, 2006.

Mr. DAVID M. WALKER,
Comptroller General of the United States, U.S.
Government Accountability Office, Wash-
ington, DC.

DEAR MR. WALKER: This is the Department of Defense (DoD) response to the GAO draft report, "Tactical Aircraft: DOD Should Present a New F-22 Business Case Before Making Further Investments," dated May 8, 2006 (GAO Code 120474/GAO-06-455R).

The Department does not agree with draft GAO report's recommendation to delay further investment in the F-22. While the Department agrees with the GAO's emphasis on the importance of supporting our procurement decisions with appropriate "Business Case" analysis, we have performed such analysis to support F-22 and tactical aircraft force structure decisions, and will continue to do so. Additional information and rationale for the Department's position is summarized below.

Implementing the GAO's recommendation to delay investment in the F-22 would disrupt production and create program instability. This instability would be detrimental to our nation's defense capabilities and our tactical aircraft industrial base. Over the past several procurement lots, the Air Force has been very successfully working with the prime contractor to drive down costs. Unit flyaway costs have come down 35% between Lot 1 and Lot 5. If stopped, production re-start would be very costly and difficult to resume, breaking this positive trend. Likewise, there is considerable modernization work ongoing. To stop this work would result in large termination costs and would be very costly to resume. Multiple GAO reports have noted the negative impact that program instability has on program cost, schedule, and performance.

The assumptions on which the GAO's recommendations are based were not understood. The quantity and mix of tactical aircraft to be procured by the Department has been and remains an area of significant "Business Case" analysis. As the geopolitical and fiscal environment changes, we continually reassess national security requirements and adjust our force structure as needed. Keeping the F-22 production line active, preserves the Department's options and sustains the industrial base for efficient transition to Joint Strike fighter production.

To support the Quadrennial Defense Review and preparation of the President's Fiscal Year 2007 Budget (PB07), the Department performed a Joint Air Dominance (JAD) Study. The JAD Study examined options for varying levels within the strike fighter mix. The Department looked at the war scenarios and cost implications of buying fewer variants of Joint Strike Fighters, increasing and decreasing the number of F-22s, and buying more legacy aircraft at the expense of fewer fifth generation platforms. The results of these analyses are reflected in PB07, which sets forth a balanced portfolio of tactical aircraft assets, including Joint Strike Fighter, F-22 and F/A-18E/F. The draft GAO report makes note of, "the large disparity between what the Air Force wants for the F-22A program and what OSD has committed to fund, there is a significant break in the business case to justify buying more F-22As." The 381 aircraft the Air Force analysis indicates are required is a fiscally unconstrained projection of Service needs. The QDR analysis reflects fiscal realities and the need to address competing defense priorities. The JAD analysis showed that a balanced force structure mix of fifth generation fighters, with legacy F/A-18E/Fs, F-15Es and conventionally armed bombers, best met our requirements. Buying fifth generation tactical

aircraft assets (F-22 and JSF), for both the Air Force and the Department of the Navy, optimized capability, affordability, and mitigated risk better than other options.

A detailed response is attached.

Thank you for the opportunity to respond to this draft report.

JAMES I. FINLEY.

Mr. ISAKSON. Mr. President, I was in business—didn't build airplanes but built houses—and I know a little bit about R&D development costs, but I know what the Raptor does.

Many of the things that were referred to as difficulties were predictable experiences in the development of a weapons system. The Raptor is the finest airplane ever built by any government anywhere any time, and the pilots who fly it attest this meets and exceeds every specification.

For me as a Senator, the other specification I want to meet is saving the taxpayers of the United States of America money; \$235 million is a substantial savings. The Senator from Georgia, Mr. CHAMBLISS, is right. This amendment establishes a 3-year multiyear contract for the F-22 is right, and I urge my colleagues to support it in the Chamber.

I yield back the time.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. CHAMBLISS. I yield 3 minutes to the Senator from South Dakota, Mr. THUNE.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

Mr. THUNE. Mr. President, the Chambliss amendment will remove the prohibition on multiyear contract authority for the purchase of the F-22A aircraft and in so doing give the DOD the flexibility it needs to purchase 60 F-22A aircraft over a 3-year period in installments of 20.

The multiyear contract will save the Government, as has been noted by Senator ISAKSON, over \$200 million over the 3-year period and allow for a rational and steady flow of F-22s.

Mr. President, I also want to note one thing about the GAO study that has been referenced here today and the funding for the F-22A. The statement is made in the GAO study that the funding for the F-22 could be better spent on fighting the war on terror. The problem with that is it assumes that America faces threats from only irregular forces or subnational groups.

North Korea's threat to launch a multistage missile that can hit Hawaii, Iranian nuclear ambitions, and the expansion and modernization of the Chinese military are patent examples of substantial threats from independent nation states.

The air superiority gap America once enjoyed has dramatically closed. The F-15, F-16, or F-18 are no longer without competition on the world stage. Since the late 1970s, for example, the Russian Air Force has been continually improving its air fleet. Planes like the MiG-29, Su-27, Su-35, and the addition of the Su-37 super-flanker have evened the playing field. The Chinese are now

making their own version of the Su-27 under the designation J-11. Both Russia and China are eyeing foreign buyers for these formidable aircraft.

Further technology and modern air defenses have grown significantly, and Legacy aircraft are vulnerable to increased anti-aircraft threats and technology.

Congressional inaction on this matter is creating a situation where American pilots will be flying aging Legacy aircraft against comparable enemy aircraft.

DOD states that the F-22As as fifth-generation fighters is needed to neutralize advanced air defenses, thus opening the door for follow-on joint forces to include nonstealthy Legacy aircraft and long-range strike capabilities.

We need the F-22. The QDR supports this notion. The QDR focuses on the ability to quickly and effectively penetrate enemy airspace and exploit stealth and electronic warfare capabilities. The F-22A excels at all these missions and helps America take a step ahead against emerging technologies and threats we face.

Mr. President, I urge my colleagues to support the Chambliss amendment and allow the Air Force to move forward in a way that will enable us to save the taxpayers money and to meet the needs that we face for this country as we go forward.

I yield back the remainder of my time.

Mr. CHAMBLISS. Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator has 9 minutes remaining.

Mr. CHAMBLISS. I yield such time as he may consume to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. I thank the Senator from Georgia. I think this is a very serious thing we are getting into. I have five very important points I plan to make to respond to statements that have been made in the Chamber here. One is I think the Chairman is right when he talks about the information wasn't there, wasn't adequately discussed during the markup. One of the reasons for that is the IDA study didn't even come out until May 15, and because of that, that was not a part of the conversation.

Let me say one thing about the GAO study. I agree with the Senator from South Dakota. I am always leery of a new study that comes out the same day that an amendment is discussed and brought up in the Chamber, and that happened to be 3 days ago. I think it is quite a coincidence it came out at the same time. Having looked at the IDA study, we are on solid ground for pursuing this multiyear effort.

Let me respond to our good friend, the Senator from Arizona, on the cost overruns and the delays. I cannot remember—I have been on this Armed Services Committee for 12 years and in

the House for 8 years—one system that did not go through this same thing. In the Navy alone, they had many cost overruns. The joint strike fighter, now recognized as something we desperately need and are using, probably had more cost overruns. We had the Black Hawk upgrades, the same thing there.

But the thing I remember the most is the C-17s because I was in the House at that time. It was delay after delay after delay, and stop and think, if we had at that point junked that, where would we be? Where would we have gone in Bosnia, Kosovo? Things were anticipated where we would desperately need it.

Right now we need to increase the number of planes. That I think we all know. And then we know what is happening to the C-130-R program. This is something that has been happening for a long period of time.

The third thing I want to mention is the savings. I know one of the six criteria is called substantial savings. I don't know if there is anyone who is going to be looking at this budget and accepting the fact that a quarter of a billion dollars is not substantial. But there seems to be some doubt by Senators as to whether or not these savings would actually be achieved. And if you really ask questions about it, if we really had to do this, I say to my friend from Georgia, we could write that in and say at any point when it looks like we cannot anticipate these savings, we would go back to the other type of procurement. That could be done.

Quite frankly, I think the Air Force would be willing to do that. And the figure of \$225 million they and others believe and I believe is a conservative figure. So I think that would be one way to offset it.

When you look at title 10 criteria, substantial savings, we have talked about that; stability, we have talked about that, stability of funding, stability of design, we all know these things and where we are with the program.

And so I have come to the conclusion after looking at this that it does qualify for all of these criteria, but there is one thing that has not been said, quite frankly, in the right wing over here, and that is, during the 1990s I can remember standing on this floor and saying we are going to have to do something about what is happening to the modernization program because it is not just the aircraft and artillery pieces, the most modern thing we have for the artillery is the Palladin, which is World War II technology, where you have to get out and swab the breach after each shot. There are five countries, including South Africa, making a better artillery piece than we are sending out with our kids.

Then we look at the F-15 and F-16, great vehicles. We understand that. But one of the proudest moments I have had was in 1998 when we were cutting a lot of the Defense budget at that

time. We had two-star general John Jumper, who stood up and said publicly: Now we are sending our kids out with equipment that is not as good as the Russians are making. At that time, they had the Su-27; the Su-30 was not actually deployed yet, now the Su-35. And we know in one purchase—I say to my friend from South Dakota because he mentioned other countries that are buying these things—in one purchase, the Chinese purchased 230 of these vehicles. We think they are Su-30s, but we don't know.

Consequently, if you assess the judgment as someone I think we will have to accept, and that is General John Jumpers, their Su series in many ways is better than our best strike vehicles, the F-15 and F-16. That has to concern Americans.

So I think if that were the only reason to keep this on schedule, and go to a multiyear program where we enjoy the savings, that would be reason enough. As long as I am here, I am going to try to put America in a position where we have the very best of equipment with which we send our kids to battle. That is not the case today. So I strongly support the amendment and believe we should get on with it.

Mr. President, I yield back.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I yield myself such time as I may use.

I think we ought to try to go back to what this amendment is about. This amendment is not to cure any delay. The fact is, we have in this authorization 20 F-22s, with \$1.4 billion over what was in the budget—20 of them. And then, next year, I would imagine we will authorize another 20; and the year after that, another 20. This is not about any delay. This is about congressional oversight. This is whether we should go to multiyear funding and lock us into a weapons system which has not been proven yet.

I say to my friend from Georgia, no matter how this amendment comes out because of the differences of opinion we have within the committee, in July I would like to schedule a hearing, and we will get all the players over again. Whether this amendment goes up or down, in July we will schedule a hearing in the subcommittee and have another look at the pluses and minuses. The Senator from Oklahoma mentioned that several studies have come in. The IDAs came in on the 20th. The GAO one came in yesterday or the day before.

So I will be glad—no matter how the vote ends up—to have another hearing on this issue because we are talking about, obviously, really large sums of money. So this Senator does not want to delay the procurement of the F-22. But I certainly want to maintain our ability to oversight the program rather than locking us in. So it is not about whether we delay or not.

Finally, on the issue of saving \$225 million: from what? Because the Air

Force, on May 16, 2006, stated that an additional \$674 million is needed to fully fund the multiyear program being proposed. So is that savings of \$225 million out of the \$674 million of additional costs or does it mean there really isn't an additional \$674 million, that they sent over, that they need? So that has to be sorted out as well.

So again, I restate to my colleagues that literally every outside organization—CRS, CBO, GAO—all of them believe not that this weapons system needs to be canceled, not that it needs to be delayed, but we do not need to embark on a multiyear lock-in acquisition of this weapons system, which no doubt has very great value.

I hope my colleagues will agree with the distinguished chairman and me that this amendment should be rejected at this time.

Mr. President, does the Senator from Michigan wish to speak on this?

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I will be opposing the Chambliss amendment, although I am both a supporter of the F-22 and a supporter, generally, of multiyear contracts. Where they meet the criteria for multiyear contracts, I am very supportive of them because of, mainly, the money that can be saved.

I oppose this amendment with some reluctance. Again, I very much support, and have supported, the airplane. And I, in general, like the multiyear approach, where it meets the criteria. But some of the criteria have not been adequately met; for instance, whether the multiyear contract would result in substantial savings compared to using annual contracts. The studies are that the savings would be, I would say, very modest and not substantial. There are some savings, but I could not say they are substantial savings.

Another criteria is whether the contract is for a number which is expected to remain substantially unchanged during the contemplated contract period in terms of both numbers, production rate, procurement rate, and, again, total quantities. The F-22 total program quantities are likely to increase before the end of production.

There is also a requirement that there be a stable design for the property to be acquired and that the technical risks associated with the purchase are not excessive. There are some unresolved operational test deficiencies, and there are what I think can fairly be called major modifications that are planned for providing more robust air-to-ground capability.

There is also a question as to whether the estimates of both the cost of the contract and the anticipated cost avoidance through the use of a multiyear contract are realistic. Cost estimates are still problematic. The 2006 contract itself, we understand, has still not been signed. So it does not meet that criteria either.

I would hope that, perhaps next year, a multiyear would indeed meet the cri-

teria so we could utilize a multiyear approach next year. But I do not believe this year it does meet the criteria for a multiyear contract. I, therefore, will be opposing the Chambliss amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I respond to the distinguished Senator from Michigan that all of this which he raised has been addressed in the IDA report and has been answered. The criteria set forth in the statute has been validated and verified. I don't know of any technical problems with the airplane today because, as I said earlier, we have 32 at Langley currently. We have other airplanes stationed at a couple of other bases around. They are flying over us as we speak, protecting our Nation's Capitol. They are in rotation to go to Iraq. If there were any deficiencies, obviously, we would not have those airplanes put in that rotation, engaging in what may be combat.

I will close by finally saying there has been a lot of conversation about the way the cost of this airplane has increased. I think the mission of the airplane actually has changed over the 19 years since this airplane was first authorized. It was initially an air-to-air airplane. Air-to-ground was added to it, which caused delays. What the Senator from Arizona alluded to, relative to issues of the airplane is exactly correct. But all of those have been addressed. And the cost, the flyaway costs of this airplane for the last three lots have decreased by 16 percent, 11 percent, and 14 percent respectively.

So it is an expensive airplane. There is no question about that. But the capability of the airplane is also not questioned. It is a good deal for the taxpayers. It is a good deal for the folks who are going to be called on to fly this airplane in defense of this country. I encourage my colleagues to support the amendment.

Mr. HATCH. Mr. President, today I rise as an ardent supporter of the F-22A Raptor. I am very pleased that the Armed Services Committee has modified the Department of Defense's budget request and authorized the procurement of 20 F-22s during the next fiscal year.

That being said, I must express my disappointment that the committee did not include in this legislation language authorizing the Secretary of the Air Force to enter into a multiyear procurement contract to purchase 20 Raptors a year for the next 3 years. Under such a contract, the Institute for Defense Analyses estimates that we will save the taxpayer at least \$225 million. Therefore, I am proud to join Senator CHAMBLISS and cosponsor this important amendment along with Senators INHOFE, LIEBERMAN, BINGAMAN, CORNYN, THUNE, BENNETT, ISAKSON, DOMENICI, BAUCUS, DODD, HUTCHISON, COLLINS, BEN NELSON, FEINSTEIN and

STEVENS. Our amendment only strengthens the procurement plan for this vital aircraft.

I am also troubled that this bill does not increase above the 183 currently planned the number of F-22s that the Air Force is authorized to procure. My trepidation that our Nation will not build a sufficient number of aircraft is based on careful study of our Nation's needs and on the advice and counsel of senior Air Force officers who have been unanimous in their expert opinion that if the Air Force is to meet its responsibilities under the National Military Strategy, the Nation requires 381 Raptors.

I have seen first-hand the capabilities of this extraordinary aircraft, first at Tyndall Air Force Base, FL, where our pilots are learning to fly the Raptor, and second at Langley Air Force, VA, where the first operational F-22s are based. As a result of these meetings with pilots and ground personnel and several other briefings on our future preparations, I have come to the conclusion that purchasing sufficient numbers of Raptors is absolutely vital to our national security.

Over the past 30 years, the United States has been able to maintain air superiority in every conflict largely due to the F-15C. However, with the great advancements in technology over the past several years, the F-15 has struggled to keep pace. For example, the F-15 is not a stealth aircraft and its computer systems are based on obsolete technology. My colleagues should remember that the F-15 first flew in the early 1970s. During the ensuing years, nations have been consistently developing new aircraft and missile systems to defeat this fighter.

Realizing that the F-15 would need a replacement, the Air Force developed the F-22. The F-22's combination of stealth, supersonic cruise, advanced maneuverability, and sensor-fused avionics makes this aircraft a powerful deterrent to countries contemplating a challenge to U.S. interests, and defines the essence of a true fifth generation fighter.

So far during the current exercise Northern Edge in Alaska, the F-22A has achieved a kill ratio of 144:0. Not one F-22 has been simulated "shot down" while 14 legacy F-15s and F-18s in the exercise have been simulated "shot down." One-hundred-and-forty-four to zero, that is the way American forces should go to war.

The F-22 has the greatest stealth capabilities of any aircraft currently flying or under design. This is a powerful attribute when one remembers that it was the F-117 Nighthawk's stealth characteristics that enabled that aircraft to penetrate the integrated air defenses of Baghdad during the first night of the 1991 gulf war. The F-22 brings stealth capability out of the night, enabling operations in high threat areas at the place and time chosen by combatant commanders, 24 hours a day seven days a week.

The Raptor is also equipped with supercruise engines. These engines do not need to go to after-burner in order to achieve supersonic flight. This provides the F-22 with a strategic advantage by enabling supersonic speeds to be maintained for a far greater length of time. By comparison, all other fighters require their engines to go to after-burner to achieve supersonic speeds. This consumes a tremendous amount of fuel and greatly limits an aircraft's range.

The F-22 is also the most maneuverable fighter flying today. This is of particular importance when encountering newer Russian-made aircraft and surface-to-air missile systems, both of which boast advanced, highly impressive capabilities against our legacy F-15, F-18, and F-16 aircraft.

Yet, a further advantage resides in the F-22's radar and avionics. When entering hostile airspace, the sensor-fused avionics of the F-22 can detect and engage enemy aircraft and surface threats far before an enemy can hope to engage the F-22. At the same time its advanced sensors enable the F-22 to be a forward surveillance platform gathering crucial intelligence on the enemy.

However, one of the most important capabilities of the Raptor is often the most misunderstood. Many critics of the program state that, since much of the design work for this aircraft was performed during the Cold War, it does not meet the requirements of the future.

I believe this criticism is misplaced. The F-22 is more than just a fighter—it is also a bomber. In its existing configuration it is able to carry two 1,000 pound GPS-guided JDAM bombs and will undergo an upgrade to carry eight small diameter bombs in the near future. In 2008, the F-22's radar system will be enhanced with advanced air-to-ground modes, enabling the Raptor to hunt independently and destroy targets on the ground.

All of these capabilities are necessary to fight what is quickly emerging as the threat of the future—the anti-access integrated air defense system. Integrated air defenses include both surface-to-air missiles and fighters deployed in such a fashion as to leverage the strengths of both systems. Such a system could pose a very real possibility of denying U.S. aircraft access to strategically important regions during future conflicts.

It should also be noted that—for a comparably cheap price—an adversary can purchase the Russian SA-20, surface-to-air missile. This system has an effective range of approximately 120 nautical miles and can engage targets at greater than 100,000 feet, much higher than the service ceiling of any existing American fighter or bomber. Surface-to-air missiles, with similar capabilities, have been sold to Iran. The Russians have also developed a family of highly maneuverable fighters, the SU-30 and 35s, which have been sold to

such nations as China. Of further import, 59 other nations have fourth generation fighters.

It has also been widely reported in the aviation media that the F-15C, our current air superiority fighter, is not as maneuverable as newer Russian aircraft, especially the SU-35. However, the F-22 is designed to defeat an integrated air defense system. By utilizing its stealth capability, the F-22 can penetrate an enemy's airspace undetected and, when modified, independently hunt for mobile surface to air missile systems. Once detected, the F-22 would then be able to drop bombs on those targets. Some correctly state that the B-2 bomber and the F-117 could handle these assignments during night only operations. However, the F-22 offers the additional capability of being able to engage an enemy's air superiority fighters, such as the widely proficient SU-35. Therefore, the Raptor will be able to defeat, almost simultaneously, two very different threats, 24 hours a day, that until now have been handled by two different types of aircraft.

I should like to point out that these potential threats are not just future concerns, but they are here today. For example, over the last 2 years, the Air Force has conducted exercises with the Indian Air Force as part of our effort to strengthen relations with that nation. The Indian Air Force has a number of SU-30 MKKs, an aircraft which is very similar to a version of aircraft sold in large quantities to the People's Republic of China. During these exercises, it has been widely reported in the aviation and defense media that the Indian Air Force's SU-30s won a number of engagements when training against our Air Force's F-15s.

So let me be clear on this point: a developing nation's air force was able to defeat the F-15. This was a stunning event and one that requires our immediate attention.

Now that this fact has been established, the question that we must ask ourselves is: How do we remedy this national security concern? The F-22 provides the answer.

Though the F-22 may be the solution to these problems, if the Nation does not purchase a sufficient number of these aircraft our service members could face unnecessary dangers and risks. Many others and I have come to this conclusion after closely listening to our service members when they have outlined their equipment requirements based upon the national security goals our Government has outlined. What is their professional opinion? That if the Air Force is to succeed in the tasks outlined in our National Defense Strategy, our airmen and women require 381 F-22s, far more than the 184 aircraft currently planned.

However, another important consideration is cost. In a period of runaway procurement costs, we are not only concerned about the effort to procure the correct number of F-22s but to procure them at a reasonable price. That

is exactly what this amendment achieves. It authorizes a multiyear procurement plan for the Raptor, in which 20 aircraft a year over 3 years will be purchased. This will result in the taxpayer saving approximately \$225 million under the existing plan to purchase 184 aircraft.

Introducing innovative plans to save funds is nothing new to the F-22 program. In fact, since production first began on this aircraft, the "fly-away" cost has been reduced by 35 percent. However, we must take advantage of any opportunity that will result in additional savings while increasing our military capabilities. A multiyear F-22 procurement plan achieves that goal.

If this amendment is adopted, the Air Force will be permitted to enter into a multiyear procurement contract. However, some of our colleagues argue that the F-22 does not meet the six-point requirements for multiyear procurement under existing law. I, on the other hand, believe these criteria have been met and the amendment before us should be seen as reinforcing that fact.

Specifically, the first requirement to authorize a multiyear contract under the existing statute is the determination that substantial savings will result from the contract. The Institute for Defense Analysis estimates that a multiyear contract will result in at least \$225 million in savings.

The second criterion states there must be a "minimum need" for the aircraft. I believe that my address today has shown the urgent need to deploy the Raptor in order to counter the deployment of fourth generation fighters and new antiaccess systems.

As far as a minimum need is concerned, as a result of the Joint Air Dominance Study the Secretary of Defense stated that a minimum requirement for 183 Raptors existed. Under the administration's proposal, which this amendment is based upon, the production rate, procurement rate and the total quantities of the Raptor purchased will be substantially unchanged during the contract period. Remember, the contract calls for the purchase of 20 Raptors a year over the next 3 years.

The third requirement insists that the Raptor be a program with stable funding. The Armed Services Committee has added additional funds for this year and the Department of Defense's future budgets will also contain funding requests since the purchase of F-22s under a multiyear procurement contract was called for in the Quadrennial Defense Review.

Fourth, the aircraft's design must be stable. This is probably the most controversial requirement. Yes, the F-22 has had its problems during the development and production process, but I challenge anyone to identify another strike aircraft that hasn't. Remember, the F-22 is now operational. That means the Raptor will deploy in support of our service members and it has satisfactorily completed the engineering and manufacturing development

phase as well as its follow-on operational test and evaluation.

It is important to note that any upgrades to the Raptor will not result in significant structural changes. Some might argue, correctly, that a potential problem with the forward boom frame heat-treating has been identified on up to 91 aircraft. It is important to note that this was not an aircraft design problem, but an issue of a manufacturer not following the prescribed manufacturing process. In reality, testing has so far shown that 92 percent of the suspect frames tested did in fact undergo an adequate manufacturing process. I have been advised that neither a redesign nor a refit are planned or expected. Regardless, the manufacturer has been replaced and all aircraft procured under a multiyear agreement will not have this problem.

Fifth, a program must show that its cost estimates are realistic. The Air Force has gone above and beyond the call of duty in providing the Congress with independent cost analysis. The Institute for Defense Analysis provided an Independent Cost Estimate in 2005 and with a multiyear procurement business case analysis in May of this year.

Finally, the last requirement of a multiyear procurement plan is the determination that the program is important to the national security of the United States. I believe that we have already established conclusively that the Raptor is the answer to the present and future threats posed by antiaccess systems.

Therefore, I believe that the Raptor qualifies for a multiyear procurement contract under the existing statute. However, to ensure there is no doubt on this subject, I strongly recommend this amendment to my colleagues.

Our Nation stands at a crossroads.

In a wide variety of policy arenas, the Senate is being asked to make investments that will reap rewards for our children and our grandchildren.

The F-22 is one of these investments. It will guarantee America's dominance of the skies for the next half century. All that is required is that we make a commitment now to ensure that future. By purchasing adequate numbers of F-22 Raptors we are meeting the threats of today and tomorrow and we are doing so in such a way as to maximize the savings of the American taxpayer.

I thank Senator CHAMBLISS for offering this important amendment, and I urge my colleagues to join my fellow cosponsors, Senators INHOFE, LIEBERMAN, BINGAMAN, CORNYN, THUNE, BENNETT, ISAKSON, DOMENICI, BAUCUS, DODD, HUTCHISON, COLLINS, BEN NELSON, FEINSTEIN and STEVENS in supporting this amendment.

Mr. LIEBERMAN. Mr. President, I rise today to speak in support of the amendment to authorize a multiyear procurement for the F-22 fighter—amendment No. 4261 I am proud to cosponsor. I thank my friend and col-

league, the Senator from Georgia, Mr. CHAMBLISS, for his leadership in offering this amendment. I believe he has very ably and comprehensively argued the case for this multiyear and has persuasively rebutted the personal arguments against taking this action. But I want to add some thoughts about why I think this is a prudent act by this body.

The F-22 has had developmental problems and it has had cost increases. But all this is old news. There are few, if any, programs that have had more oversight by the Senate Armed Services Committee than this program. We have examined it in great detail in hearings each year from concept to procurement. We have examined the technology, the acquisition plan, the development process, and the production issue. And we have examined the costs in substantial detail. In some years we have put on cost caps to force spending discipline, and in other years we have slowed down production to align the request with the reality of the backlog. But despite the challenges of building the world's most capable fighter, we have decided, and the full Senate has decided, that this is a critical program that should and must continue. And the U.S. Air Force has argued it needs the F-22 to continue.

There is a very compelling reason for this decision. Air dominance is absolutely essential to American military dominance and American security in the 21st century. Our military has had that dominance since World War II. If we were ever to lose it, or even allow it to be seriously challenged, the global strategic environment would fundamentally change for the United States. The F-22 is the way we prevent that from happening for the next generation maybe more. Much has been said about the cutting-edge technologies that are included in this airplane that will ensure we maintain that air dominance. I need not repeat that now. But it is the reason that we have voted to continue procuring the F-22 and it is reason that we will continue to do so.

I believe the problems with the F-22 that some of my colleagues have reminded us about have been substantially solved. The F-22 business case was validated by DOD during the QDR and the Air Dominance Study. The long debate over the number we will procure is about over. I am convinced that it will not be lower than the 183 validated by the QDR. In fact if there are now to be changes in that number, it will be increased, not decreased. So I believe that we will build the additional 60 contemplated in this amendment. The decision to procure these 60 over 3 years instead of 2 years is sound. We should not have a break in the production line before we begin building the F-35 the JSF. Those 60 aircraft can be built for about \$250 million less with the multiyear buy provided for by this amendment.

The Senate Armed Services Committee, and the Airland Subcommittee,

has spent much time focusing on our acquisition system because we are concerned that the weapons we are buying are taking too long to field and are costing too much. We believe the American people should not pay more than they have to. But we also believe our Armed Forces should get the weapons they need to defend our security. SACS have concluded we need this fighter. We recommended full funding this year for 20. I believe we will do that next year and the year after that until we have procured 183 F-22 fighters. Authorizing a multiyear will cost the American people \$250 million less

than if we authorize these fighters year by year. That is good acquisition policy. Our Armed Force needs this fighter, and we should not pay \$250 million more to get it than we have to. That is why I urge my colleagues to support this amendment.

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

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

Mr. LEVIN. Mr. President, if the Senator from Arizona will yield 1 minute?

The PRESIDING OFFICER. The Senator from Michigan is recognized for 1 minute.

Mr. LEVIN. Mr. President, I want to put in the RECORD a chart from the Institute for Defense Analysis. It compares savings on various programs, showing savings with the F/A-18, multiyear, from 7 to 11 percent; the C-17 airplane, of 10 percent; the C-130J, multiyear, of 10 percent; and the comparison to the F-22, which they estimate at 2.6 percent. I ask unanimous consent that this chart be printed in the RECORD.

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

TABLE 4.—CHARACTERISTICS OF OTHER RELEVANT MYP PROGRAMS

Program	Savings (%)	Savings (TY\$M)	Prior lots/units	Period of performance (years)	Procurement timeframe	Quantity procured	Amount of CRI funding (\$M)	Amount of EOQ funding (\$M)	FAR	TINA waiver
F/A-18E/F Air Vehicle (MYP-1)	7.4	\$850	3/62	5	FY00-04	222	\$200	\$85	15	No
F414 Engine (MYP-1)	2.8	51	5/682	5	FY02-06	454	0	0	15	No
F/A-18E/F/G Air Vehicle (MYP-2)	10.95	1,052	8/284	5	FY05-09	210	100	0	15	Yes
C-17A Airframe (MYP-1)	5.0	760	8/40	7	FY97-03	80	350	300	15	No
C-17A Engine (F117-PW-100)	6.0	122	4/160	7	FY97-03	320	0	0	12	No
C-17A Airframe (MYP-1)	10.8	1,211	14/112	5	FY03-07	60	0	645	12	Yes
C-17A Engine (F117-PW-100)	5.7	92	14/448	5	FY03-07	267	0	0	12	No
C-130J/KC-130J	10.9	513	9/37	6	FY03-08	62	0	140	12	No
C-130J (Air Force)	10.9	340		6	FY03-08	42	0	unknown	12	No
KC-130J (Marine Corps)	13.1	173		6	FY03-08	20	0	unknown	12	No
F-16A/B/C/D Air Vehicle (MYP-1)	7.7	246	4/605	4	FY82-85	450	unknown	unknown	15	No
F-16C/D Air Vehicle (MYP-2)	10.1	467	8/1139	4	FY86-89	720	unknown	unknown	15	No
F-16C/D Air Vehicle (MYP-3)	5.7	262	12/1859	4	FY90-93	630	unknown	unknown	15	No
Average	8.00	469		5.25	N/A	292	N/A	N/A		
F-122A Air Vehicle	2.6	203	8*122	3	FY07-09	60	0	255	15	No
F-122A Engine (F119-PW-100)	2.7	32	8*244	3	FY07-09	120	0	45	15	No

* Include Production Representative Test Vehicle (PRTV) lot and units.

** Include PRTV lot and units and Replacement Test Aircraft (RTA); installed engines only.

Mr. LEVIN. I yield back my time.

The PRESIDING OFFICER. All time has been yielded back.

Mr. CHAMBLISS. Mr. President, I ask for the yeas and nays on my amendment.

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

The yeas and nays were ordered.

The PRESIDING OFFICER. Under the previous order, the Senator from Minnesota is recognized.

Mr. DAYTON. Thank you, Mr. President.

AMENDMENT NO. 4241

Mr. President, I am a proud cosponsor of Senator MCCAIN's proposal to name this legislation after the great chairman of the Senate Armed Services Committee, Senator WARNER.

I have had the privilege during my term in the Senate to serve on the Armed Services Committee under two tremendous chairmen, outstanding Senators, and terrific human beings—JOHN WARNER and CARL LEVIN.

Our Senate, our military, and our country have been fortunate to have their extraordinary leadership during these critical years.

Chairman WARNER, for whom this legislation would be named, is more than deserving of that honor. He is greatly respected by our committee members on both sides of the aisle and, indeed, by the entire Senate. He has been unfailingly fair to all points of view, while leading us with a firm hand and resolute gaze, that he learned during his own military service and as Secretary of the Navy.

When he picks up his committee gavel, all of us—members, staff, military officers, and other interested parties—all know we have a leader well prepared in all respects for that enormous responsibility.

Our Senate and our Nation are indebted to Senator WARNER and to Senator LEVIN for their superb public service.

Mr. President, I have listened to many of my colleagues express their views on Iraq during the past week and have waited for this opportunity to express my own.

My colleagues reflect sincere differences and I believe sincere desires to uphold the best interests of our great country in a very difficult and complicated situation. We are all patriotic Americans first and foremost and partisan politicians later.

I voted against the Iraq war resolution in October 2002, despite being presented with incorrect and misleading information by very high officials in the Bush administration, which purported to prove that Saddam Hussein was developing nuclear weapons. I questioned the veracity of that information. And I had grave concerns that an unwarranted invasion of Iraq, if no weapons of mass destruction were found, would ultimately weaken, not strengthen, the national security of the United States by seriously damaging our standing and our alliances throughout the world.

I also voted against the Iraq war resolution because I believed that such a decision by the Congress at that time was premature. President Bush was not asking Congress for a declaration of

war, as the U.S. Constitution requires. He was asking for a congressional resolution authorizing him to declare war, if he determined it necessary at some later date. I do not fault the President for asking for that blank check. I fault the Congress for giving it to him. In fact, it was over 6 months later that the President made his final decision to commence military action against Iraq.

In a similar vein, I believe that both the Levin-Reed amendment and the Kerry-Feingold amendment were premature. One called for the redeployment of U.S. troops from Iraq to begin within 6 months. The other required the almost complete withdrawal of those troops within a year.

I believe it is impossible to foresee at this time whether either of those actions would be in the best national security and foreign policy interests of the United States 6 months or 1 year from now. The situation in Iraq is too uncertain and too unpredictable to do so. That uncertainty and unpredictability evidence the failures of the Bush administration's conduct of this war effort.

It is now over 3 years since the U.S. military swept from the Iraqi border to Baghdad in only 3 weeks, overthrew Saddam Hussein and his evil regime, and liberated the Iraqi people. Yet after that swift and decisive military victory was won, the Bush administration has failed to secure it.

Administration officials ignored the advice of their own top military commanders—and this is an important lesson for us—and failed to commit

enough U.S. troops to secure the country. Other mistakes followed, leaving security and political vacuums that were filled by foreign terrorists and domestic insurgents.

During the past 3 years, violence in Iraq has steadily increased and still threatens to rip the country apart. Like it or not, our courageous troops remain the only effective protections of the Iraqi people from civil war or anarchy and a lawless bloodbath.

Unfortunately, the bad conditions in Iraq today can become even worse—much worse—if our troops begin or complete their withdrawals before Iraqi forces are able to take their place. That training and equipping of Iraqi replacements should have been completed already, but it is not. I do not know what that timetable is. I am skeptical that anyone else in this body does. The Bush administration should tell us, but they will not, which means they still do not know either.

So it seems to me necessary not to decide and certainly not to act until we have that information. It is imperative not to make future mistakes that will compound the previous mistakes. And we certainly should not decide or act until we have listened to the current views of the top U.S. military commanders, who are responsible for successfully completing our mission in Iraq and for protecting the lives and safety of the 133,000 heroic Americans who are stationed there now.

I serve on the Senate Armed Services Committee, and yet I have not heard those top military views recently expressed.

I respectfully ask the distinguished chairman of our committee to arrange for us to hear them as soon as possible. I read a news report 2 days ago that General Casey, the senior American commander in Iraq, will brief the Secretary of Defense later this week on his newest thinking about U.S. force levels through the end of the year. I want to hear General Casey's recommendation myself and his reasons for it before I am prepared to vote on any proposal affecting U.S. troop levels. I want to give our military commanders in Iraq and our American troops in Iraq what they need to succeed now, 6 months from now, a year from now.

Like most Americans, I wish this war were over. I wish it hadn't begun. But we are in it; we must win it. We cannot leave Iraq until the Iraqi Government has established political control over its country and until the Iraqi security forces can protect their citizens. We cannot leave what we started to end in a lawless bloodbath.

We must rely on our senior military commanders to tell us what force strength they need to successfully complete their mission. The timetable we follow should be theirs, not ours. It should be based upon American security and Iraqi survival. Again, I respectfully urge Chairman WARNER to summon our top military commanders to tell us what they need and for how

long. I don't want any more incidents where American soldiers are captured, brutally tortured, and murdered because there were not enough of their fellow American soldiers there to defend them.

I agree with my colleagues about the urgent need for the new Iraqi Government to accelerate their assumption of complete responsibility for their country's services, security, and success. They need to tell us their expected schedule for doing so. We need to assist them in that process, and we need to enlist other nations to help them as well. We must complete our mission in Iraq as soon as possible, but we must complete it with a lasting victory, and we cannot leave until that victory is secure.

We should be discussing what we can do to hasten that day. The Bush administration should be telling us what we need to do to hasten that day, how to accelerate the transfer of responsibilities to Iraqis, how to accelerate the social and economic reconstruction of Iraq, how to enrich the lives of Iraqi citizens rather than the livelihoods of American contractors. Instead, all we get are cheap spin-and-thin slogans rather than substantive proposals and sophisticated solutions. The administration needs to set forth a plan of action in Iraq, a roadmap to final victory. That is what we should be demanding. That is what we should be debating.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WARNER. 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. WARNER. Mr. President, I thank my colleague from Minnesota. He will be departing our committee this fall, as he departs the Senate. I appreciate the work he has contributed to our committee throughout the year.

It is time for my distinguished colleague from Michigan, ranking member, and I to offer a package of amendments.

Mr. LEVIN. Will the Senator yield?

Mr. WARNER. Yes.

Mr. LEVIN. While he was making reference to the Senator from Minnesota, I think the chairman was off the floor when the Senator from Minnesota, Mr. DAYTON, made some very glowingly positive and affirmative remarks about our chairman and about how he was really delighted to be able to cosponsor the amendment which had been introduced to name this bill after our beloved chairman. I wanted to make sure that he was aware of that and could look up those remarks later.

Mr. WARNER. I was absent from the floor. I express my humble appreciation to my colleague from Minnesota. I recall that he accompanied Senator

LEVIN and me to Iraq one time. That was when I first became aware of the knowledge that he had on world affairs and other subjects. He has contributed to the greater good of the Committee on Armed Services. I thank him for his service. But there is more time; he has a little bit left to go.

AMENDMENTS NOS. 4492; 4493; 4494; 4266, AS MODIFIED; 4495; 4307, AS MODIFIED; 4326, AS MODIFIED; 4224; 4496; 4309, AS MODIFIED; 4345; 4368; 4497; 4222; 4498; 4499; 4202, AS MODIFIED; 4500; 4441; 4231, AS MODIFIED; 4409; 4501; 4502; 4503; 4504; 4505; 4506; 4331; 4507; 4508; 4509; 4510; 4219; 4386; 4511; 4197; 4512; 4513; 4514; 4515; 4342; 4365; 4241; 4220, AS MODIFIED; 4371; 4244; 4516; 4466; 4517; 4363, AS MODIFIED; 4450, AS MODIFIED; 4362, AS MODIFIED; 4275, AS MODIFIED; 4475, AS MODIFIED; 4276, AS MODIFIED; 4469, AS MODIFIED; 4477, AS MODIFIED; 4518; 4214; AND 4519, EN BLOC

At this time I send a series of amendments to the desk. They have been cleared by myself and the ranking member. I ask unanimous consent that the Senate consider the amendments en bloc, the amendments be agreed to, and the motions to reconsider be laid upon the table.

Finally, I ask that any statements relating to any of the individual amendments be printed in the RECORD.

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

The amendments were agreed to, as follows:

AMENDMENT NO. 4492

(Purpose: To clarify the contracting authority for the chemical demilitarization program)

At the end of subtitle F of title III, add the following:

SEC. 375. CHEMICAL DEMILITARIZATION PROGRAM CONTRACTING AUTHORITY.

(a) MULTYEAR CONTRACTING AUTHORITY.—The Secretary of Defense may carry out responsibilities under section 1412(a) of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 50 U.S.C. 1521(a)) through multiyear contracts entered into before the date of the enactment of this Act.

(b) AVAILABILITY OF FUNDS.—Contracts entered into under subsection (a) shall be funded through annual appropriations for the destruction of chemical agents and munitions.

AMENDMENT NO. 4493

(Purpose: To extend the authority for the personnel program for scientific and technical personnel)

At the end of title XI, add the following:

SEC. 1104. THREE-YEAR EXTENSION OF AUTHORITY FOR EXPERIMENTAL PERSONNEL MANAGEMENT PROGRAM FOR SCIENTIFIC AND TECHNICAL PERSONNEL.

Section 1101(e)(1) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (5 U.S.C. 3104 note) is amended by striking "September 30, 2008" and inserting "September 30, 2011".

AMENDMENT NO. 4494

(Purpose: To encourage the use of electronic voting technology and to provide for the continuation of the Interim Voting Assistance System)

On page 187, between lines 20 and 21, insert the following:

(c) USE OF ELECTRONIC VOTING TECHNOLOGY.—

(1) CONTINUATION OF INTERIM VOTING ASSISTANCE SYSTEM.—The Secretary of Defense shall continue the Interim Voting Assistance System (IVAS) ballot request program with

respect to all absent uniformed services voters (as defined under section 107(l) of the Uniformed Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-6(1))), overseas employees of the Department of Defense, and the dependents of such voters and employees, for the general election and all elections through December 31, 2006.

(2) **REPORTS.**—

(A) **IN GENERAL.**—Not later than 30 days after the date of the regularly scheduled general election for Federal office for November 2006, the Secretary of Defense shall submit to the congressional defense committees a report setting forth—

(i) an assessment of the success of the implementation of the Interim Voting Assistance System ballot request program carried out under paragraph (1);

(ii) recommendations for continuation of the Interim Voting Assistance System and for improvements to that system; and

(iii) an assessment of available technologies and other means of achieving enhanced use of electronic and Internet-based capabilities under the Interim Voting Assistance System.

(B) **FUTURE ELECTIONS.**—Not later than May 15, 2007, the Secretary of Defense shall submit to the congressional defense committees a report detailing plans for expanding the use of electronic voting technology for individuals covered under the Uniformed Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) for elections through November 30, 2010.

AMENDMENT NO. 4266, AS MODIFIED

On page 421, between lines 6 and 7, insert the following:

SEC. 1066. REPORTS ON DEPARTMENT OF JUSTICE EFFORTS TO INVESTIGATE AND PROSECUTE CASES OF CONTRACTING ABUSE IN IRAQ, AFGHANISTAN, AND THROUGHOUT THE WAR ON TERROR.

(a) **FINDINGS.**—Congress makes the following findings:

(1) Waste, fraud, and abuse in contracting are harmful to United States efforts to successfully win the conflicts in Iraq and Afghanistan and succeed in the war on terror. The act of stealing from our soldiers who are daily in harm's way is clearly criminal and must be actively prosecuted.

(2) It is a vital interest of United States taxpayers to be protected from theft of their tax dollars by corrupt contractors.

(3) Whistleblower lawsuits are an important tool for exposing waste, fraud, and abuse and can identify serious graft and corruption.

(4) This issue is of paramount importance to the United States taxpayer, and the Congress must be provided with information about alleged contractor waste, fraud, and abuse taking place in Iraq, Afghanistan, and throughout the war on terror and about the efforts of the Department of Justice to combat these crimes.

(b) **REPORTS.**—

(1) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter, the Attorney General shall submit to the Committee on the Judiciary and the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on the Judiciary and the Committee on Government Reform of the House of Representatives, and the congressional defense committees a report on efforts to investigate and prosecute cases of waste, fraud, and abuse under sections 3729 and 3730(b) of title 31, United States Code, or any other related law that are related to Federal contracting in Iraq, Afghanistan, and throughout the war on terror.

(2) **CONTENT.**—Each report submitted under paragraph (1) shall include the following:

(A) Information on organized efforts of the Department of Justice that have been created to ensure that the Department of Justice is investigating, in a timely and appropriate manner, claims of contractor waste, fraud, and abuse related to the activities of the United States Government in Iraq, Afghanistan, and throughout the war on terror.

(B) Information on the specific number of personnel, financial resources, and workdays devoted to addressing this waste, fraud, and abuse, including a complete listing of all of the offices across the United States and throughout the world that are working on these cases and an explanation of the types of additional resources, both in terms of personnel and finances, that the Department of Justice needs to ensure that all of these cases proceed on a timely basis.

(C) A detailed description of any internal Department of Justice task force that exists to work specifically on cases of contractor fraud and abuse in Iraq, Afghanistan, and throughout the war on terror, including a description of its action plan, the frequency of its meetings, the level and quantity of staff dedicated to it, its measures for success, the nature and substance of the allegations, and the amount of funds in controversy for each case. If there is a showing of extraordinary circumstances that disclosure of particular information would pose an imminent threat of harm to a relator and be detrimental to the public interest, then this information should be redacted in accordance with standard practices.

(D) A detailed description of any inter-agency task force that exists to work specifically on cases of contractor waste, fraud, and abuse in Iraq, Afghanistan, and throughout the war on terror, including its action plan, the frequency of its meetings, the level and quantity of staff dedicated to it, its measures for success, the type, nature, and substance of the allegations, and the amount of funds in controversy for each case. If there is a showing of extraordinary circumstances that disclosure of particular information would pose an imminent threat of harm to a relator and be detrimental to the public interest, then this information should be redacted in accordance with standard practices.

(E) The names of the senior officials directly responsible for oversight of the efforts to address these cases of contractor waste, fraud, and abuse in Iraq, Afghanistan, and throughout the war on terror.

(F) Specific information on the number of investigators and other personnel that have been provided to the Department of Justice by other Federal departments and agencies in support of the efforts of the Department of Justice to combat contractor waste, fraud, and abuse in Iraq, Afghanistan, and throughout the war on terror, including data on the quantity of time that these investigators have spent working within the Department of Justice structures dedicated to this effort.

(G) Specific information on the full number of investigations, including grand jury investigations currently underway, that are addressing these cases of contractor waste, fraud, and abuse in Iraq, Afghanistan, and throughout the war on terror.

(H) Specific information on the number and status of the criminal cases that have been launched to address contractor waste, fraud, and abuse in Iraq, Afghanistan, and throughout the war on terror.

(I) Specific information on the number of civil cases that have been filed to address contractor waste, fraud, and abuse in Iraq, Afghanistan, and throughout the war on terror, including specific information on the quantity of cases initiated by private parties, as well as the quantity of cases that have been referred to the Department of Jus-

tice by the Department of Defense, the Department of State, and other relevant Federal departments and agencies.

(J) Specific information on the resolved civil and criminal cases that have been filed to address contractor waste, fraud, and abuse in Iraq, Afghanistan, and throughout the war on terror, including the specific results of these cases, the types of waste, fraud, and abuse that took place, the amount of funds that were returned to the United States Government as a result of resolution of these cases, and a full description of the type and substance of the waste, fraud, and abuse that took place. If there is a showing of extraordinary circumstances that disclosure of particular information would pose an imminent threat of harm to a relator and be detrimental to the public interest, then this information should be redacted in accordance with standard practices.

(K) The best estimate by the Department of Justice of the scale of the problem of contractor waste, fraud, and abuse in Iraq, Afghanistan, and throughout the war on terror.

AMENDMENT NO. 4495

(Purpose: To require annual reports on United States contributions to the United Nations)

At the end of subtitle A of title XII add the following:

SEC. 1209. ANNUAL REPORTS ON UNITED STATES CONTRIBUTIONS TO THE UNITED NATIONS.

(a) **ANNUAL REPORT REQUIRED.**—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the President shall submit to Congress a report listing all assessed and voluntary contributions of the United States Government for the preceding fiscal year to the United Nations and United Nations affiliated agencies and related bodies.

(b) **ELEMENTS.**—Each report under subsection (a) shall set forth, for the fiscal year covered by such report, the following:

(1) The total amount of all assessed and voluntary contributions of the United States Government to the United Nations and United Nations affiliated agencies and related bodies.

(2) The approximate percentage of United States Government contributions to each United Nations affiliated agency or body in such fiscal year when compared with all contributions to such agency or body from any source in such fiscal year.

(3) For each such contribution—

(A) the amount of such contribution;

(B) a description of such contribution (including whether assessed or voluntary);

(C) the department or agency of the United States Government responsible for such contribution;

(D) the purpose of such contribution; and

(E) the United Nations or United Nations affiliated agency or related body receiving such contribution.

AMENDMENT NO. 4307, AS MODIFIED

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

SEC. 1209. NORTH KOREA.

(a) **COORDINATOR OF POLICY ON NORTH KOREA.**—

(1) **APPOINTMENT REQUIRED.**—Not later than 60 days after the date of the enactment of this Act, the President shall appoint a senior presidential envoy to act as coordinator of United States policy on North Korea.

(2) **DESIGNATION.**—The individual appointed under paragraph (1) may be known as the “North Korea Policy Coordinator” (in this subsection referred to as the “Coordinator”).

(3) **DUTIES.**—The Coordinator shall—

(A) conduct a full and complete inter-agency review of United States policy toward North Korea including matters related to security and human rights;

(B) provide policy direction for negotiations with North Korea relating to nuclear weapons, ballistic missiles, and other security matters; and

(C) provide leadership for United States participation in Six Party Talks on the denuclearization of the Korean peninsula.

(4) REPORT.—Not later than 90 days after the date of the appointment of an individual as Coordinator under paragraph (1), the Coordinator shall submit to the President and Congress an unclassified report, with a classified annex if necessary, on the actions undertaken under paragraph (3). The report shall set forth—

(A) the results of the review under paragraph (3)(A); and

(B) any other matters on North Korea that the individual considers appropriate.

(b) REPORT ON NUCLEAR AND MISSILE PROGRAMS OF NORTH KOREA.—

(1) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter, the President shall submit to Congress an unclassified report, with a classified annex as appropriate, on the nuclear program and the missile program of North Korea.

(2) ELEMENTS.—Each report submitted under paragraph (1) shall include the following:

(A) The most current national intelligence estimate on the nuclear program and the missile program of North Korea, and, consistent with the protection of intelligence sources and methods, an unclassified summary of the key judgments in the estimate.

(B) The most current unclassified United States Government assessment, stated as a range if necessary, of (i) the number of nuclear weapons possessed by North Korea and (ii) the amount of nuclear material suitable for weapons use produced by North Korea by plutonium reprocessing and uranium enrichment for each period as follows:

(I) Before October 1994.

(II) Between October 1994 and October 2002.

(III) Between October 2002 and the date of the submittal of the initial report under paragraph (1).

(IV) Each 12-month period after the submittal of the initial report under paragraph (1).

(C) Any other matter relating to the nuclear program or missile program of North Korea that the President considers appropriate.

AMENDMENT NO. 4326

At the end of subtitle B of title II, add the following:

SEC. 215. ARROW BALLISTIC MISSILE DEFENSE SYSTEM.

Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-wide activities and available for ballistic missile defense—

(1) \$65,000,000 may be available for co-production of the Arrow ballistic missile defense system; and

(2) \$63,702,000 may be available for the Arrow System Improvement Program.

AMENDMENT NO. 4224

(Purpose: To include assessments of Traumatic Brain Injury in the post-deployment health assessments of members of the Armed Forces returning from deployment in support of a contingency operation)

On page 267, beginning on line 24, insert after “mental health” the following: “(including Traumatic Brain Injury (TBI))”.

On page 268, line 13, insert “(including Traumatic Brain Injury)” after “mental health”.

AMENDMENT NO. 4496

(Purpose: To require a report on biodefense staffing and training requirements in support of the national biosafety laboratories)

At the end of subtitle G of title X add the following:

SEC. 1066. REPORT ON BIODEFENSE STAFFING AND TRAINING REQUIREMENTS IN SUPPORT OF NATIONAL BIOSAFETY LABORATORIES.

(a) STUDY REQUIRED.—The Secretary of Defense shall, in consultation with the Secretary of Homeland Security and the Secretary of Health and Human Services, conduct a study to determine the staffing and training requirements for pending capital programs to construct biodefense laboratories (including agriculture and animal laboratories) at Biosafety Level (BSL) 3 and Biosafety Level 4 or to expand current biodefense laboratories to such biosafety levels.

(b) ELEMENTS.—In conducting the study, the Secretary of Defense shall address the following:

(1) The number of trained personnel, by discipline and qualification level, required for existing biodefense laboratories at Biosafety Level 3 and Biosafety Level 4.

(2) The number of research and support staff, including researchers, laboratory technicians, animal handlers, facility managers, facility or equipment maintainers, biosecurity personnel (including biosafety, physical, and electronic security personnel), and other safety personnel required to manage biodefense research efforts to combat bioterrorism at the biodefense laboratories described in subsection (a).

(3) The training required to provide the personnel described by paragraphs (1) and (2), including the type of training (whether classroom, laboratory, or field training) required, the length of training required by discipline, and the curriculum required to be developed for such training.

(4) Training schedules necessary to meet the scheduled openings of the biodefense laboratories described in subsection (a), including schedules for refresher training and continuing education that may be necessary for that purpose.

(c) REPORT.—Not later than December 31, 2006, the Secretary of Defense shall submit to Congress a report setting forth the results of the study conducted under this section.

AMENDMENT NO. 4309, AS MODIFIED

At the end of title XIV, add the following:

SEC. . AMOUNT FOR PROCUREMENT OF HEMOSTATIC AGENTS FOR USE IN THE FIELD.

(a) SENSE OF CONGRESS.—It is the sense of Congress that every member of the Armed Forces deployed in a combat zone should carry life saving resources on them, including hemostatic agents.

(b) AVAILABILITY OF FUNDS.—(1) Of the amount authorized under section 1405(1) for operation and maintenance for the Army, \$15,000,000 may be made available for the procurement of a sufficient quantity of hemostatic agents, including blood-clotting bandages, for use by members of the Armed Forces in the field so that each soldier serving in Iraq and Afghanistan is issued at least one hemostatic agent and accompanying medical personnel have a sufficient inventory of hemostatic agents.

(2) of the amount authorized under section 1405(3) for operation and maintenance for the Marine Corps, \$5,000,000 may be made available for the procurement of a sufficient quantity of hemostatic agents, including blood-clotting bandages, for use by members of the Armed Forces in the field so that each

Marine serving in Iraq and Afghanistan is issued at least one hemostatic agent and accompanying medical personnel have a sufficient inventory of hemostatic agents.

(c) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the distribution of hemostatic agents to members of the Armed Forces serving in Iraq and Afghanistan, including a description of any distribution problems and attempts to resolve such problems.

AMENDMENT NO. 4345

(Purpose: To specify the qualifications required for instructors in the Junior Reserve Officers' Training Corps Program)

At the end of subtitle D of title V, add the following new section:

SEC. 569. JUNIOR RESERVE OFFICERS' TRAINING CORPS INSTRUCTOR QUALIFICATIONS.

(a) IN GENERAL.—Chapter 102 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 2033. Instructor qualifications

“(a) IN GENERAL.—In order for a retired officer or noncommissioned officer to be employed as an instructor in the program, the officer must be certified by the Secretary of the military department concerned as a qualified instructor in leadership, wellness and fitness, civics, and other courses related to the content of the program, according to the qualifications set forth in subsection (b)(2) or (c)(2), as appropriate.

“(b) SENIOR MILITARY INSTRUCTORS.—

“(1) ROLE.—Senior military instructors shall be retired officers of the armed forces and shall serve as instructional leaders who oversee the program.

“(2) QUALIFICATIONS.—A senior military instructor shall have the following qualifications:

“(A) Professional military qualification, as determined by the Secretary of the military department concerned.

“(B) Award of a baccalaureate degree from an institution of higher learning.

“(C) Completion of secondary education teaching certification requirements for the program as established by the Secretary of the military department concerned.

“(D) Award of an advanced certification by the Secretary of the military department concerned in core content areas based on—

“(i) accumulated points for professional activities, services to the profession, awards, and recognitions;

“(ii) professional development to meet content knowledge and instructional skills; and

“(iii) performance evaluation of competencies and standards within the program through site visits and inspections.

“(c) NON-SENIOR MILITARY INSTRUCTORS.—

“(1) ROLE.—Non-senior military instructors shall be retired noncommissioned officers of the armed forces and shall serve as instructional leaders and teach independently of, but share program responsibilities with, senior military instructors.

“(2) QUALIFICATIONS.—A non-senior military instructor shall demonstrate a depth of experience, proficiency, and expertise in coaching, mentoring, and practical arts in executing the program, and shall have the following qualifications:

“(A) Professional military qualification, as determined by the Secretary of the military department concerned.

“(B) Award of an associates degree from an institution of higher learning within 5 years of employment.

“(C) Completion of secondary education teaching certification requirements for the program as established by the Secretary of the military department concerned.

“(D) Award of an advanced certification by the Secretary of the military department concerned in core content areas based on—

“(i) accumulated points for professional activities, services to the profession, awards, and recognitions;

“(ii) professional development to meet content knowledge and instructional skills; and

“(iii) performance evaluation of competencies and standards within the program through site visits and inspections.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“2033. Instructor qualifications.”.

AMENDMENT NO. 4368

(Purpose: Relating to Operation Bahamas, Turks & Caicos)

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

SEC. 1024. OPERATION BAHAMAS, TURKS & CAICOS.

(a) FINDINGS.—Congress makes the following findings:

(1) In 1982 the United States Government created Operation Bahamas, Turks & Caicos (OPBAT) to counter the smuggling of cocaine into the United States.

(2) According to the Drug Enforcement Agency, an estimated 80 percent of the cocaine entering the United States in the 1980s came through the Bahamas, whereas, according to the Office of National Drug Control Policy, only an estimated 10 percent comes through the Bahamas today.

(3) According to the Drug Enforcement Agency, more than 80,000 kilograms of cocaine and nearly 700,000 pounds of marijuana have been seized in Operation Bahamas, Turks & Caicos since 1986, with a combined street value of approximately two trillion dollars.

(4) The Army has provided military airlift to law enforcement officials under Operation Bahamas, Turks & Caicos to create an effective, reliable, and immediate response capability for drug interdiction. This support is largely responsible for the decline in cocaine shipments to the United States through the Bahamas.

(5) The Bahamas is an island nation composed of approximately 700 islands and keys, which makes aviation assets the best and most efficient method of transporting law enforcement agents and interdicting smugglers.

(6) It is in the interests of the United States to maintain the results of the successful Operation Bahamas, Turks & Caicos program and prevent drug smugglers from rebuilding their operations through the Bahamas.

(b) REPORT ON UNITED STATES GOVERNMENT SUPPORT FOR OPBAT.—

(1) REPORT ON DECISION TO WITHDRAW.—Not later than 30 days before implementing a decision to withdraw Department of Defense helicopters from Operation Bahamas, Turks & Caicos, the Secretary of Defense shall submit to the Congress a report outlining the plan for the coordination of the Operation Bahamas, Turks & Caicos mission, at the same level of effectiveness, using other United States Government assets.

(2) CONSULTATION.—The Secretary of Defense shall consult with the Secretary of State, the Attorney General, and the Secretary of Homeland Security, and with other appropriate officials of the United States Government, in preparing the report under paragraph (1).

(3) ELEMENTS.—The report under paragraph (1) on the withdrawal of equipment referred to in that paragraph shall include the following:

(A) An explanation of the military justification for the withdrawal of the equipment.

(B) An assessment of the availability of other options (including other Government helicopters) to provide the capability being provided by the equipment to be withdrawn.

(C) An explanation of how each option specified under subparagraph (B) will provide the capability currently provided by the equipment to be withdrawn.

(D) An assessment of the potential use of unmanned aerial vehicles in Operation Bahamas, Turks & Caicos, including the capabilities of such vehicles and any advantages or disadvantages associated with the use of such vehicles in that operation, and a recommendation on whether or not to deploy such vehicles in that operation.

AMENDMENT NO. 4497

(Purpose: To provide for an independent review and assessment of the organization and management of the Department of Defense for national security in space)

At the end of subtitle B of title IX, add the following:

SEC. 913. INDEPENDENT REVIEW AND ASSESSMENT OF DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT FOR NATIONAL SECURITY IN SPACE.

(a) INDEPENDENT REVIEW AND ASSESSMENT REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall provide for an independent review and assessment of the organization and management of the Department of Defense for national security in space.

(2) CONDUCT OF REVIEW.—The review and assessment shall be conducted by an appropriate entity outside the Department of Defense selected by the Secretary for purposes of this section.

(3) ELEMENTS.—The review and assessment shall address the following:

(A) The requirements of the Department of Defense for national security space capabilities, as identified by the Department, and the efforts of the Department to fulfill such requirements.

(B) The future space missions of the Department, and the plans of the Department to meet the future space missions.

(C) The actions that could be taken by the Department to modify the organization and management of the Department over the near-term, medium-term, and long-term in order to strengthen United States national security in space, and the ability of the Department to implement its requirements and carry out the future space missions, including the following:

(i) Actions to exploit existing and planned military space assets to provide support for United States military operations.

(ii) Actions to improve or enhance current interagency coordination processes regarding the operation of national security space assets, including improvements or enhancements in interoperability and communications.

(iii) Actions to improve or enhance the relationship between the intelligence aspects of national security space (so-called “black space”) and the non-intelligence aspects of national security space (so-called “white space”).

(iv) Actions to improve or enhance the manner in which military space issues are addressed by professional military education institutions.

(4) LIAISON.—The Secretary shall designate at least one senior civilian employee of the Department of Defense, and at least one general or flag officer of an Armed Force, to serve as liaison between the Department, the Armed Forces, and the entity conducting the review and assessment.

(b) REPORT.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the entity conducting the review and assessment shall submit to the Secretary and the congressional defense committees a report on the review and assessment.

(2) ELEMENTS.—The report shall include—

(A) the results of the review and assessment; and

(B) recommendations on the best means by which the Department may improve its organization and management for national security in space.

AMENDMENT NO. 4222

(Purpose: To require consideration of the utilization of fuel cells as back-up power systems in Department of Defense operations)

At the end of subtitle F of title III, add the following:

SEC. 375. UTILIZATION OF FUEL CELLS AS BACK-UP POWER SYSTEMS IN DEPARTMENT OF DEFENSE OPERATIONS.

The Secretary of Defense shall consider the utilization of fuel cells as replacements for current back-up power systems in a variety of Department of Defense operations and activities, including in telecommunications networks, perimeter security, and remote facilities, in order to increase the operational longevity of back-up power systems and stand-by power systems in such operations and activities.

AMENDMENT NO. 4498

(Purpose: To authorize an accession bonus for members of the Armed Forces who are appointed as a commissioned officer after completing officer candidate school)

At the end of subtitle B of title VI, add the following:

SEC. 620. ACCESSION BONUS FOR MEMBERS OF THE ARMED FORCES APPOINTED AS COMMISSIONED OFFICERS AFTER COMPLETING OFFICER CANDIDATE SCHOOL.

(a) ACCESSION BONUS AUTHORIZED.—

(1) IN GENERAL.—Chapter 5 of title 37, United States Code, is amended by adding at the end the following new section:

“§ 329. Special pay: accession bonus for officer candidates

“(a) ACCESSION BONUS AUTHORIZED.—Under regulations prescribed by the Secretary concerned, a person who, during the period beginning on October 1, 2006, and ending on December 31, 2007, executes a written agreement described in subsection (b) may, upon acceptance of the agreement by the Secretary concerned, be paid an accession bonus in an amount not to exceed \$8,000 determined by the Secretary concerned.

“(b) AGREEMENT.—A written agreement described in this subsection is a written agreement by a person—

“(1) to complete officer candidate school;

“(2) to accept a commission or appointment as an officer of the armed forces; and

“(3) to serve on active duty as a commissioned officer for a period specified in such agreement.

“(c) PAYMENT METHOD.—Upon acceptance of a written agreement under subsection (a) by the Secretary concerned, the total amount of the accession bonus payable under the agreement becomes fixed. The agreement shall specify whether the accession bonus will be paid in a lump sum or installments.

“(d) REPAYMENT.—A person who, having received all or part of the bonus under a written agreement under subsection (a), does not complete the total period of active duty as a commissioned officer as specified in such agreement shall be subject to the repayment provisions of section 303a(e) of this title.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of such

title is amended by adding at the end the following new item:

“329. Special pay: accession bonus for officer candidates.”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on October 1, 2006.

(b) AUTHORITY FOR PAYMENT OF BONUS UNDER EARLIER AGREEMENTS.—

(1) IN GENERAL.—The Secretary of the Army may pay a bonus to a person who, during the period beginning on April 1, 2005, and ending on April 6, 2006, executed an agreement to enlist for the purpose of attending officer candidate school and receive a bonus under section 309 of title 37, United States Code, and who has completed the terms of the agreement required for payment of the bonus.

(2) LIMITATION ON AMOUNT.—The amount of the bonus payable to a person under this subsection may not exceed \$8,000.

(3) CONSTRUCTION WITH ENLISTMENT BONUS.—The bonus payable under this subsection is in addition to a bonus payable under section 309 of title 37, United States Code, or any other provision of law.

AMENDMENT NO. 4499

(Purpose: To authorize the National Security Agency to collect service charges for the certification or validation of information assurance products)

At the end of subtitle D of title X, add the following:

SEC. 1035. COLLECTION BY NATIONAL SECURITY AGENCY OF SERVICE CHARGES FOR CERTIFICATION OR VALIDATION OF INFORMATION ASSURANCE PRODUCTS.

The National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by adding at the end the following new section:

“SEC. 20. (a) The Director may collect charges for evaluating, certifying, or validating information assurance products under the National Information Assurance Program or successor program.

“(b) The charges collected under subsection (a) shall be established through a public rulemaking process in accordance with Office of Management and Budget Circular No. A–25.

“(c) Charges collected under subsection (a) shall not exceed the direct costs of the program referred to in that subsection.

“(d) The appropriation or fund bearing the cost of the service for which charges are collected under the program referred to in subsection (a) may be reimbursed, or the Director may require advance payment subject to such adjustment on completion of the work as may be agreed upon.

“(e) Amounts collected under this section shall be credited to the account or accounts from which costs associated with such amounts have been or will be incurred, to reimburse or offset the direct costs of the program referred to in subsection (a).”.

AMENDMENT NO. 4202, AS MODIFIED

At the end of subtitle D of title III, add the following:

SEC. 352. REPORTS ON WITHDRAWAL OR DIVERSION OF EQUIPMENT FROM RESERVE UNITS FOR SUPPORT OF RESERVE UNITS BEING MOBILIZED AND OTHER UNITS.

(a) FINDINGS.—Congress makes the following findings:

(1) The National Guard continues to provide invaluable resources to meet national security, homeland defense, and civil emergency mission requirements.

(2) Current military operations, transnational threats, and domestic emergencies will increase the use of the National Guard for both military support to civilian

authorities and to execute the military strategy of the United States.

(3) To meet the demand for certain types of equipment for continuing United States military operations, the Army has required Army National Guard Units to leave behind many items for use by follow-on forces.

(4) The Governors of every State and 2 Territories expressed concern in February 2006 that units returning from deployment overseas without adequate equipment would have trouble carrying out their homeland security and domestic disaster duties.

(5) The Department of Defense estimates that it has directed the Army National Guard to leave overseas more than 75,000 items valued at approximately \$1,760,000,000 to support Operation Enduring Freedom and Operation Iraqi Freedom.

(6) Department of Defense Directive 1225.6 requires a replacement and tracking plan be developed within 90 days for equipment of the reserve components of the Armed Forces that is transferred to the active components of the Armed Forces.

(7) In October 2005, the Government Accountability Office found that the Department of Defense can only account for about 45 percent of such equipment and has not developed a plan to replace such equipment.

(8) The Government Accountability Office also found that without a completed and implemented plan to replace all National Guard equipment left overseas, Army National Guard units will likely face growing equipment shortages and challenges in regaining readiness for future missions.

(b) REPORTS ON WITHDRAWAL OR DIVERSION OF EQUIPMENT FROM RESERVE UNITS FOR SUPPORT OF RESERVE UNITS BEING MOBILIZED AND OTHER UNITS.—

(1) IN GENERAL.—Chapter 1007 of title 10, United States Code, is amended by inserting after section 10208 the following new section:

“§ 10208a. Mobilization: reports on withdrawal or diversion of equipment from Reserve units for support of Reserve units being mobilized and other units

“(a) REPORT REQUIRED ON WITHDRAWAL OR DIVERSION OF EQUIPMENT.—Not later than 90 days after withdrawing or diverting equipment from a unit of the Reserve to a unit of the Reserve being ordered to active duty under section 12301, 12302, or 12304 of this title, or to a unit or units of a regular component of the armed forces, for purposes of the discharge of the mission of such unit or units, the Secretary concerned shall submit to the Secretary of Defense a status report on the withdrawal or diversion of equipment.

“(b) ELEMENTS.—Each status report under subsection (a) on equipment withdrawn or diverted shall include the following:

“(1) A plan to recapitalize or replace such equipment within the unit from which withdrawn or diverted.

“(2) If such equipment is to remain in a theater of operations while the unit from which withdrawn or diverted returns to the United States, a plan to provide such unit with recapitalized or replacement equipment appropriate to ensure the continuation of the readiness training of such unit.

“(3) A signed memorandum of understanding between the active or reserve component to which withdrawn or diverted and the reserve component from which withdrawn or diverted that specifies—

“(A) how such equipment will be tracked; and

“(B) when such equipment will be returned to the component from which withdrawn or diverted.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1007 of such title is amended by inserting after the item relating to section 10208 the following new item:

“10208a. Mobilization: reports on withdrawal or diversion of equipment from Reserve units for support of Reserve units being mobilized and other units.”.

AMENDMENT NO. 4500

(Purpose: To provide for the procurement of replacement equipment)

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

SEC. 114. REPLACEMENT EQUIPMENT.

(a) PRIORITY.—Priority for the distribution of new and combat serviceable equipment, with associated support and test equipment for active and reserve component forces, shall be given to units scheduled for mission deployment, employment first, or both regardless of component.

(b) ALLOCATION.—In the amounts authorized to be appropriated by section 101(5) for the procurement of replacement equipment, subject to subsection (a), priority for the distribution of Army National Guard equipment described in subsection (a) may be given to States that have experienced a major disaster, as determined under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121–5206), and may require replacement equipment to respond to future emergencies/disasters only after distribution of new and combat serviceable equipment has been made in accordance with subsection (a).

AMENDMENT NO. 4441

(Purpose: To require a plan to replace equipment withdrawn or diverted from the reserve components of the Armed Forces for Operation Iraqi Freedom or Operation Enduring Freedom)

At the end of subtitle D of title III, add the following:

SEC. 352. PLAN TO REPLACE EQUIPMENT WITHDRAWN OR DIVERTED FROM THE RESERVE COMPONENTS OF THE ARMED FORCES FOR OPERATION IRAQI FREEDOM OR OPERATION ENDURING FREEDOM.

(a) PLAN REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a plan to replace equipment withdrawn or diverted from units of the reserve components of the Armed Forces for use in Operation Iraqi Freedom or Operation Enduring Freedom.

(b) ELEMENTS.—The plan required by subsection (a) shall—

(1) identify the equipment to be recapitalized or acquired to replace the equipment described in subsection (a);

(2) specify a schedule for recapitalizing or acquiring the equipment identified under paragraph (1), which schedule shall take into account applicable depot workload and acquisition considerations, including production capacity and current production schedules; and

(3) specify the funding to be required to recapitalize or acquire the equipment identified under paragraph (1)

AMENDMENT NO. 4231, AS MODIFIED

At the end of subtitle B of title VII, add the following:

SEC. 730. MENTAL HEALTH SELF-ASSESSMENT PROGRAM.

(a) FINDING.—Congress finds that the Mental Health Self-Assessment Program (MHSAP) of the Department of Defense is vital to the overall health and well-being of deploying members of the Armed Forces and their families because that program provides—

(1) a non-threatening, voluntary, anonymous self-assessment of mental health that is effective in helping to detect mental health and substance abuse conditions;

(2) awareness regarding warning signs of such conditions; and

(3) information and outreach to members of the Armed Forces (including members of the National Guard and Reserves) and their families on specific services available for such conditions.

(b) **EXPANSION OF PROGRAM.**—The Secretary of Defense shall, acting through the Office of Health Affairs of the Department of Defense, take appropriate actions to expand the Mental Health Self-Assessment Program in order to achieve the following:

(1) The continuous availability of the assessment under the program to members and former members of the Armed Forces in order to ensure the long-term availability of the diagnostic mechanisms of the assessment to detect mental health conditions that may emerge over time.

(2) The availability of programs and services under the program to address the mental health of dependent children of members of the Armed Forces who have been deployed or mobilized.

(c) **OUTREACH.**—The Secretary shall develop and implement a plan to conduct outreach and other appropriate activities to expand and enhance awareness of the Mental Health Self-Assessment Program, and the programs and services available under that program, among members of the Armed Forces (including members of the National Guard and Reserves) and their families.

(d) **REPORTS.**—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the actions undertaken under this section during the one-year period ending on the date of such report.

AMENDMENT NO. 4409

(Purpose: To require a report on the provision of an electronic copy of military records to members of the Armed Forces upon their discharge or release from the Armed Forces)

At the end of subtitle F of title V, add the following:

SEC. 587. REPORT ON PROVISION OF ELECTRONIC COPY OF MILITARY RECORDS ON DISCHARGE OR RELEASE OF MEMBERS FROM THE ARMED FORCES.

(a) **REPORT REQUIRED.**—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the feasibility and advisability of providing an electronic copy of military records (including all military service, medical, and other military records) to members of the Armed Forces on their discharge or release from the Armed Forces.

(b) **ELEMENTS.**—The report required by subsection (a) shall include the following:

(1) An estimate of the costs of the provision of military records as described in subsection (a).

(2) An assessment of providing military records as described in that subsection through the distribution of a portable, readily accessible medium (such as a computer disk or other similar medium) containing such records.

(3) A description and assessment of the mechanisms required to ensure the privacy of members of the Armed Forces in providing military records as described in that subsection.

(4) An assessment of the benefits to the members of the Armed Forces of receiving their military records as described in that subsection.

(5) If the Secretary determines that providing military records to members of the Armed Forces as described in that subsection is feasible and advisable, a plan (including a

schedule) for providing such records to members of the Armed Forces as so described in order to ensure that each member of the Armed Forces is provided such records upon discharge or release from the Armed Forces.

(6) Any other matter relating to the provision of military records as described in that subsection that the Secretary considers appropriate.

AMENDMENT NO. 4501

(Purpose: To require a report on vehicle-based active protection systems for certain battlefield threats)

At the end of subtitle D of title III, add the following:

SEC. 352. REPORT ON VEHICLE-BASED ACTIVE PROTECTION SYSTEMS FOR CERTAIN BATTLEFIELD THREATS.

(a) **INDEPENDENT ASSESSMENT.**—The Secretary of Defense shall enter into a contract with an appropriate entity independent of the United States Government to conduct an assessment of various foreign and domestic technological approaches to vehicle-based active protection systems for defense against both chemical energy and kinetic energy, top attack, and direct fire threats, including anti-tank missiles and rocket propelled grenades, mortars, and other similar battlefield threats.

(b) **REPORT.**—

(1) **REPORT REQUIRED.**—The contract required by subsection (a) shall require the entity entering in to such contract to submit to the Secretary of Defense, and to the congressional defense committees, not later than 180 days after the date of the enactment of this Act, a report on the assessment required by that subsection.

(2) **ELEMENTS.**—The report required under paragraph (1) shall include—

(A) a detailed comparative analysis and assessment of the technical approaches covered by the assessment under subsection (a), including the feasibility, military utility, cost, and potential short-term and long-term development and deployment schedule of such approaches; and

(B) any other elements specified by the Secretary in the contract under subsection (a).

AMENDMENT NO. 4502

(Purpose: To require an annual report on the amount of the acquisitions made by the Department of Defense of articles, materials, or supplies purchased from entities that manufacture the articles, materials, or supplies outside of the United States)

At the end of subtitle G of title X, add the following:

SEC. 1066. ANNUAL REPORT ON ACQUISITIONS OF ARTICLES, MATERIALS, AND SUPPLIES MANUFACTURED OUTSIDE THE UNITED STATES.

(a) **IN GENERAL.**—Not later than March 31 of each year, the Department of Defense shall submit a report to Congress on the amount of the acquisitions made by the agency in the preceding fiscal year of articles, materials, or supplies purchased from entities that manufacture the articles, materials, or supplies outside of the United States.

(b) **CONTENT.**—Each report required by subsection (a) shall separately indicate—

(1) the dollar value of any articles, materials, or supplies purchased that were manufactured outside of the United States;

(2) an itemized list of all waivers granted with respect to such articles, materials, or supplies under the Buy American Act (41 U.S.C. 10a et seq.); and

(3) a summary of—

(A) the total procurement funds expended on articles, materials, and supplies manufactured inside the United States; and

(B) the total procurement funds expended on articles, materials, and supplies manufactured outside the United States.

(c) **PUBLIC AVAILABILITY.**—The Department of Defense submitting a report under subsection (a) shall make the report publicly available to the maximum extent practicable.

(d) **APPLICABILITY.**—This section shall not apply to acquisitions made by an agency, or component thereof, that is an element of the intelligence community as set forth in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

AMENDMENT NO. 4503

(Purpose: To require an annual report on foreign military sales and direct sales to foreign customers of significant military equipment manufactured inside the United States)

At the end of subtitle G of title X, add the following:

SEC. . ANNUAL REPORT ON FOREIGN SALES OF SIGNIFICANT MILITARY EQUIPMENT MANUFACTURED INSIDE THE UNITED STATES.

(a) **IN GENERAL.**—Not later than March 31 of each year, the Department of Defense shall submit a report to Congress on foreign military sales and direct sales to foreign customers of significant military equipment manufactured inside the United States.

(b) **CONTENT.**—Each report required by subsection (a) shall indicate, for each sale in excess of \$2,000,000—

(1) the nature of the military equipment sold and the dollar value of the sale;

(2) the country to which the military equipment was sold; and

(3) the manufacturer of the equipment and the State in which the equipment was manufactured.

(c) **PUBLIC AVAILABILITY.**—The Department of Defense shall make reports submitted under this section publicly available to the maximum extent practicable.

AMENDMENT NO. 4504

(Purpose: To expand and enhance the authority of the Secretaries of the military departments to remit or cancel indebtedness of members of the Armed Forces)

At the end of subtitle E of title VI, add the following:

SEC. 662. EXPANSION AND ENHANCEMENT OF AUTHORITY TO REMIT OR CANCEL INDEBTEDNESS OF MEMBERS OF THE ARMED FORCES.

(a) **MEMBERS OF THE ARMY.**—

(1) **COVERAGE OF ALL MEMBERS AND FORMER MEMBERS.**—Subsection (a) of section 4837 of title 10, United States Code, is amended by striking “a member of the Army” and all that follows through “in an active status” and inserting “a member of the Army (including a member on active duty or a member of a reserve component in an active status), a retired member of the Army, or a former member of the Army”.

(2) **TIME FOR EXERCISE OF AUTHORITY.**—Subsection (b) of such section is amended—

(A) in paragraph (1), by adding “or” at the end; and

(B) by striking paragraphs (2) and (3) and inserting the following new paragraph (2):

“(2) in the case of any other member of the Army covered by subsection (a), during such period or periods as the Secretary of Defense may provide in regulations prescribed by the Secretary of Defense.”.

(3) **REPEAL OF TERMINATION OF MODIFIED AUTHORITY.**—Paragraph (3) of section 683(a) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3322; 10 U.S.C. 4837 note) is repealed.

(b) **MEMBERS OF THE NAVY.**—

(1) **COVERAGE OF ALL MEMBERS AND FORMER MEMBERS.**—Section 6161 of title 10, United

States Code, is amended by striking “a member of the Navy” and all that follows through “in an active status” and inserting “a member of the Navy (including a member on active duty or a member of a reserve component in an active status), a retired member of the Navy, or a former member of the Navy”.

(2) TIME FOR EXERCISE OF AUTHORITY.—Subsection (b) of such section is amended—

(A) in paragraph (1), by adding “or” at the end; and

(B) by striking paragraphs (2) and (3) and inserting the following new paragraph (2):

“(2) in the case of any other member of the Navy covered by subsection (a), during such period or periods as the Secretary of Defense may provide in regulations prescribed by the Secretary of Defense.”.

(3) REPEAL OF TERMINATION OF MODIFIED AUTHORITY.—Paragraph (3) of section 683(b) of the National Defense Authorization Act for Fiscal Year 2006 (119 Stat. 3323; 10 U.S.C. 6161 note) is repealed.

(C) MEMBERS OF THE AIR FORCE.—

(1) COVERAGE OF ALL MEMBERS AND FORMER MEMBERS.—Subsection (a) of section 4837 of title 10, United States Code, is amended by striking “a member of the Air Force” and all that follows through “in an active status” and inserting “a member of the Air Force (including a member on active duty or a member of a reserve component in an active status), a retired member of the Air Force, or a former member of the Air Force”.

(2) TIME FOR EXERCISE OF AUTHORITY.—Subsection (b) of such section is amended—

(A) in paragraph (1), by adding “or” at the end; and

(B) by striking paragraphs (2) and (3) and inserting the following new paragraph (2):

“(2) in the case of any other member of the Air Force covered by subsection (a), during such period or periods as the Secretary of Defense may provide in regulations prescribed by the Secretary of Defense.”.

(3) REPEAL OF TERMINATION OF MODIFIED AUTHORITY.—Paragraph (3) of section 683(c) of the National Defense Authorization Act for Fiscal Year 2006 (119 Stat. 3324; 10 U.S.C. 9837 note) is repealed.

(d) DEADLINE FOR REGULATIONS.—The Secretary of Defense shall prescribe the regulations required for purposes of sections 4837, 6161, and 9837 of title 10, United States Code, as amended by this section, not later than March 1, 2007.

AMENDMENT NO. 4506

(Purpose: To provide an exception for notice to consumer reporting agencies regarding debts or erroneous payments for which a decision to waive or cancel is pending)

At the end of subtitle E of title VI, add the following:

SEC. 662. EXCEPTION FOR NOTICE TO CONSUMER REPORTING AGENCIES REGARDING DEBTS OR ERRONEOUS PAYMENTS PENDING A DECISION TO WAIVE, REMIT, OR CANCEL.

(a) EXCEPTION.—Section 2780(b) of title 10, United States Code, is amended—

(1) by striking “The Secretary” and inserting “(1) Except as provided in paragraph (2), the Secretary”; and

(2) by adding at the end the following new paragraph:

“(2) No disclosure shall be made under paragraph (1) with respect to an indebtedness while a decision regarding waiver of collection is pending under section 2774 of this title, or a decision regarding remission or cancellation is pending under section 4837, 6161, or 9837 of this title, unless the Secretary concerned (as defined in section 101(5) of title 37), or the designee of such Secretary, determines that disclosure under that paragraph pending such decision is in the best interests of the United States.”.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on March 1, 2007.

(2) APPLICATION TO PRIOR ACTIONS.—Paragraph (2) of section 2780(b) of title 10, United States Code (as added by subsection (a)), shall not be construed to apply to or invalidate any action taken under such section before March 1, 2007.

(c) REPORT.—Not later than March 1, 2007, the Secretary of Defense shall submit to the congressional defense committees a report on the exercise of the authority in section 2780(b) of title 10, United States Code, including—

(1) the total number of members of the Armed Forces who have been reported to consumer reporting agencies under such section;

(2) the circumstances under which such authority has been exercised, or waived (as provided in paragraph (2) of such section (as amended by subsection (a))), and by whom;

(3) the cost of contracts for collection services to recover indebtedness owed to the United States that is delinquent;

(4) an evaluation of whether or not such contracts, and the practice of reporting military debtors to collection agencies, has been effective in reducing indebtedness to the United States; and

(5) such recommendations as the Secretary considers appropriate regarding the continuing use of such authority with respect to members of the Armed Forces.

AMENDMENT NO. 4506

(Purpose: To enhance authority relating to the waiver of claims for overpayment of pay and allowances of members of the Armed Forces)

At the end of subtitle E of title VI, add the following:

SEC. 662. ENHANCEMENT OF AUTHORITY TO WAIVE CLAIMS FOR OVERPAYMENT OF PAY AND ALLOWANCES.

(a) CLARIFICATION OF PAY AND ALLOWANCES.—Subsection (a) of section 2774 of title 10, United States Code, is amended in the matter preceding paragraph (1) by inserting “(including any bonus or special or incentive pay)” after “pay or allowances”.

(b) WAIVER BY SECRETARIES CONCERNED.—Paragraph (2) of such subsection is amended—

(1) in the matter preceding subparagraph (A), by inserting “or the designee of such Secretary” after “title 37,”; and

(2) in subparagraph (A), by striking “\$1,500” and inserting “\$10,000”.

(c) TIME FOR WAIVER.—Subsection (b)(2) of such section is amended by striking “three years” and inserting “five years”.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on March 1, 2007.

(e) DEADLINE FOR REVISED STANDARDS.—The Director of the Office of Management and Budget and the Secretary of Defense shall prescribe any modifications to the standards under section 2774 of title 10, United States Code, that are required or authorized by reason of the amendments made by this section not later than March 1, 2007.

AMENDMENT NO. 4331

(Purpose: To establish requirements with respect to the terms of consumer credit extended by a creditor to a servicemember or the dependent of a servicemember, and for other purposes)

At the appropriate place, insert the following:

SEC. ____ . TERMS OF CONSUMER CREDIT EXTENDED TO SERVICEMEMBER OR SERVICEMEMBER'S DEPENDENT.

(a) TERMS OF CONSUMER CREDIT.—Title II of the Servicemembers Civil Relief Act (50

U.S.C. App. 521 et seq.) is amended by adding at the end the following new section:

“SEC. 208. TERMS OF CONSUMER CREDIT.

“(a) INTEREST.—A creditor who extends consumer credit to a servicemember or a servicemember's dependent shall not require the servicemember or the servicemember's dependent to pay interest with respect to the extension of such credit, except as—

“(1) agreed to under the terms of the credit agreement or promissory note;

“(2) authorized by applicable State or Federal law; and

“(3) not specifically prohibited by this section.

“(b) ANNUAL PERCENTAGE RATE.—A creditor described in subsection (a) shall not impose an annual percentage rate greater than 36 percent with respect to the consumer credit extended to a servicemember or a servicemember's dependent.

“(c) MANDATORY LOAN DISCLOSURES.—

“(1) INFORMATION REQUIRED.—With respect to any extension of consumer credit to a servicemember or a servicemember's dependent, a creditor shall provide to the servicemember or the servicemember's dependent the following information in writing, at or before the issuance of the credit:

“(A) A statement of the annual percentage rate applicable to the extension of credit.

“(B) Any disclosures required under the Truth in Lending Act (15 U.S.C. 1601 et seq.).

“(C) A clear description of the payment obligations of the servicemember or the servicemember's dependent, as applicable.

“(2) TERMS.—Such disclosures shall be presented in accordance with terms prescribed by the regulations issued by the Board of Governors of the Federal Reserve System to implement the Truth in Lending Act (15 U.S.C. 1601 et seq.).

“(d) LIMITATION.—A creditor described in subsection (a) shall not automatically renew, repay, refinance, or consolidate with the proceeds of other credit extended by the same creditor any consumer credit extended to a servicemember or a servicemember's dependent without—

“(1) executing new loan documentation signed by the servicemember or the servicemember's dependent, as applicable; and

“(2) providing the loan disclosures described in subsection (c) to the servicemember or the servicemember's dependent.

“(e) PREEMPTION.—Except as provided in subsection (f)(2), this section preempts any State or Federal law, rule, or regulation, including any State usury law, to the extent that such laws, rules, or regulations are inconsistent with this section, except that this section shall not preempt any such law, rule, or regulation that provides additional protection to a servicemember or a servicemember's dependent.

“(f) PENALTIES.—

“(1) MISDEMEANOR.—Any creditor who knowingly violates this section shall be fined as provided in title 18, United States Code, or imprisoned for not more than one year, or both.

“(2) PRESERVATION OF OTHER REMEDIES.—The remedies and rights provided under this section are in addition to and do not preclude any remedy otherwise available under law to the person claiming relief under this section, including any award for consequential and punitive damages.

“(g) DEFINITION.—For purposes of this section, the term ‘interest’ includes service charges, renewal charges, fees, or any other charges (except bona fide insurance) with respect to the extension of consumer credit.”.

(b) CLERICAL AMENDMENT.—The table of contents of the Servicemembers Civil Relief

Act (50 U.S.C. App. 501) is amended by inserting after the item relating to section 207 the following new item:

“Sec. 208. Terms of consumer credit”.

AMENDMENT NO. 4507

(Purpose: To Require the President to Conduct a Review of Circumstances Establishing Eligibility for the Purple Heart for former prisoners of war dying in or due to captivity and to Report to the Congress on the Advisability of Modifying the Criteria for Award of the Purple Heart)

At the appropriate place, add the following:

(a) FINDINGS.—Congress makes the following findings:

(1) The Purple Heart is the oldest military decoration in the world in present use;

(2) The Purple Heart was established on August 7, 1782, during the Revolutionary War, when General George Washington issued an order establishing the Honorary Badge of Distinction, otherwise known as the Badge of Military Merit;

(3) The award of the Purple Heart ceased with the end of the Revolutionary War, but was revived in 1932, the 200th anniversary of George Washington's birth, out of respect for his memory and military achievements by War Department General Orders No. 3, dated February 22, 1932.

(4) The criteria for the award was originally announced in War Department Circular dated February 22, 1932, and revised by Presidential Executive Order 9277, dated December 3, 1942; Executive Order 10409, dated February 12, 1952; Executive Order 11016, dated April 25, 1962, and Executive Order 12464, dated February 23, 1984.

(5) The Purple Heart is awarded in the name of the President of the United States as Commander in Chief to members of the Armed Forces who qualify under criteria set forth by Presidential Executive Order.

(b) DETERMINATION.—As part of the review and report required in subsection (d), the President shall make a determination on expanding eligibility to all deceased servicemembers held as a prisoner of war after December 7, 1941 and who meet the criteria establishing eligibility for the prisoner-of-war medal under section 1128 of Title 10 but who do not meet the criteria establishing eligibility for the Purple Heart.

(c) REQUIREMENTS.—In making the determination described in subsection (b), the President shall take into consideration—

(1) the brutal treatment endured by thousands of POWs incarcerated by enemy forces;

(2) that many service members died due to starvation, abuse, the deliberate withholding of medical treatment for injury or disease, or other causes which do not currently meet the criteria for award of the Purple Heart;

(3) the views of veteran organizations, including the Military Order of the Purple Heart;

(4) the importance and gravity that has been assigned to determining all available facts prior to a decision to award the Purple Heart, and

(5) the views of the Secretary of Defense and the Joint Chiefs of Staff;

(d) REPORT.—Not later than March 1, 2007, the President shall provide the Committees on Armed Services of the Senate and House of Representatives a report on the advisability of modifying the criteria for the award of the Purple Heart to authorize the award of the Purple Heart to military members who die in captivity under unknown circumstances or as a result of conditions and treatment which currently do not qualify the decedent for award of the Purple Heart; and for military members who survive captivity as prisoners of war, but die thereafter as a result of disease or disability incurred during captivity.

AMENDMENT NO. 4508

(Purpose: To modify the qualifications for leadership of the Naval Postgraduate School)

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

SEC. 509. MODIFICATION OF QUALIFICATIONS FOR LEADERSHIP OF THE NAVAL POSTGRADUATE SCHOOL.

Section 7042(a) of title 10, United States Code, is amended—

(1) in paragraph (1)(A)—

(A) by inserting “active-duty or retired” after “An”;

(B) by inserting “or Marine Corps” after “Navy”;

(C) by inserting “or colonel, respectively” after “captain”; and

(D) by inserting “or assigned” after “detailed”;

(2) in paragraph (2), by inserting “and the Commandant of the Marine Corps” after “Operations”; and

(3) in paragraph (4)(A)—

(A) by inserting “(unless such individual is a retired officer of the Navy or Marine Corps in a grade not below the grade of captain or colonel, respectively)” after “in the case of a civilian”;

(B) by inserting “active-duty or retired” after “in the case of an”; and

(C) by inserting “or Marine Corps” after “Navy”.

AMENDMENT NO. 4509

(Purpose: To provide that the Secretary of the Army shall not be considered an owner or operator for purposes of environmental liability in connection with the construction of any portion of the Fairfax County Parkway off the Engineer Proving Ground, Fort Belvoir, Virginia, that is not owned by the Federal Government)

On page 555, strike lines 1 through line 12 and insert the following:

“(B) With respect to activities related to the construction of any portion of the Fairfax County Parkway off the Engineer Proving Ground that is not owned by the Federal Government, the Secretary of the Army shall not be considered an owner or operator for purposes of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).”

AMENDMENT NO. 4510

(Purpose: To increase the number of options periods authorized for extension of current contracts under the TRICARE program)

At the end of subtitle B of title VII, add the following:

SEC. 730. ADDITIONAL AUTHORIZED OPTION PERIODS FOR EXTENSION OF CURRENT CONTRACTS UNDER TRICARE.

(a) ADDITIONAL NUMBER OF AUTHORIZED PERIODS.—

(1) IN GENERAL.—The Secretary of Defense, after consulting with the other administering Secretaries, may extend any contract for the delivery of health care entered into under section 1097 of title 10, United States Code, that is in force on the date of the enactment of this Act by one year, and upon expiration of such extension by one additional year, if the Secretary determines that such extension—

(A) is in the best interests of the United States; and

(B) will—

(i) facilitate the effective administration of the TRICARE program; or

(ii) ensure continuity in the delivery of health care under the TRICARE program.

(2) LIMITATION ON NUMBER OF EXTENSIONS.—The total number of one-year extensions of a contract that may be granted under paragraph (1) may not exceed 2 extensions.

(3) NOTICE AND WAIT.—The Secretary may not commence the exercise of the authority

in paragraph (1) until 30 days after the date on which the Secretary submits to the congressional defense committees a report setting forth the minimum level of performance by an incumbent contractor under a contract covered by such paragraph that will be required by the Secretary in order to be eligible for an extension authorized by such paragraph.

(4) DEFINITIONS.—In this subsection, the terms “administering Secretaries” and “TRICARE program” have the meaning given such terms in section 1072 of title 10, United States Code.

(b) REPORT ON CONTRACTING MECHANISMS FOR HEALTH CARE SERVICE SUPPORT CONTRACTS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on contracting mechanisms under consideration for future contracts for health care service support under section 1097 of title 10, United States Code. The report shall include an assessment of the advantages and disadvantages for the Department of Defense (including the potential for stimulating competition and the effect on health care beneficiaries of the Department) of providing in such contracts for a single term of 5 years, with a single optional period of extension of an additional 5 years if performance under such contract is rated as “excellent”.

AMENDMENT NO. 4219

(Purpose: To rename the death gratuity payable for deaths of members of the Armed Forces as fallen hero compensation)

At the end of subtitle D of title VI, add the following:

SEC. 648. RENAMING OF DEATH GRATUITY PAYABLE FOR DEATHS OF MEMBERS OF THE ARMED FORCES AS FALLEN HERO COMPENSATION.

(a) IN GENERAL.—Subchapter II of chapter 75 of title 10, United States Code, is amended as follows:

(1) In section 1475(a), by striking “have a death gratuity paid” and inserting “have fallen hero compensation paid”.

(2) In section 1476(a)—

(A) in paragraph (1), by striking “a death gratuity” and inserting “fallen hero compensation”; and

(B) in paragraph (2), by striking “A death gratuity” and inserting “Fallen hero compensation”.

(3) In section 1477(a), by striking “A death gratuity” and inserting “Fallen hero compensation”.

(4) In section 1478(a), by striking “The death gratuity” and inserting “The amount of fallen hero compensation”.

(5) In section 1479(1), by striking “the death gratuity” and inserting “fallen hero compensation”.

(6) In section 1489—

(A) in subsection (a), by striking “a gratuity” in the matter preceding paragraph (1) and inserting “fallen hero compensation”; and

(B) in subsection (b)(2), by inserting “or other assistance” after “lesser death gratuity”.

(b) CLERICAL AMENDMENTS.—

(1) HEADING AMENDMENTS.—Such subchapter is further amended by striking “DEATH GRATUITY:” each place it appears in the heading of sections 1475 through 1480 and 1489 and inserting “FALLEN HERO COMPENSATION:”.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of such subchapter is amended by striking “Death gratuity:” in the items relating to sections 1474 through 1480 and 1489 and inserting “Fallen hero compensation:”.

(c) GENERAL REFERENCES.—Any reference to a death gratuity payable under subchapter II of chapter 75 of title 10, United States Code, in any law, regulation, document, paper, or other record of the United States shall be deemed to be a reference to fallen hero compensation payable under such subchapter, as amended by this section.

AMENDMENT NO. 4386

(Purpose: To require a joint family support assistance program for families of members of the Armed Forces)

At the end of subtitle E of title VI, add the following:

SEC. 662. JOINT FAMILY SUPPORT ASSISTANCE PROGRAM.

(a) PROGRAM REQUIRED.—The Secretary of Defense shall carry out a joint family support assistance program for the purpose of providing assistance to families of members of the Armed Forces.

(b) LOCATIONS.—

(1) IN GENERAL.—The Secretary shall carry out the program for at least six regions of the country through sites established by the Secretary for purposes of the program in such regions.

(2) LOCATION OF CERTAIN SITES.—At least three of the sites established under paragraph (1) shall be located in an area that is geographically isolated from military installations.

(c) FUNCTIONS.—The Secretary shall provide assistance to families of the members of the Armed Forces under the program by providing at each site established for purposes of the program under subsection (b) the following:

(1) Financial, material, and other assistance to families of members of the Armed Forces.

(2) Mobile support services to families of members of the Armed Forces.

(3) Sponsorship of volunteers and family support professionals for the delivery of support services to families of members of the Armed Forces.

(4) Coordination of family assistance programs and activities provided by Military OneSource, Military Family Life Consultants, counselors, the Department of Defense, other departments and agencies of the Federal Government, State and local agencies, and non-profit entities.

(5) Facilitation of discussion on military family assistance programs, activities, and initiatives between and among the organizations, agencies, and entities referred to in paragraph (4).

(d) RESOURCES.—

(1) IN GENERAL.—The Secretary shall provide personnel and other resources necessary for the implementation and operation of the program at each site established under subsection (b).

(2) ACCEPTANCE OF CERTAIN SERVICES.—In providing resources under paragraph (1), the Secretary may accept and utilize the services of non-Federal Government volunteers and non-profit entities.

(e) PROCEDURES.—The Secretary shall establish procedures for the operation of each site established under subsection (b) and for the provision of assistance to families of members of the Armed Forces at such site.

(f) IMPLEMENTATION PLAN.—

(1) PLAN REQUIRED.—Not later than 30 days after the first obligation of amounts for the program, the Secretary shall submit to the congressional defense committees a report setting forth a plan for the implementation of the program.

(2) ELEMENTS.—The plan required under paragraph (1) shall include the following:

(A) A description of the actions taken to select and establish sites for the program under subsection (b).

(B) A description of the procedures established under subsection (d).

(C) A review of proposed actions to be taken under the program to improve coordination on family assistance program and activities between and among the Department of Defense, other departments and agencies of the Federal Government, State and local agencies, and non-profit entities.

(g) REPORT.—

(1) IN GENERAL.—Not later than 270 days after the first obligation of amounts for the program, the Secretary shall submit to the congressional defense committees a report on the program.

(2) ELEMENTS.—The report shall include the following:

(A) A description of the program, including each site established for purposes of the program, the procedures established under subsection (d) for operations at each such site, and the assistance provided through each such site for families of members of the Armed Forces.

(B) An assessment of the effectiveness of the program in providing assistance to families of members of the Armed Forces.

(C) An assessment of the advisability of extending the program or making it permanent.

(h) ASSISTANCE TO NON-PROFIT ENTITIES PROVIDING ASSISTANCE TO MILITARY FAMILIES.—The Secretary may provide financial, material, and other assistance to non-profit entities in order to facilitate the provision by such entities of assistance to geographically isolated families of members of the Armed Forces.

(i) SUNSET.—The program required by this section, and the authority to provide assistance under subsection (h), shall cease upon the date that is three years after the first obligation of amounts for the program.

(j) FUNDING.—Of the amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities, \$5,000,000 may be available for the program required by this section and the provision of assistance under subsection (h).

AMENDMENT NO. 4511

(Purpose: To clarify the repeal of the requirement of reduction of Survivor Benefit Plan annuities by dependency and indemnity compensation)

On page 223, strike line 14 and all that follows through line 23, and insert the following:

(a) REPEAL.—

(1) IN GENERAL.—Subchapter II of chapter 73 of title 10, United States Code, is amended as follows:

(A) In section 1450, by striking subsection (c).

(B) In section 1451(c)—

(i) by striking paragraph (2); and

(ii) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(2) CONFORMING AMENDMENTS.—Such subchapter is further amended as follows:

(A) In section 1450—

(i) by striking subsection (e); and

(ii) by striking subsection (k).

(B) In section 1451(g)(1), by striking subparagraph (C).

(C) In section 1452—

(i) in subsection (f)(2), by striking “does not apply—” and all that follows and inserting “does not apply in the case of a deduction made through administrative error.”; and

(ii) by striking subsection (g).

(D) In section 1455(c), by striking “, 1450(k)(2).”

On page 224, line 15, strike “Code,” and insert “Code (as in effect on the day before the effective date provided under subsection (e)).”

On page 225, line 13, strike “1448(d)(2)(B)” and insert “1448(d)(2)(B)”.

AMENDMENT NO. 4197

(Purpose: To modify the effect date of the termination of the phase-in of concurrent receipt of retired pay and veterans disability compensation for veterans with service-connected disabilities rated as total by virtue of unemployability)

At the end of subtitle D of title VI, add the following:

SEC. 648. EFFECTIVE DATE OF TERMINATION OF PHASE-IN OF CONCURRENT RECEIPT FOR VETERANS WITH SERVICE-CONNECTED DISABILITIES RATED AS TOTAL BY VIRTUE OF UNEMPLOYABILITY.

(a) IN GENERAL.—Section 1414(a)(1) of title 10, United States Code, is amended by striking “100 percent” the first place it appears and all that follows and inserting “100 percent and in the case of a qualified retiree receiving veterans’ disability compensation at the rate payable for a 100 percent disability by reason of a determination of individual unemployability, payment of retired pay to such veteran is subject to subsection (c) only during the period beginning on January 1, 2004, and ending on December 31, 2004.”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on December 31, 2004.

AMENDMENT NO. 4512

(Purpose: To modify certain additional authorities for purposes of the targeted shaping of the Armed Forces)

On page 214, strike line 3 and insert the following:

(b) RELAXATION OF LIMITATION ON SELECTIVE EARLY RETIREMENT.—Section 638(a)(2) of title 10, United States Code, is amended by adding at the end the following new sentence: “However, during the period beginning on October 1, 2006, and ending on December 31, 2012, such number may be more than 30 percent of the number of officers considered in each competitive category, but may not be more than 30 percent of the number of officers considered in each grade.”

(c) ENHANCED AUTHORITY FOR SELECTIVE EARLY RETIREMENT AND EARLY DISCHARGES.—

(1) RENEWAL OF AUTHORITY.—Subsection (a) of section 638a of title 10, United States Code, is amended by inserting “and during the period beginning on October 1, 2006, and ending on December 31, 2012,” after “December 31, 2001.”

(2) RELAXATION OF LIMITATION ON SELECTIVE EARLY RETIREMENT.—Subsection (c)(1) of such section is amended by adding at the end the following new sentence: “However, during the period beginning on October 1, 2006, and ending on December 31, 2012, such number may be more than 30 percent of the number of officers considered in each competitive category, but may not be more than 30 percent of the number of officers considered in each grade.”

(3) RELAXATION OF LIMITATION ON SELECTIVE EARLY DISCHARGE.—Subsection (d)(2) of such section is amended—

(A) in subparagraph (A), by inserting before the semicolon the following: “, except that during the period beginning on October 1, 2006, and ending on December 31, 2012, such number may be more than 30 percent of the officers considered in each competitive category, but may not be more than 30 percent of the number of officers considered in each grade”; and

(B) in subparagraph (B), by inserting before the period the following: “, except that during the period beginning on October 1, 2006, and ending on December 31, 2012, such number may be more than 30 percent of the officers considered in each competitive category, but may not be more than 30 percent

of the number of officers considered in each grade”.

(d) INCREASE IN AMOUNT OF INCENTIVE BONUS

AMENDMENT NO. 4513

(Purpose: To provide for the determination of the retired pay base or retain pay base of a general or flag officer based on actual rates of basic pay rather than on amounts payable under the ceiling on the basic pay of such officers)

At the end of subtitle D of title VI, add the following:

SEC. 648. DETERMINATION OF RETIRED PAY BASE OF GENERAL AND FLAG OFFICERS BASED ON RATES OF BASIC PAY PROVIDED BY LAW.

(a) DETERMINATION OF RETIRED PAY BASE.—

(1) IN GENERAL.—Chapter 71 of title 10, United States Code, is amended by inserting after section 1407 the following new section: “§1407a. Retired pay base: members who were general or flag officers

“Notwithstanding any other provision of law, if the determination of the retired pay base or retainer pay base under section 1406 or 1407 of this title with respect to a person who was a commissioned officer in pay grades O-7 through O-10 involves a rate or rates of basic pay that were subject to a reduction under section 203(a)(2) of title 37, such determination shall be made utilizing such rate or rates of basic pay in effect as provided by law rather than such rate or rates as so reduced under section 203(a)(2) of title 37.”.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 71 of such title is amended by inserting after the item relating to section 1407 the following new item:

“1407a. Retired pay base: members who were general or flag officers.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2006, and shall apply with respect to the computation of retired pay for members of the Armed Forces who retire on or after that date.

AMENDMENT NO. 4514

(Purpose: To provide in the calculation of retired pay for members of the Armed Forces that service in excess of 30 years shall not be subject to the maximum limit on the percentage of the retired pay multiplier)

At the end of subtitle D of title VI, add the following:

SEC. 648. INAPPLICABILITY OF RETIRED PAY MULTIPLIER MAXIMUM PERCENTAGE TO SERVICE OF MEMBERS OF THE ARMED FORCES IN EXCESS OF 30 YEARS.

(a) IN GENERAL.—Paragraph (3) of section 1409(b) of title 10, United States Code, is amended to read as follows:

“(3) 30 YEARS OF SERVICE.—

“(A) RETIREMENT BEFORE JANUARY 1, 2007.—In the case of a member who retires before January 1, 2007, with more than 30 years of creditable service, the percentage to be used under subsection (a) is 75 percent.

“(B) RETIREMENT AFTER DECEMBER 31, 2006.—In the case of a member who retires after December 31, 2006, with more than 30 years of creditable service, the percentage to be used under subsection (a) is the sum of—

“(i) 75 percent; and

“(ii) the product (stated as a percentage) of—

“(I) 2½; and

“(II) the member’s years of creditable service (as defined in subsection (c)) in excess of 30 years of creditable service in any service, regardless of when served, under conditions authorized for purposes of this subparagraph during a period designated by the Secretary of Defense for purposes of this subparagraph.”.

(b) RETIRED PAY FOR NON-REGULAR SERVICE.—Section 12739(c) of such title is amended—

(1) by striking “The total amount” and inserting “(1) Except as provided in paragraph (2), the total amount”; and

(2) by adding at the end the following new paragraph:

“(2) In the case of a person who retires after December 31, 2006, with more than 30 years of service credited to that person under section 12733 of this title, the total amount of the monthly retired pay computed under subsections (a) and (b) may not exceed the sum of—

“(A) 75 percent of the retired pay base upon which the computation is based; and

“(B) the product of—

“(i) the retired pay base upon which the computation is based; and

“(ii) 2½ percent of the years of service credited to that person under section 12733 of this title for service, regardless of when served, under conditions authorized for purposes of this paragraph during a period designated by the Secretary of Defense for purposes of this paragraph.”.

AMENDMENT NO. 4515

(Purpose: To modify the commencement date of eligibility for an optional annuity for dependents under the Survivor Benefit Plan)

At the end of subtitle D of title VI, add the following:

SEC. 648. MODIFICATION OF ELIGIBILITY FOR COMMENCEMENT OF AUTHORITY FOR OPTIONAL ANNUITIES FOR DEPENDENTS UNDER THE SURVIVOR BENEFIT PLAN.

(a) IN GENERAL.—Section 1448(d)(2)(B) of title 10, United States Code, is amended by striking “who dies after November 23, 2003” and inserting “who dies after October 7, 2001”.

(b) APPLICABILITY.—Any annuity payable to a dependent child under subchapter II of chapter 73 of title 10, United States Code, by reason of the amendment made by subsection (a) shall be payable only for months beginning on or after the date of the enactment of this Act.

AMENDMENT NO. 4342

(Purpose: To modify the time limitation for use of entitlement to educational assistance for reserve component members supporting contingency operations and other operations)

At the end of subtitle D of title V, add the following:

SEC. 569. MODIFICATION OF TIME LIMIT FOR USE OF ENTITLEMENT TO EDUCATIONAL ASSISTANCE FOR RESERVE COMPONENT MEMBERS SUPPORTING CONTINGENCY OPERATIONS AND OTHER OPERATIONS.

(a) MODIFICATION.—Section 16164(a) of title 10, United States Code, is amended by striking “this chapter while serving—” and all that follows and inserting “this chapter—

“(1) while the member is serving—

“(A) in the Selected Reserve of the Ready Reserve, in the case of a member called or ordered to active service while serving in the Selected Reserve; or

“(B) in the Ready Reserve, in the case of a member ordered to active duty while serving in the Ready Reserve (other than the Selected Reserve); and

“(2) in the case of a person who separates from the Selected Reserve of the Ready Reserve after completion of a period of active service described in section 16163 of this title and completion of a service contract under other than dishonorable conditions, during the 10-year period beginning on the date on which the person separates from the Selected Reserve.”.

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 16165(a) of such title is amended to read as follows:

“(2) when the member separates from the Ready Reserve as provided in section 16164(a)(1) of this title, or upon completion of the period provided for in section 16164(a)(2) of this title, as applicable.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 28, 2004, as if included in the enactment of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375), to which such amendments relate.

AMENDMENT NO. 4365

(Purpose: To reduce the eligibility age for receipt of non-regular military service retired pay for members of the Ready Reserve in active federal status or on active duty for significant periods and to expand eligibility of members of the Selected Reserve for coverage under the TRICARE program)

At the end of subtitle D of title VI, add the following:

SEC. 648. COMMENCEMENT OF RECEIPT OF NON-REGULAR SERVICE RETIRED PAY BY MEMBERS OF THE READY RESERVE ON ACTIVE FEDERAL STATUS OR ACTIVE DUTY FOR SIGNIFICANT PERIODS.

(a) REDUCED ELIGIBILITY AGE.—Section 12731 of title 10, United States Code, is amended—

(1) in subsection (a), by striking paragraph (1) and inserting the following:

“(1) has attained the eligibility age applicable under subsection (f) to that person;”;

and

(2) by adding at the end the following new subsection:

“(f)(1) Subject to paragraph (2), the eligibility age for purposes of subsection (a)(1) is 60 years of age.

“(2)(A) In the case of a person who as a member of the Ready Reserve serves on active duty or performs active service described in subparagraph (B) after September 11, 2001, the eligibility age for purposes of subsection (a)(1) shall be reduced below 60 years of age by three months for each aggregate of 90 days on which such person so performs in any fiscal year after such date, subject to subparagraph (C). A day of duty may be included in only one aggregate of 90 days for purposes of this subparagraph.

“(B)(i) Service on active duty described in this subparagraph is service on active duty pursuant to a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of this title or under section 12301(d) of this title. Such service does not include service on active duty pursuant to a call or order to active duty under section 12310 of this title.

“(ii) Active service described in this subparagraph is service under a call to active service authorized by the President or the Secretary of Defense under section 502(f) of title 32 for purposes of responding to a national emergency declared by the President or supported by Federal funds.

“(C) The eligibility age for purposes of subsection (a)(1) may not be reduced below 50 years of age for any person under subparagraph (A).”.

(b) CONTINUATION OF AGE 60 AS MINIMUM AGE FOR ELIGIBILITY OF NON-REGULAR SERVICE RETIREES FOR HEALTH CARE.—Section 1074(b) of such title is amended—

(1) by inserting “(1)” after “(b)”; and

(2) by adding at the end the following new paragraph:

“(2) Paragraph (1) does not apply to a member or former member entitled to retired pay for non-regular service under chapter 1223 of this title who is under 60 years of age.”.

(c) ADMINISTRATION OF RELATED PROVISIONS OF LAW OR POLICY.—With respect to any provision of law, or of any policy, regulation, or directive of the executive branch that refers to a member or former member of the uniformed services as being eligible for, or entitled to, retired pay under chapter 1223 of title 10, United States Code, but for the fact that the member or former member is under 60 years of age, such provision shall be carried out with respect to that member or former member by substituting for the reference to being 60 years of age a reference to having attained the eligibility age applicable under subsection (f) of section 12731 of title 10, United States Code (as added by subsection (a)), to such member or former member for qualification for such retired pay under subsection (a) of such section.

(d) EFFECTIVE DATE AND APPLICABILITY.—The amendment made by subsection (a) shall take effect as of September 11, 2001, and shall apply with respect to applications for retired pay that are submitted under section 12731(a) of title 10, United States Code, on or after the date of the enactment of this Act.

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

SEC. 707. EXPANSION OF ELIGIBILITY OF MEMBERS OF THE SELECTED RESERVE FOR COVERAGE UNDER TRICARE.

(a) IN GENERAL.—Subsection (a) of section 1076b of title 10, United States Code, is amended—

(1) in paragraph (2), by striking “or” at the end;

(2) in paragraph (3), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following new paragraph:

“(4) is an employee of a business with 20 or fewer employees.”.

(b) PREMIUMS.—Subsection (e)(2) of such section is amended by adding at the end the following new subparagraph:

“(C) For members eligible under paragraph (4) of subsection (a), the amount equal to 75 percent of the total amount determined by the Secretary on an appropriate actuarial basis as being reasonable for the coverage.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2006.

AMENDMENT NO. 4241

(Purpose: To name the Act after John Warner, a Senator from Virginia)

On page 2, strike lines 1 through 3, and insert the following:

SECTION 1. SHORT TITLE; FINDINGS.

(a) SHORT TITLE.—This Act may be cited as the “John Warner National Defense Authorization Act for Fiscal Year 2007”.

(b) FINDINGS.—Congress makes the following findings:

(1) Senator John Warner of Virginia was elected a member of the United States Senate on November 7, 1978, for a full term beginning on January 3, 1979. He was subsequently appointed by the Governor of Virginia to fill a vacancy on January 2, 1979, and has served continuously since that date. He was appointed a member of the Committee on Armed Services in January 1979, and has served continuously on the Committee since that date, a period of nearly 28 years. Senator Warner’s service on the Committee represents nearly half of its existence since it was established after World War II.

(2) Senator Warner came to the Senate and the Committee on Armed Services after a distinguished record of service to the Nation, including combat service in the Armed Forces and high civilian office.

(3) Senator Warner enlisted in the United States Navy upon graduation from high school in 1945, and served until the summer of 1946, when he was discharged as a Petty

Officer 3rd Class. He then attended Washington and Lee University on the G.I. Bill. He graduated in 1949 and entered the University of Virginia Law School.

(4) Upon the outbreak of the Korean War in 1950, Senator Warner volunteered for active duty, interrupting his education to accept a commission in the United States Marine Corps. He served in combat in Korea as a ground officer in the First Marine Air Wing. Following his active service, he remained in the Marine Corps Reserve for several years, attaining the rank of captain.

(5) Senator Warner resumed his legal education upon returning from the Korean War and graduated from the University of Virginia Law School in 1953. He was selected by the late Chief Judge E. Barrett Prettyman of the United States Court of Appeals for the District of Columbia Circuit as his law clerk. After his service to Judge Prettyman, Senator Warner became an Assistant United States Attorney in the District of Columbia, and later entered private law practice.

(6) In 1969, the Senate gave its advice and consent to the appointment of Senator Warner as Under Secretary of the Navy. He served in this position until 1972, when he was confirmed and appointed as the 61st Secretary of the Navy since the office was established in 1798. As Secretary, Senator Warner was the principal United States negotiator and signatory of the Incidents at Sea Executive Agreement with the Soviet Union, which was signed in 1972 and remains in effect today. It has served as the model for similar agreements between states covering the operation of naval ships and aircraft in international sea lanes throughout the world.

(7) Senator Warner left the Department of the Navy in 1974. His next public service was as Director of the American Revolution Bicentennial Commission. In this capacity, he coordinated the celebration of the Nation’s founding, directing the Federal role in all 50 States and in over 20 foreign nations.

(8) Senator Warner has served as chairman of the Committee on Armed Services of the United States Senate from 1999 to 2001, and again since January 2003. He served as ranking minority member of the committee from 1987 to 1993, and again from 2001 to 2003. Senator Warner concludes his service as chairman at the end of the 109th Congress, but will remain a member of the committee.

(9) This Act is the twenty-eighth annual authorization act for the Department of Defense for which Senator Warner has taken a major responsibility as a member of the Committee on Armed Services of the United States Senate, and the fourteenth for which he has exercised a leadership role as chairman or ranking minority member of the committee.

(10) Senator Warner, as seaman, Marine officer, Under Secretary and Secretary of the Navy, and member, ranking minority member, and chairman of the Committee on Armed Services, has made unique and lasting contributions to the national security of the United States.

(11) It is altogether fitting and proper that his Act, the last annual authorization Act for the national defense that Senator Warner manages in and for the United States Senate as chairman of the Committee on Armed Services, be named in his honor, as provided in subsection (a).

AMENDMENT NO. 4220, AS MODIFIED

At the end of subtitle D of title III, add the following:

SEC. 352. REPORT ON HIGH ALTITUDE AVIATION TRAINING SITE, EAGLE COUNTY, COLORADO.

(a) REPORT REQUIRED.—Not later than December 15, 2006, the Secretary of the Army

shall submit to the congressional defense committees a report on the High Altitude Aviation Training Site (HAATS) in Eagle County, Colorado.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of the type of high altitude aviation training being conducted at the High Altitude Aviation Training Site, including the number of pilots who receive such training on an annual basis and the types of aircraft used in such training.

(2) A description of the number and type of helicopters required at the High Altitude Aviation Training Site to provide the high altitude aviation training needed to sustain the war strategies contained in the 2006 Quadrennial Defense Review, assuming that priority is afforded in the provision of such training to commanders, instructor pilots, aviation safety officers, and deploying units.

(3) A thorough evaluation of accident rates for deployed helicopter pilots of the Army who receive high altitude aviation training at the High Altitude Aviation Training Site, and accident rates for deployed Army helicopter pilots who did not receive such training, including the following:

(A) An estimate (set forth as a range) of the number of accidents attributable to power management.

(B) The number of accidents occurring in a combat environment.

(C) The number of accidents occurring in a non-combat environment.

(4) An evaluation of the inventory and availability of Army aircraft for purposes of establishing an appropriate schedule for the assignment of a CH-47 aircraft to the High Altitude Aviation Training Site; if the Chief of Staff of the Army determines there is value in conducting such training at the HAATS.

(5) A description of the status of any efforts to ensure that all helicopter aircrews deployed to the area of responsibility of the Central Command (CENTCOM AOR) are qualified in mountain flight and power management prior to deployment, including the locations where such training occurred, with particular focus on the status of such efforts with respect to aircrews to be deployed in support of Operation Enduring Freedom.

(c) TRACKING SYSTEM.—The Secretary shall implement a system for tracking those pilots that have attended a school with an established Program of Instruction for high altitude aviation operations training. The system should, if practical, utilize an existing system that permits the query of pilot flight experience and training.

AMENDMENT NO. 4371

(Purpose: To improve the provisions relating to the linking of award and incentive fees to acquisition outcomes)

On page 345, line 2, strike “poor” and insert “below-satisfactory performance or performance that does not meet the basic requirements of the contract”.

AMENDMENT NO. 4244

(Purpose: Relating to military vaccinations)

At the end of subtitle B of title VII, add the following:

SEC. 730. MILITARY VACCINATION MATTERS.

(a) ADDITIONAL ELEMENT FOR COMPTROLLER GENERAL STUDY AND REPORT ON VACCINE HEALTHCARE CENTERS.—Section 736(b) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3356) is amended by adding at the end the following new paragraph:

“(10) The feasibility and advisability of transferring direct responsibility for the Centers from the Army Medical Command to the Under Secretary of Defense for Personnel and Readiness and the Assistant Secretary of

Defense for Force Protection and Readiness.”.

(b) RESPONSE TO MEDICAL NEEDS ARISING FROM MANDATORY MILITARY VACCINATIONS.—

(1) IN GENERAL.—The Secretary of Defense shall maintain a joint military medical center of excellence focusing on the medical needs arising from mandatory military vaccinations.

(2) ELEMENTS.—The joint military medical center of excellence under paragraph (1) shall consist of the following:

(A) The Vaccine Healthcare Centers of the Department of Defense, which shall be the principal elements of the center.

(B) Any other elements that the Secretary considers appropriate.

(3) AUTHORIZED ACTIVITIES.—In acting as the principal elements of the joint military medical center under paragraph (1), the Vaccine Healthcare Centers referred to in paragraph (2)(A) may carry out the following:

(A) Medical assistance and care to individuals receiving mandatory military vaccines and their dependents, including long-term case management for adverse events where necessary.

(B) Evaluations to identify and treat potential and actual health effects from vaccines before and after their use in the field.

(C) The development and sustainment of a long-term vaccine safety and efficacy registry.

(D) Support for an expert clinical advisory board for case reviews related to disability assessment questions.

(E) Long-term and short-term studies to identify unanticipated benefits and adverse events from vaccines.

(F) Educational outreach for immunization providers and those required to receive immunizations.

(G) The development, dissemination, and validation of educational materials for Department of Defense healthcare workers relating to vaccine safety, efficacy, and acceptability.

(c) LIMITATION ON RESTRUCTURING OF VACCINE HEALTHCARE CENTERS.—

(1) LIMITATION.—The Secretary of Defense may not downsize or otherwise restructure the Vaccine Healthcare Centers of the Department of Defense until the Secretary submits to Congress a report setting forth a plan for meeting the immunization needs of the Armed Forces during the 10-year period beginning on the date of the submittal of the report.

(2) REPORT ELEMENTS.—The report submitted under paragraph (1) shall include the following:

(A) An assessment of the potential biological threats to members of the Armed Forces that are addressable by vaccine.

(B) An assessment of the distance and time required to travel to a Vaccine Healthcare Center by members of the Armed Forces who have severe reactions to a mandatory military vaccine.

(C) An identification of the most effective mechanisms for ensuring the provision services by the Vaccine Healthcare Centers to both military medical professionals and members of the Armed Forces.

(D) An assessment of current military and civilian expertise with respect to mass adult immunization programs, including case management under such programs for rare adverse reactions to immunizations.

(E) An organizational structure for each military department to ensure support of the Vaccine Healthcare Centers in the provision of services to members of the Armed Forces.

AMENDMENT NO. 4516

(Purpose: To ensure the timely completion of the equity finalization process for Naval Petroleum Reserve Numbered 1)

At the end of division C, add the following:

TITLE XXXIII—NAVAL PETROLEUM RESERVES

SEC. 3301. COMPLETION OF EQUITY FINALIZATION PROCESS FOR NAVAL PETROLEUM RESERVE NUMBERED 1.

Section 3412(g) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 10 U.S.C. 7420 note) is amended—

(1) by inserting “(1)” after “(g)”; and

(2) by adding at the end the following new paragraph:

“(2)(A) In light of the unique role that the independent petroleum engineer who is retained pursuant to paragraph (b)(2) performs in the process of finalizing equity interests, and the importance to the United States taxpayer of timely completion of the equity finalization process, the independent petroleum engineer’s ‘Shallow Oil Zone Provisional Recommendation of Equity Participation,’ which was presented to the equity finalization teams for the Department of Energy and Chevron U.S.A. Inc. on October 1 and 2, 2002, shall become the final equity recommendation of the independent petroleum engineer, as that term is used in the Protocol on NPR-1 Equity Finalization Implementation Process, July 8, 1996, for the Shallow Oil Zone unless the Department of Energy and Chevron U.S.A. Inc. agree in writing not later than 60 days after the date of the enactment of this paragraph that the independent petroleum engineer shall not be liable to either party for any cost or expense incurred or for any loss or damage sustained—

“(i) as a result of the manner in which services are performed by the independent petroleum engineer in accordance with its contract with the Department of Energy to support the equity determination process;

“(ii) as a result of the failure of the independent petroleum engineer in good faith to perform any service or make any determination or computation, unless caused by its gross negligence; or

“(iii) as a result of the reliance by either party on any computation, determination, estimate or evaluation made by the independent petroleum engineer unless caused by the its gross negligence or willful misconduct.

“(B) If Chevron U.S.A. Inc. agrees in writing not later than 60 days after the date of the enactment of this paragraph that the independent petroleum engineer shall not be liable to Chevron U.S.A. Inc. or the Department of Energy for any cost or expense incurred or for any loss or damage described in clauses (i) through (iii) of subparagraph (A), the Department of Energy shall agree to the same not later than such date.”.

AMENDMENT NO. 4466

(Purpose: To improve mental health screening and services for members of the Armed Forces)

At the end of subtitle B of title VII, add the following:

SEC. 730. ENHANCED MENTAL HEALTH SCREENING AND SERVICES FOR MEMBERS OF THE ARMED FORCES.

(a) REQUIRED ELEMENTS OF ASSESSMENTS.—Each pre-deployment mental health assessment of a member of the Armed Forces, shall include the following:

(1) A mental health history of the member, with emphasis on mental health status during the 12-month period ending on the date of the assessment and a review of military service during that period.

(2) An assessment of the current treatment of the member, and any use of psychotropic medications by the member, for a mental health condition or disorder.

(3) An assessment of any behavior of the member identified by the member’s commanding officer that could indicate the presence of a mental health condition.

(4) Information provided by the member (through a checklist or other means) on the presence of any serious mental illness or any symptoms indicating a mental health condition or disorder.

(b) REFERRAL FOR FURTHER EVALUATION.—Each member of the Armed Forces who is determined during a pre-deployment or post-deployment mental health assessment to have, or have symptoms or indicators for, a mental health condition or disorder shall be referred to a qualified health care professional with experience in the evaluation and diagnosis of mental health conditions.

(c) REFERRAL OF MEMBERS DEPLOYED IN CONTINGENCY OR COMBAT OPERATIONS.—any member of the Armed Forces called or ordered to active duty in support of contingency or combat operations who requests access to mental health care services any time before, during, or after deployment shall be provided access to such services—

(1) not later than 72 hours after the making of such request; or

(2) at the earliest practicable time thereafter.

(d) MINIMUM MENTAL HEALTH STANDARDS FOR DEPLOYMENT.—

(1) STANDARDS REQUIRED.—The Secretary of Defense shall prescribe in regulations minimum standards for mental health for the eligibility of a member of the Armed Forces for deployment to a combat operation or contingency operation.

(2) ELEMENTS.—The standards required by paragraph (1) shall include the following:

(A) A specification of the mental health conditions, treatment for such conditions, and receipt of psychotropic medications for such conditions that preclude deployment of a member of the Armed Forces to a combat operation or contingency operation, or to a specified type of such operation.

(B) Guidelines for the deployability and treatment of members of the Armed Forces diagnosed with a severe mental illness or Post Traumatic Stress Disorder (PTSD).

(3) UTILIZATION.—The Secretary shall take appropriate actions to ensure the utilization of the standards prescribed under paragraph (1) in the making of determinations regarding the deployability of members of the Armed Forces to a combat operation or contingency operation.

(e) MONITORING OF CERTAIN INDIVIDUALS.—The Secretary of Defense shall develop a plan, to be implemented throughout the Department of Defense, for monitoring the mental health of each member of the Armed Forces who, after deployment to a combat operation or contingency operation, is known—

(1) to have a mental health condition or disorder; or

(2) to be receiving treatment, including psychotropic medications, for a mental health condition or disorder.

(f) IMPLEMENTATION.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House or Representatives a report on the actions taken to implement the requirements of this section.

AMENDMENT NO. 4517

(Purpose: To make funds available for the Our Military Kids youth support program)

SEC. 1414. OUR MILITARY KIDS YOUTH SUPPORT PROGRAM.

(a) ARMY FUNDING FOR EXPANSION OF PROGRAM.—Of the amount authorized to be appropriated by section 1405(1) for operation and maintenance for the Army, \$1,500,000 may be available for the expansion nationwide of the Our Military Kids youth support program for dependents of elementary and

secondary school age of members of the National Guard and Reserve who are severely wounded or injured during deployment.

(b) ARMY NATIONAL GUARD FUNDING FOR EXPANSION OF PROGRAM.—Of the amount authorized to be appropriated by section 1405(6) for operation and maintenance for the Army National Guard, \$500,000 may be available for the expansion nationwide of the Our Military Kids youth support program.

AMENDMENT NO. 4363, AS MODIFIED

At the end of subtitle B of title III, add the following:

SEC. 315. INFANTRY COMBAT EQUIPMENT.

Of the amount authorized to be appropriated by section 301(8) for operation and maintenance for the Marine Corps Reserve, \$2,500,000 may be available for Infantry Combat Equipment (ICE).

AMENDMENT NO. 4450, AS MODIFIED

At the end of subtitle B of title II, add the following:

SEC. 215. HIGH ENERGY LASER-LOW ASPECT TARGET TRACKING.

(a) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY.—The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army is hereby increased by \$5,000,000.

(b) AVAILABILITY OF AMOUNT.—

(1) IN GENERAL.—Of the amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army, as increased by subsection (a), \$5,000,000 may be available for the Department of Defense High Energy Laser Test Facility for High Energy Laser Low Aspect Target Tracking (HEL-LATT) test series done jointly with the Navy.

(2) CONSTRUCTION WITH OTHER AMOUNTS.—The amount available under paragraph (1) for the purpose set forth in that paragraph is in addition to any amounts available under this Act for that purpose.

(c) OFFSET.—The amount authorized to be appropriated by section 421 for military personnel is hereby reduced by \$5,000,000, due to unexpended obligations, if available.

AMENDMENT NO. 4362, AS MODIFIED

At the end of subtitle B of title III, add the following:

SEC. 315. INDIVIDUAL FIRST AID KIT.

Of the amount authorized to be appropriated by section 301(8) for operation and maintenance for the Marine Corps Reserve, \$1,500,000 may be available for the Individual First Aid Kit (IFAK).

AMENDMENT NO. 4275, AS MODIFIED

At the end of subtitle B of title II, add the following:

SEC. 215. ADVANCED ALUMINUM AEROSTRUCTURES INITIATIVE.

(a) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE.—The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force is hereby increased by \$2,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force, as increased by subsection (a), \$2,000,000 may be available for Aerospace Technology Development and Demonstration (PE #603211F) for the Advanced Aluminum Aerostructures Initiative (A3I).

(c) OFFSET.—The amount authorized to be appropriated by section 421 for military personnel is hereby decreased by \$2,000,000, due to unexpended obligations, if available.

AMENDMENT NO. 4475, AS MODIFIED

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

SEC. 203. AMOUNT FOR DEVELOPMENT AND VALIDATION OF WARFIGHTER RAPID AWARENESS PROCESSING TECHNOLOGY.

(a) INCREASE IN AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR THE NAVY.—The amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy is hereby increased by \$4,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy, as increased by subsection (a), \$4,000,000 may be available for the development, validation, and demonstration of warfighter rapid awareness processing technology for distributed operations within the Marine Corps Landing Force Technology program.

(c) OFFSET.—The amount authorized to be appropriated by section 421 for military personnel is hereby decreased by \$4,000,000, due to unexpended obligations, if available.

AMENDMENT NO. 4276, AS MODIFIED

At the end of subtitle B of title II, add the following:

SEC. 215. LEGGED MOBILITY ROBOTIC RESEARCH.

(a) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY.—The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army is hereby increased by \$1,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army, as increased by subsection (a), \$1,000,000 may be available for Combat Vehicle and Automotive Technology (PE #602601A) for legged mobility robotic research for military applications.

(c) OFFSET.—The amount authorized to be appropriated by section 421 for military personnel is hereby decreased by \$1,000,000, due to unexpended obligations, if available.

AMENDMENT NO. 4469, AS MODIFIED

At the end of subtitle B of title II, add the following:

SEC. 215. WIDEBAND DIGITAL AIRBORNE ELECTRONIC SENSING ARRAY.

(a) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE.—The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force is hereby increased by \$3,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force, as increased by subsection (a), \$3,000,000 may be available for Wideband Digital Airborne Electronic Sensing Array (PE #0602204F).

(c) OFFSET.—The amount authorized to be appropriated by section 421 for military personnel is hereby reduced by \$3,000,000, due to unexpended obligations, if available.

AMENDMENT NO. 4477, AS MODIFIED

At the end of subtitle B of title II, add the following:

SEC. 215. SCIENCE AND TECHNOLOGY.

(a) ARMY SUPPORT FOR UNIVERSITY RESEARCH INITIATIVES.—

(1) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY.—The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army is hereby increased by \$10,000,000.

(2) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army, as increased by paragraph (1), \$10,000,000 may be available for

program element PE 0601103A for University Research Initiatives.

(b) NAVY SUPPORT FOR UNIVERSITY RESEARCH INITIATIVES.—

(1) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY.—The amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy is hereby increased by \$10,000,000.

(2) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy, as increased by paragraph (1), \$10,000,000 may be available for program element PE 0601103N for University Research Initiatives.

(c) AIR FORCE SUPPORT FOR UNIVERSITY RESEARCH INITIATIVES.—

(1) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE.—The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force is hereby increased by \$10,000,000.

(2) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force, as increased by paragraph (1), \$10,000,000 may be available for program element PE 0601103F for University Research Initiatives.

(d) COMPUTER SCIENCE AND CYBERSECURITY.—

(1) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE.—The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-wide activities is hereby increased by \$10,000,000.

(2) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-wide activities, as increased by paragraph (1), \$10,000,000 may be available for program element PE 0601101E for the Defense Advanced Research Projects Agency University Research Program in Computer Science and Cybersecurity.

(e) SMART NATIONAL DEFENSE EDUCATION PROGRAM.—

(1) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE.—The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-wide activities is hereby increased by \$5,000,000.

(2) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-wide activities, as increased by paragraph (1), \$5,000,000 may be available for program element PE 0601120D8Z for the SMART National Defense Education Program.

(f) OFFSET.—The amount authorized to be appropriated by section 421 for military personnel is hereby reduced by \$45,000,000, due to unexpended obligations, if available.

AMENDMENT NO. 4518

(Purpose: To make available funds for the Reading for the Blind and Dyslexic program of the Department of Defense)

At the end of subtitle B of title III, add the following:

SEC. 315. READING FOR THE BLIND AND DYSLEXIC PROGRAM OF THE DEPARTMENT OF DEFENSE.

(a) DEFENSE DEPENDENTS.—Of the amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities, \$500,000 may be available for the Reading for the Blind and Dyslexic program of the Department of Defense for defense dependents of elementary

and secondary school age in the continental United States and overseas.

(b) SEVERELY WOUNDED OR INJURED MEMBERS OF THE ARMED FORCES.—Of the amount authorized to be appropriated by section 1405(5) for operation and maintenance for Defense-wide activities, \$500,000 may be available for the Reading for the Blind and Dyslexic program of the Department of Defense for severely wounded or injured members of the Armed Forces.

AMENDMENT NO. 4214

(Purpose: To make a technical correction to a project for Rickenbacker Airport, Columbus, Ohio)

At the appropriate place, insert the following:

RICKENBACKER AIRPORT, COLUMBUS, OHIO

SEC. _____. The project numbered 4651 in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1434) is amended by striking “Grading, paving” and all that follows through “Airport” and inserting “Grading, paving, roads, and the transfer of rail-to-truck for the intermodal facility at Rickenbacker Airport, Columbus, OH”.

AMENDMENT NO. 4519

(Purpose: To make technical corrections to a high priority project and transportation improvement project in the State of Michigan)

At the appropriate place, insert the following:

SEC. _____. HIGHWAY PROJECTS, DETROIT, MICHIGAN.

(a) HIGH PRIORITY PROJECT.—The table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1256) is amended in the item numbered 4333 (119 Stat. 1422) by striking “Plan and construct, land acquisition, Detroit West Riverfront Greenway” and inserting “Detroit Riverfront Conservancy, Riverfront walkway, greenway, and adjacent land planning, construction, and land acquisition from Gabriel Richard Park at the Douglas Mac Arthur Bridge to Riverside Park at the Ambassador Bridge, Detroit”.

(b) TRANSPORTATION IMPROVEMENT PROJECT.—The table contained in section 1934(c) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1485) is amended in the item numbered 196 (119 Stat. 1495) by striking “Detroit Riverfront Conservancy, West Riverfront Walkway, Greenway and Adjacent Land Acquisition, from Riverfront Towers to Ambassador Bridge, Detroit” and inserting “Detroit Riverfront Conservancy, Riverfront walkway, greenway, and adjacent land planning, construction, and land acquisition from Gabriel Richard Park at the Douglas Mac Arthur Bridge to Riverside Park at the Ambassador Bridge, Detroit”.

AMENDMENT NO. 4197

Mr. REID. Mr. President, I rise today along with my colleague Mrs. Lincoln to discuss an amendment accepted today by the distinguished chairman Mr. WARNER, and ranking member, Mr. LEVIN.

I appreciate their willingness to advance this very important legislation. Our policy must reflect our Nation's care and appreciation for our veterans, and I will continue to work towards obtaining full concurrent receipt. I have said it before, but I will say it again.

It is unacceptable that the men and women who dedicated their entire careers to service in the military must

surrender a portion of their retired pay if they want to receive the disability compensation.

It is acceptable, but today, because of the policy of concurrent receipt, it is the law for veterans classified as unemployable.

Throughout my time in the Senate, I have championed legislation that would end the unfair policy of denying America's disabled veteran's retirement benefits they have earned through years of service and sacrifice.

In 2004, I introduced legislation that was passed into helping those veterans who were 100 percent disabled to receive full concurrent receipt immediately. By eliminating the 10-year phase-in period, the passage of this legislation was a significant victory for those who have fought for our freedom.

But, I never imagined that the administration would intentionally change the intent, interpret the law, and shamelessly deny unemployable veterans, no matter what their disability rating, retirement pay and disability compensation.

What kind of message does this send to our men and women in the military today?

We have thousands of new American veterans from the Iraq and Afghanistan wars. These men and women serve in the most inhospitable reaches of the world, defending our freedoms and fighting for the cause of liberty.

Most of these young American Veterans don't realize that if they are injured or wounded to the point where they can no longer work, will have to choose between their retired pay and their disability compensation. As of today, they will not receive both until 2009.

This is unfair.

Military retired pay is earned compensation for the extraordinary demands and sacrifices inherent in a military career. It is a reward promised for serving two decades or more under conditions that most Americans find intolerable.

For several years I have introduced and championed legislation that would end the unfair policy of denying America's disabled veterans' retirement benefits they have earned through years of service and sacrifice.

In November 2005, an amendment was passed to expand concurrent receipt to cover America's disabled veterans rated as “unemployable,” and to implement the new policy immediately instead of phasing it in over a decade. However, I was disappointed that the conference committee chose not to enact this valuable legislation until 2009.

Therefore, I introduced this amendment to restore their full benefits as originally intended in the legislation I introduced in 2004.

Veterans' disability compensation is recompense for pain, suffering, and lost future earning power caused by a service-connected illness or injury. Few retirees can afford to live on their retired

pay alone, and a severe disability only makes the problem worse by limiting or denying any post-service working life.

Mr. President, an “unemployable” retiree should not have to forfeit part or all of his or her earned retired pay as a result of having suffered a service-connected disability.

At a time when our Nation is calling upon our Armed Forces to defend democracy and freedom, we must be careful not to send the wrong signal to those in uniform.

All who have selected to make their career in the U.S. military now face an additional unknown risk in our fight against terrorism. If they are injured, they would be forced to forego their earned retired pay in order to receive their VA disability compensation. In effect, they would be paying for their own disability benefits from their retirement checks unless my legislation is enacted.

This will send a signal to these brave men and women that the American people and government take care of those who make sacrifices for our nation. It is time for us to show our appreciation to the men and women who have demonstrated their allegiance to their country and the principles it stands for.

I, again, thank Senator WARNER and Senator LEVIN for their assistance in including this provision in the fiscal year 2007 Defense authorization bill.

AMENDMENT NO. 4494

Mr. DODD. Mr. President, I rise today to discuss my concerns about the amendment offered by my good colleague Senator BURNS, regarding electronic voting technology to S. 2766, the National Defense Authorization Act for Fiscal Year 2007.

I understand that this amendment directs the Department of Defense, DOD, to continue the interim voting assistance system, IVAS, for uniformed service voters, overseas Defense Department employees, and dependents of such voters and employees, for all Federal elections through December 31, 2006. The amendment would not, as I understand it, extend the current program to nonmilitary overseas voters. Further, I understand that the amendment directs the DOD to submit two reports to Congress, one assessing the IVAS program during the 2006 Federal elections and the second detailing plans for an expansion of the IVAS program to all voters covered under the Uniform Overseas Citizens Absentee Voting Act, UOCAVA, through November 2010.

I commend my colleague from Montana for his efforts to protect the fundamental right to vote and for extending a critical program that facilitates electronic ballot access for our valiant overseas service men and women, their colleagues and families. I strongly support the goals of this legislation.

However, I am deeply concerned that the amendment as drafted continues to

withhold the benefits of new technology from millions of other non-military overseas voters in a manner that is inconsistent with the purposes of UOCAVA. According to the language of this amendment, only those with an existing affiliation to DOD will continue to benefit from the IVAS program in contrast to the broader group of citizens covered by UOCAVA, including overseas voters who are not members of the military, employees of the Defense Department or a dependent of either group.

As my colleague know, UOCAVA treats all overseas voters—military, civilian or otherwise—equally with respect to voting rights. Classes of voters under UOCAVA are not bifurcated. This approach ensures that the all voters are treated in a nondiscriminatory manner under UOCAVA.

The number of overseas voters continues to make a difference in our Federal elections. The Federal Voting Assistance Program, FVAP, under the Secretary of Defense estimates that over 3 percent of the total vote in the 1996, 2000, and 2004 elections came from abroad. In addition, an umbrella coalition focused on military and overseas voters estimates that the number of Americans residing overseas have ranged from 3 million to 6 million, but generally put the global population somewhere around 4 million. The coalition's member organizations include the Federation of American Women's Clubs Overseas Inc, FAWCO, the American Citizens Abroad, ACA, the Alliance of American Organizations—Spain and Portugal, ALLAMO and the Association of Americans Resident Overseas, AARO. Overseas voters are important Americans who, under the goals of UOCAVA, must have the same opportunity to cast a vote and have that vote counted as their military counterparts.

There is nothing more fundamental to the vitality and endurance of a democracy of the people, by the people and for the people, than the people's right to vote. Thomas Paine wrote in 1795 that, "the right of voting for representatives is the primary right by which other rights are protected." This statement takes on an even more significant meaning to Americans when America is at war.

As a former Peace Corps volunteer, I can offer testimony to the meaningful contributions made by overseas citizens who are not included in the covered classes under the amendment of my colleague from Montana. At a time when the image of the United States is receiving international scrutiny, the work of individuals such as Peace Corps volunteers is critical. The work of all our overseas citizens, whether they serve in the military to protect us back at home or whether they conduct businesses and raise their families overseas, must be honored with an absolute equal opportunity to vote in Federal elections.

We should not take any actions to discourage our civilian overseas voters.

We should not treat civilian overseas voters any differently than overseas military or DOD contract voters, and certainly not by erecting an artificial bifurcation barrier between military and civilian votes under UOCAVA.

I appreciate the fact that this amendment recognizes the need to eliminate that bifurcation by requiring DOD to report specifically on expanding the use of electronic voting technology for all voters under UOCAVA. I look forward to that report and will continue to work to ensure that all American citizens living overseas have an equal opportunity to participate in our democracy through the ballot box.

AMENDMENT NO. 4241

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

This amendment would name the National Defense Authorization Act for Fiscal Year 2007 after the chairman of the Committee on Armed Services, our distinguished friend and colleague from Virginia, JOHN WARNER. I am pleased to be joined in this effort by Senators FRIST, LEVIN, INHOFE, KENNEDY, ROBERTS, BYRD, SESSIONS, LIEBERMAN, COLLINS, JACK REED, ENSIGN, AKAKA, TALENT, BILL NELSON, CHAMBLISS, BEN NELSON, GRAHAM, DAYTON, DOLE, BAYH, CORNYN, CLINTON, THUNE, ALLARD, and ALLEN.

I am certain that there is not a Senator in this Chamber who would not agree that Senator WARNER, with his grace, courtliness, bipartisan attitude: and kindness to all, represents the finest traditions of the Senate. All Senators know that the Defense Authorization bill occupies a major place in the annual legislative calendar and takes substantial time to complete. Those Senators who do not have the privilege of serving on the Committee on Armed Services may not realize the tremendous amount of work that goes into hearings, formulation of legislative proposals, preparation for markup, and actual markup of this bill—the largest annually recurring piece of legislation in Congress. When one adds to this the oversight of the largest department in the government, and the processing of thousands of military and civilian nominations each year, the demands on the chairman of the committee and the need for leadership are obvious. For 6 years, JOHN WARNER has provided that leadership, and done it in a manner that has gained him universal respect.

JOHN WARNER is, first and foremost, a Virginian—a native of that Old Dominion that has stood at the center of American history for over two centuries and has given the Nation so many of its eminent men, from Washington forward. JOHN WARNER has continued that tradition of service to country from his youth. The son of a decorated Army physician in World War I, JOHN WARNER left high school to enlist in the Navy late in World War II. He served until 1946, when he was discharged as a petty officer 3rd class.

Like millions of other young Americans, he then attended college on the GI bill, graduating from Washington and Lee University in 1949. He then entered the University of Virginia Law School. He interrupted his education to serve in the Korean war, volunteering for active duty and accepting a commission in the Marine Corps. He served in combat as a ground officer in the First Marine Air Wing, and remained in the Marine Corps Reserve for several years. Upon returning from the Korean war, he resumed his legal education, graduating from the University of Virginia Law School in 1953.

Upon graduation, JOHN WARNER's outstanding qualities were recognized when he was selected to serve as the law clerk to the late Judge E. Barrett Prettyman of the U.S. Court of Appeals for the District of Columbia Circuit, one of the most outstanding jurists of the period. Many years later, Senator WARNER would be instrumental in naming the U.S. Court House in Washington, DC, for his old mentor. After his clerkship, JOHN WARNER became an assistant U.S. attorney in the District of Columbia, and later was engaged in the private practice of law.

In 1969, President Nixon nominated JOHN WARNER to serve as Under Secretary of the Navy. The Senate confirmed the nomination, and he served as Under Secretary until he was confirmed and appointed as the 61st Secretary of the Navy in 1972. During his tenure as Secretary, the United States and the Soviet Union signed the Incidents at Sea Executive Agreement, for which he was the principal United States negotiator and signatory. This agreement remains in effect today and has served as a model for similar agreements governing naval vessels and aircraft around the world.

After leaving the Department of the Navy in 1974, JOHN WARNER's next public service was as chairman of the American Revolution Bicentennial Commission. He oversaw the celebration of the Nation's founding, directing the Federal Government's role in a commemoration that embraced all 50 States and over 20 foreign nations.

In 1978, the voters of Virginia elected JOHN WARNER to a full term in the U.S. Senate. Upon beginning his service in 1979, he was elected a member of the Committee on Armed Services. Upon leaving the chairmanship next year, he will have served on the committee for 28 years, almost half of the committee's existence. Senator WARNER served as chairman of the committee from 1999 to 2001, and again since 2003. He also served as ranking member from 1987 to 1993, and again from 2001 to 2003. For 14 years of American history, years that saw the end of the Cold War, the first gulf war, the attacks on September 11, 2001, and the global war on terror, JOHN WARNER has served in a leadership role on the committee.

No Member of this body has done more for our national security than JOHN WARNER. As sailor, Marine officer, Under Secretary, and Secretary of

the Navy, and U.S. Senator, he has always answered his country's call. The dignified and evenhanded way in which he has presided over the business of the committee has enabled it to continue its noble tradition of being an island of bipartisanship in an increasingly unpleasant political era. I submit, Mr. President, that it is exceedingly appropriate that this year's Defense Authorization Act, the last which JOHN WARNER will manage as chairman of the Committee on Armed Services, be named in his honor.

AMENDMENT NO. 4244

Mr. BIDEN. Mr. President, I rise to thank my colleagues for accepting an amendment that I introduced on behalf of myself, Senator BINGAMAN, and Senator CARPER to fully protect the health of our military personnel. The majority of this amendment is the same language the Senate included in last year's Defense Authorization bill clearly establishing the Vaccine Healthcare Centers, or VHCs, role in force protection and treatment. That language was not retained in conference. Instead, a GAO report was mandated. While the GAO report will be helpful in refining the organization and missions of the VHCs, it is important to clearly establish their role today.

The GAO report will not be completed until next year. In addition to the language the Senate passed last year, this amendment includes one additional area for GAO to investigate and a requirement that the Department of Defense examine and plan for its future vaccination needs. Both necessary steps to determining the optimal structure for the centers.

I should also point out to my colleagues that this amendment does not add any funding to the bill. The centers are currently being funded at \$6 million a year with global war on terror funds. This amendment does not change that.

Let me explain more thoroughly what the vaccine health care centers do. As our military operates around the globe, they are protected from common illnesses like the flu and from common travel concerns, like yellow fever for sub-Saharan Africa, by vaccinations. In addition, they are vaccinated to protect them from biological warfare agents like anthrax or smallpox.

These force protection measures are critically important, but they only work if military personnel are confident that the vaccines themselves are not dangerous or that the side-effects can be treated.

Vaccines, even those generally considered safe, are still drugs put into the body. For that reason, there are always a small number of personnel whose bodies will have an adverse reaction to a "safe" vaccine. In order to deal with this, the Vaccine Healthcare Centers Network was established in 2001.

The centers act as a specialized medical unit and center of excellence that can provide the best possible clinical

care to any military member, Active-Duty, Guard, or Reserve, or their family that has a severe reaction. They also advise the Department of Defense regarding vaccine administration policies and educate military health care professionals regarding the safest and best practices for vaccine administration. Their overall mission is to promote vaccine safety and provide expert knowledge to patients and physicians.

Why is this so important? As many of you know, the number of adults who get regular vaccines is fairly small. While we have civilian specialists who deal with childhood vaccinations and problems that might develop, the population of adults regularly vaccinated with anything more than the flu vaccine is small. No civilian expertise exists in this area because the cases are rare and infrequent.

In the military, the reverse is true. Military personnel are regularly vaccinated for travel, for threats relating to their theater of operation, and for things like the flu. Even in the military, though, the cases are rare and spread throughout the force. It is difficult for the average base physician to develop the expertise needed to recognize the problem and to provide the best treatment. In order to effectively develop proper treatments, there must be a centralized center to capture the information on those who experience severe problems.

Here are some specifics:

Last year, 2005, the VHCs managed over 700 cases of adverse reactions to mandatory vaccines.

Each military service made use of the help and care offered by the VHCs—48 percent of their cases were in the Army, 29.6 percent of their cases were in the Air Force, 13 percent of their cases were in the Navy and Marine Corps, and 2.4 percent of their cases were in the Coast Guard.

Since being founded, as part of their ongoing educational effort, the VHCs have developed and distributed over 50,000 immunization tool kits to improve vaccinations throughout DOD.

The VHCs are leading the effort to properly characterize and develop treatments for serious reactions to the smallpox vaccine and the anthrax vaccine. In many cases, they collaborate with outside researchers and analysts by providing the large sample population needed to develop case definitions and clinical guidelines.

Since beginning their work in 2001, the VHCs have handled a total of 2,049 cases. Their yearly case load has gone up 83 percent since 2001.

The over 2,000 cases treated demonstrates clearly the need for postvaccination treatment expertise. In all of these cases, base or post doctors did not have the expertise to adequately treat sick personnel. Given that these are mandatory vaccinations, we have an absolute moral obligation to make sure that those made sick by them get the best possible treatment. Much as the military developed a

unique expertise in treating those exposed to nuclear radiation, in this new era of proliferating biological threats we must now develop an expertise in postvaccination treatments.

This has all been done by an extremely small staff—only one full-time doctor, three nurse practitioners, and five educators and support staff at each of the four regional facilities. The value and medical services they have provided to the entire military family—Army, Navy, Air Force, Marines, and Coast Guard—has been extraordinary.

Make no mistake, military personnel and their dependents are more confident in the vaccination programs because of the VHCs. When personnel do suffer adverse reactions, reports are extremely positive regarding the care they now get from the centers and we do not see individual cases becoming national news and fear spreading throughout the force.

Why do we need the language I am proposing? The reason is simple. Despite the May 9, 2006, testimony from the Deputy Assistant Secretary of Defense for Force Health Protection and Readiness to the House Committee on Government Reform touting the centers as DOD's answer to adverse anthrax vaccine reactions, the centers are still not clearly established in law and face regular funding battles.

The VHCs were created in minimally worded report language from the fiscal year 2001 Labor-HHS Appropriations conference report. It is time to recognize their role and varied responsibilities with a proper authorization.

In addition, it is time to make sure they have clear and regular funding. For the past 5 years, the VHCs have been funded by the Army alone, primarily with global war on terror funds. I applaud the Army for recognizing the need for the centers and providing those funds from their wartime allocation. But, I am concerned that this is not sustainable and it is not what Congress intended. The Army is only the executive agent for what is supposed to be a defense-wide service. Even though almost half, 45 percent, of those treated by the VHC came from the Air Force, Navy and Marines, and Coast Guard, none of those services is willing to provide their fair share of the yearly \$6 million bill. The Army cannot sustain this and the people that would lose are injured military personnel from the other services who will not be able to access expert care.

In recent years, the decision by the other services not to provide a portion of the funding for the centers has led to proposals to eliminate some of their operations. If all or part of the VHC network is dismantled, the technical expertise built up over the past 5 years will be dispersed. It will be almost impossible to reconstitute that highly specialized knowledge when we need it in the future. We cannot just hope that the 708 personnel who sought treatment last year will just get better on their own.

This amendment seeks to clarify that the vaccine health care centers must exist, while also mandating a thorough review of their organization and functions. Next year, when we have the GAO study and the Pentagon's study, Congress can act on any worthwhile recommendations. In the meantime, we cannot leave this vital force protection and treatment center in limbo, nor can we leave the entire burden on the Army.

As biological threats grow from both naturally occurring diseases like bird flu to weaponized agents like anthrax, force protection clearly demands a good vaccination program. Equally clearly, that program must include quality care for those who suffer adverse events in every service, not just the Army.

As we look to the future, the need for vaccinations is only likely to grow. For that very reason, we established Project BioShield. At this point, there is no civilian equivalent to the vaccine health care centers network, but there is an initial collaborative effort between the VHCs and the Centers for Disease Control and Prevention. This collaboration must be encouraged so that we can take advantage of the VHCs knowledge should a mass civilian inoculation become necessary. If the VHCs are dismantled, that knowledge will be lost and may not be easily recovered or recreated.

At the end of the day, this is very simple. We simply cannot mandate that military personnel take these vaccines and then abandon them when a problem arises. There should be no ambiguity about the authority for the vaccine health care centers to continue their excellent work.

If military personnel are injured because of their service to this Nation, whether it be needing a prosthetic limb or long-term treatment for an adverse vaccine reaction, we have an absolute obligation to give them the best possible care.

Anything less is unconscionable.

For that reason, I am thankful that my colleagues have agreed and that this vital amendment has passed the Senate.

AMENDMENT NO. 4466

Mrs. BOXER. Mr. President, I would like to take a few minutes to discuss an amendment that I understand Mr. WARNER and Mr. LEVIN have included in the managers' package.

I would like to begin by thanking Senators WARNER and LEVIN and their staffs for working so hard with us to get this done. I would also like to thank my colleague Senator LIEBERMAN for working diligently with me to draft this legislation.

He really is a true champion for our men and women in uniform.

This amendment addresses an issue that is vitally important to many of my colleagues here in the Senate—improving mental health screening and services for our brave men and women serving in our armed services.

As we all know, our soldiers, marines, airmen, and sailors have been bogged down in an extremely dangerous and increasingly destructive war in Iraq for more than 3 years, and the pressure is taking its toll.

Multiple deployments, the insurgency, and the unprecedented urban combat that many of our service members face is resulting in high levels of mental illness, including PTSD—a disorder that, if left untreated, can cripple a person for life.

Tragically, many of our service members are not being adequately screened and treated for these conditions.

Let me give you an example from last month's Hartford Courant, which ran an extended series of articles detailing the failures of our military health care system.

Nine months ago, 27-year-old SSG Bryce Syverson was on suicide watch and taking antidepressants in the psychiatric unit at Walter Reed Army Medical Center. Doctors had diagnosed him with PTSD and depression, which they attributed to his 15-month tour in Iraq as a gunner on a Bradley tank.

Today, Staff Sergeant Syverson is back in the combat zone as part of a quick reaction force in Kuwait that could be summoned to Iraq at any time.

He got his deployment orders after being told he wasn't fit for duty.

He got his gun back after being told he was too unstable to carry a weapon.

In a recent e-mail to his parents and brothers, Sergeant Syverson wrote: "Nearly died on a PT test out here on a nice and really mild night because of the medication that I am taking. Head about to explode from the blood swelling inside, the [lightening] storm that happened in my head, the blurred vision, confusion, dizziness and a whole lot more. Not the best feeling in the entire world to have after being here for two days. . . . And I ask myself what . . . am I doing here?"

I ask my colleagues, do this make any sense?

In the Hartford Courant's May 17 piece entitled "Still Suffering, But Redeployed," COL Elspeth Ritchie, a psychiatry consultant to the Army surgeon general, acknowledged that the decision to deploy soldiers with PTSD is a matter that the Army is currently wrestling with.

I would like to quote Colonel Ritchie, because I think that something she said is particularly telling: "historically, we have not wanted to send soldiers or anybody with post-traumatic stress disorder back into what traumatized them. . . . The challenge for us . . . is that the Army has a mission to fight."

I appreciate that the military—particularly the Army—is facing severe manpower needs, but the fact that we are knowingly sending U.S. service members back into the very situation that caused their trauma is utterly tragic.

Tragic and unacceptable.

The Boxer-Lieberman amendment would do some very important things to address this situation.

First, it would improve mental health screening procedures for those about to be deployed. Currently, the military's pre-deployment mental health assessment is a single question on a form.

The Boxer-Lieberman amendment requires an enhanced mental health screening process prior to deployment that would include: a mental health history of the servicemember; current mental health treatment or use of medications for a mental health disorder; an assessment of any behavior identified by the unit commander that might be provided by the member, (through a checklist or other means,) of symptoms that might indicate a mental health condition.

Second, the amendment mandates that soldiers determined to have symptoms of a mental health condition—either before deployment or after deployment—will be referred to a qualified health care professional with experience in the evaluation and diagnosis of mental health conditions.

This is an area where we are really falling short—the Hartford Courant reports that military screeners have arranged mental health evaluations for fewer than one in 300 deploying troops.

Third, the Boxer-Lieberman amendment mandates that any member of the Armed Forces who requests access to mental health care services, before, during, or after deployment to a combat zone, will be given access within 72 hours after making the request or as soon as possible.

Fourth, the amendment directs the Department of Defense to develop clear and consistent guidelines and regulations on what mental health conditions and psychotropic drugs ought to prevent a servicemember from being deployed to a combat zone.

It also requires the Department to develop guidelines for the deployability and treatment of service members diagnosed with severe mental illness or PTSD.

And lastly, it will require the Department to develop a plan to monitor individuals deployed to a combat zone who are known to have a mental health condition or disorder or are known to be taking psychotropic medications.

I think that these are small steps that we can take to ensure that our service members receive a higher standard of mental health services and care.

I hope it will also prevent stories like the one I am about to tell you, again in the Hartford Courant, from happening again.

Patricia Powers of Skiatook, OK wonders why her 20-year-old son Joshua was sent to Iraq barely six months after he enlisted in the Army.

According to Ms. Powers, she "just couldn't believe" that the Army took her son in, as her son had Asperger's syndrome—a form of autism.

People with Asperger syndrome tend to be highly intelligent, but they have trouble in social settings and are quite often loners who have difficulty building relationships.

However, Asperger's was not the only neurological issue facing Joshua.

In reading through the medical records of her son's frequent visits to the base doctor, Ms. Powers found that in every instance, the doctor had taken note of Joshua's severe depression.

Three weeks after arriving in Iraq, Pvt. Powers left his barracks around midnight and walked to the latrine, where he ended his life with a gunshot to the head.

In a recent GAG report, the GAG noted that the military has been reluctant to create uniform guidelines for deployment.

In its recommendation, the GAG argued that guidelines are necessary "so that in future deployments [the Defense Department] would not experience situations such as those that occurred with members being deployed into Iraq who clearly had pre-existing conditions that should have prevented their deployment."

Situations like Joshua Power's Situations like Bryce Syverson's, where he was forced to ask his family: "What am I doing here?"

Mr. President, the heroic men and women serving in Iraq and Afghanistan are doing a fantastic job.

In Iraq, they have succeeded in every mission that has been asked of them, even the ones that have changed over time. In Afghanistan, they are relentlessly hunting for the man responsible for the deaths of over 3,000 Americans. But as the death toll continues to rise, so does strain.

Ided today just two examples of soldiers who clearly indicated that deploying them to a combat zone would be a mistake. But we know that there are many more.

What we are asking for in this amendment is simple: that the Pentagon does a better job of dealing with mental health matters for the men and women that it sends into harm's way. I don't think this is too much to ask.

Again, I like to thank Senator WARNER, Senator LEVIN, and Senator LIEBERMAN for their support.

Mr. LIEBERMAN. Mr. President, I rise today to speak about an amendment offered during the debate on the 2007 Defense authorization bill by Senators BOXER, KENNEDY, CLINTON, and myself.

In May of this year, the Hartford Courant published a series of articles describing inadequacies in the military's mental health screening procedures for servicemembers deploying to Iraq and Afghanistan. The Courant's investigation revealed that servicemembers displaying clear signs of distress and mental health problems are being deployed into combat situations and in some cases have taken their life. These cases compromise not only the lives of our servicemembers

but the strength and cohesion of our military units.

The Hartford Courant wrote about Jeffrey Henthorn, a young servicemember who took his life. Jeffrey was from Oklahoma and shipped out of Fort Riley, KS, the day after Christmas in 2004. While home, Jeffrey was depressed, was having nightmares, and was plagued by memories of a young boy who had died in Iraq. Less than 2 months after his redeployment to Iraq, Jeffrey took his own life at the age of 25 years. Since then, it has become known that Jeffrey had made suicidal statements that were known to his Army superiors. Despite the clear psychological problems Jeffrey was having before his deployment, he was still sent back to a combat zone where he took his own life. To prevent acts such as this that ruin individual lives and have deleterious effects on a unit, Congress passed the National Defense Authorization Act for Fiscal Year 1998. At that time, the statute required the military to conduct an "assessment of mental health" for all deploying troops to prevent young men like Jeffrey Henthorn from being placed in further harm. However, the military's current screening process for deployment consists of a single mental health question on a predeployment questionnaire. The law is not being followed as it was intended.

Alarming, the Hartford Courant's investigation found that only 6.5 percent of those indicating mental health problems were referred for mental health evaluations from March 2003 to October 2005. This is unacceptable.

Senator BOXER and I are also concerned about the increase in the numbers of servicemembers being prescribed medication for depression, anxiety, and post-traumatic stress disorder, PTSD. These individuals are being sent into combat with psychotropic medications but are not systematically receiving any followup or monitoring. We cannot send our servicemembers into combat zones without the medical and mental health support they deserve and need. There is nothing controversial about that.

Another case reported by the Hartford Courant illustrates the dangers of providing medications without followup or monitoring in the field. Michael Deem, father of two, saw a psychiatrist before deploying to help him cope with serious symptoms of depression. He was given a year's supply of Prozac, among other medications. Less than a month after deploying to Iraq, Michael Deem was found dead in his bunk. The Army determined that he died of an enlarged heart "complicated by elevated levels" of Prozac. We cannot have servicemembers on medications for serious conditions out in the field with inadequate monitoring, and nonexistent followup. We must do better for those willing to make the ultimate sacrifice for us.

We have also learned that troops with preexisting mental health condi-

tions and serious mental health disorders are being sent into combat zones. This amendment would make sure young men and women who are unable to serve are not sent into combat zones that make their conditions worse or place them and their units in danger.

The Courant series also told the story of a young man from Pennsylvania. Eddie Brabazon had a history of bipolar disorder and spent time in group homes and psychiatric hospitals during his adolescent years. In March of 2004, less than 3 months into his second deployment to the Middle East, Eddie shot himself and took his own life at the age of 20. There were signs before this act that something was terribly wrong. In the days leading up to his suicide, Eddie had locked himself in a portable toilet with his rifle for 45 minutes, causing his sergeant concern. But no one sent Eddie to receive intensive treatment to prevent his suicide or send him away from the combat zone where his condition was worsening. Young men with Eddie's history of mental health problems and exhibiting such clearly communicated signs of distress should not continue to serve in a combat zone.

To protect servicemembers similar to the ones the Courant has written about and their units, Senators BOXER, KENNEDY, CLINTON, and I are introducing this amendment. The military mental health amendment has two purposes. First, it is meant to keep these courageous young men and women out of the way of any further harm. Second, we must make sure that our units have the strongest and healthiest soldiers, and this amendment moves us in the right direction. By deploying servicemembers with serious mental health problems, we are compromising the strength of our military units.

Our amendment will ensure that the military would conduct a thorough screening for determining whether a servicemember has a significant mental health problem before deploying; servicemembers with a significant mental health problem are seen by someone with experience in mental health assessment; access to mental health professionals in a more timely manner; the military identifies preexisting mental health conditions to determine appropriateness for deployment; and the military develops a plan for how to continue to provide mental health services during deployment for any servicemembers receiving mental health services before their deployment.

Senator BOXER and I, along with Senators CLINTON and KENNEDY, introduced this amendment to ensure that servicemembers like Jeffrey Henthorn, Michael Deem, and Eddie Brabazon receive the care they deserve before it is too late. I thank both Senators LEVIN and WARNER for adopting this amendment into the Defense authorization bill for 2007, and I encourage the conferees in both Houses to maintain the

provisions of this amendment to ensure we keep our troops strong and healthy.

AMENDMENT NO. 4507

Mrs. BOXER. Mr. President, I would like to take a few minutes of the Senate's time to discuss an amendment that I understand Senator WARNER and Senator LEVIN have included in the managers' package.

This amendment—that I worked on with my colleague Senator SNOWE—would move toward expanding eligibility for the Purple Heart to all prisoners of war who die in captivity regardless of the cause of death.

The need for this important amendment was brought to my attention by a group of Korean War veterans—the Tiger Survivors—who identified what many of my colleagues agree is a glaring loophole in current law.

You may be surprised to learn that currently, only prisoners of war who die during their imprisonment of wounds inflicted by the enemy—such as a gunshot wound or intentional poisoning—clearly meet the criteria for posthumous Purple Heart recognition.

Those who die of starvation, disease, or other causes during captivity do not. I would like to give you an example of what I mean by recounting the story of the crew members who survived the sinking of the USS *Houston*, a Navy cruiser that was sunk by the Japanese off the coast of Java in February 1942.

After swimming to shore, the Japanese transported American POWs to Burma to work as slave labor building the Burma-Thai Railway, which would stretch 250 miles between mountains, across rivers, and through jungles.

These American POWs cut down trees, built road beds and bridges, and laid ties and rails for what is known as the Death Railway.

Conditions for these Americans were appalling. Each man received half a cup of bug-infested rice a day, and some POWs dropped below 80 pounds. Malnutrition brought on diseases like beri beri, pellagra, and scurvy—severe vitamin deficiencies that result in horrible suffering and even death.

The tropical environment also bred cases of dysentery, malaria, cholera, and tropical ulcers that ate through flesh to expose bone.

Although Japanese doctors were present in the camps, they were not allowed any drugs or tools for practicing medicine. Those workers who were too slow were beaten; those who were too sick to work received no food, and were eventually sent off to die.

Under current law, many of these individuals would not be eligible for the Purple Heart.

Doesn't it make sense that our young service members who died in this manner would be recognized as having died at the hands of the enemy?

Doesn't it make sense that the *Houston* crew members who were denied treatment and died of starvation and disease in captivity would be eligible for the Purple Heart?

Language that would correct this injustice was accepted as part of the House version of the Defense authorization bill, where it had the overwhelming bipartisan support of 216 co-sponsors.

Equally important, correcting this important loophole in the law has been endorsed by the American Legion, Veterans of Foreign Wars, Military Order of the Purple Heart, the National Association for Uniformed Services, the Military Officers of America Association, the Korean War Veterans Association, National League of POW-MIA Families, Tiger Survivors, and a number of other prominent veterans organizations.

I can think of no stronger endorsement than from these fine groups who know first-hand the suffering of war.

I would like to tell you one more story by a World War II soldier by the name of John Coleman. This is his story as recounted in his book, *Bataan and Beyond*:

The treatment of the death march and imprisonment . . . is beyond the imagination's ability to comprehend. If there ever was a hell on earth, this was administered to the 7,000 souls of some of the bravest and most devoted of our military personnel. Day after day they were in agony, seemingly blotted out in memory by their nation. They suffered under the burning tropical sun, on starvation rations, with little water to drink. They could not even wash the filth from their bodies or clothes, matted hair, and beards. They were mentally depressed, had swollen limbs from beri beri, unhealed festering wounds that were never treated. They also had distended stomachs, bloody dysentery, and raw, sore mouths from pellagra. Even a drink of water would cause their mouths to burn. Everyone had stomach worms that would sometimes find their way out of the body through the nose. No attempt was made by the Imperial Japanese Army to furnish any kind of medication to alleviate the suffering.

Unimaginable. Simply unimaginable.

Mr. President, these brave members of the Armed Forces suffered these cruelties so that we might enjoy the freedoms we have today. I can think of no more fitting tribute for their sacrifice than to posthumously make them eligible for the Purple Heart.

While the amendment that I originally offered would have provided congressional authorization expanding eligibility for the Purple Heart, I worked with Senators WARNER and LEVIN on compromise language that would require the President to determine whether eligibility for the Purple Heart should be expanded to all POW's who died in captivity.

I sincerely hope the President will take a serious look at this proposal, and ensure that our POWs are afforded the recognition they deserve.

AMENDMENT NO. 4371

Mr. OBAMA. Mr. President, I rise to speak in favor of amendment No. 4371, which is being offered today by my friend, Senator COBURN. Senator COBURN and I have been working tirelessly to improve accountability and transparency in Federal contracting so

that the American people can rely on their Government for the excellence and efficiency that they deserve.

Award and incentive fees are often used in defense contracts to encourage outstanding performance. But too often these awards are given without regard to performance. That doesn't make sense. This amendment prohibits unsatisfactory performance from being rewarded by the Federal Government. It sets a higher standard for defense contractors and requires them at least to satisfy the basic requirements of a contract in order to be eligible for any award or incentive fee.

It is a simple concept. No bonus awards when the work is unsatisfactory. Period. You don't tip a waiter who doesn't bring you your food. You don't give a bonus to an employee who doesn't do his or her job at work. The Government should not permit awards for work that is less than satisfactory. Awards should be used as an incentive for excellence, not as a backdoor for undeserved payments.

The authorization bill makes some progress by requiring the Secretary of Defense to provide needed guidance on the use of awards and incentive fees. It requires guidance that award fees be tied to performance outcomes. It requires guidance on designating contractor performance as "excellent," or "superior." It requires standards for when performance awards are appropriate.

This amendment just makes it clear that unsatisfactory work should never be eligible for an award. Contractors can and must be held to a higher standard. Our troops deserve no less. American taxpayers deserve no less. Americans should reward excellence, not mediocrity; success, not failure; contract fulfillment, and nothing less.

I urge my colleagues to support this amendment.

AMENDMENT NO. 4496

Mrs. HUTCHISON. Mr. President, the National Biocontainment Lab, NBL, at the University of Texas Medical Branch, UTMB, in Galveston is an important tool in our continued fight against bioterrorism and emerging infectious diseases. As a Regional Center of Excellence for Biodefense and Emerging Infectious Diseases Research, RCE, for Federal Region VI, UTMB's lab is able to research and develop new therapies, vaccines, and tests for microbes that might be used as weapons by terrorists, as well as naturally occurring diseases such as SARS and West Nile virus.

I was happy to support UTMB in 2003 in their efforts to establish the NBL in Galveston. In letters and conversations with Dr. Anthony Fauci, director of the National Institutes of Allergy and Infectious Diseases, and Dr. Elias Zerhouni, director of National Institutes of Health, I conveyed the importance of this facility and the benefits to housing the NBL at UTMB.

Once again, I am pleased to support the NBL and UTMB with this amendment. By understanding the staffing

and training requirements needed at this new facility, our doctors and scientists will be better prepared and more able to recognize a bioterrorist attack.

AMENDMENT NO. 4222

Mr. BINGAMAN. Mr. President, today marks the anniversary of the passage of a sense-of-the-Senate resolution on climate change. One year ago the Senate convened to debate the appropriate policy direction for the United States on this issue.

The Senate debate on climate change included discussions on various proposals from Senators HAGEL and PRYOR, as well as Senators MCCAIN and LIEBERMAN and others. Although I had worked very closely with Senator DOMENICI on a specific policy proposal of our own, we were not able in the time allotted to find agreement on various aspects of that proposal. We ultimately decided that we should put the question to the Senate of whether or not our efforts should continue over the remainder of the 109th Congress.

I am pleased to say that passage of the sense-of-the-Senate resolution gave us the foundation to continue our collaboration. Over the course of the last year, I have worked with Chairman DOMENICI and others to explore the basic workings of a mandatory market-based system to limit greenhouse gases. We have held hearings in the Energy Committee, participated in workshops and conferences, and engaged interested stakeholders through a White Paper process that culminated in an important day-long conference in April.

Other Members of this body have been actively engaged in the continuing conversation, such as Senators CARPER, FEINSTEIN, LUGAR, and BIDEN just to name a few, but it is important for us to recognize how much faster this issue is progressing outside of Washington, DC.

The European Union Emissions Trading Scheme is in its second year of existence. There has been some debate about how the program is progressing, but there is no debate about the fact that they are moving forward and addressing global warming in a groundbreaking manner. Here in the United States, my colleagues from California and the Northeastern States are intimately aware of State initiatives to address global warming. My own State of New Mexico has been a leader in reducing emissions as well.

Most importantly, I think we need to recognize how much we have learned in the past year about the science of climate change. Last year, the National Academies of Science from 11 countries, including the United States, declared that "scientific understanding of climate change is now sufficiently clear to justify nations taking prompt action." According to NASA scientists, 2005 was the warmest year since the late 1800s. 1998, 2002, 2003, and 2004 followed as the next four warmest years.

With regard to the impacts of global warming, a recent study shows that we

are on track to initiate the melting of the Greenland ice sheet, which will contribute to continued sea-level rise and will also have major impacts on oceanic circulation from freshwater influx. Even small amounts of sea-level rise will have substantial impacts on coastal erosion, increased susceptibility to storm surges and groundwater contamination by salt intrusion. The effect on many of the world's coastal areas and population centers could be devastating.

We are also in the early stages of hurricane season. I have not yet seen any studies that would indicate global warming will create more hurricanes, but I have seen two recent studies that conclude that the warming we are seeing in the world's oceans is caused by human-induced climate change. In addition, there are more studies that have recently concluded that the intensity of individual hurricanes has increased, which in part is attributed to the warming of the oceans.

In conclusion, I believe that this is evidence that we need to act now. Since the sense-of-the-Senate resolution passed last year, the U.S. has emitted roughly 6 billion metric tons of carbon dioxide. EIA forecasts continued steady emissions growth at a rate that, if not slowed and ultimately stopped and reversed, will make it increasingly difficult to avoid dangerous climate impacts.

I want to thank Senators DOMENICI and SPECTER, along with all of the co-sponsors of the sense-of-the-Senate Resolution and everyone who supported it. We have learned a great deal over the course of the last year, and I would like to continue the progress. I would like to urge all of my colleagues who are interested in this issue to work with us to find a solution we can implement sooner, rather than later.

I would like the references to some of the studies I have mentioned printed in the RECORD so that others can review them as well.

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

Alley, R.B., P.U. Clark, P. Huybrechts, and I. Joughin. 2005. Ice sheet and sea-level changes. *Science* 310: 456-460.

Barnett, T.P., D.W. Pierce, K.M. AchutaRao, P.J. Gleckler, B.D. Santer, J.M. Gregory, and W.M. Washington. 2005. Penetration of human-induced warming into the world's oceans. *Science* 309:284-287.

Emanuel, K. 2005. Increasing destructiveness of tropical cyclones over the past 30 years. *Nature* 436:686-688.

Gregory, J.M., P. Huybrechts & S.C.B. Raper. 2004. Threatened loss of the Greenland ice-sheet. *Nature* 428: 616.

Heij, 2005, and Gregory, J.M., and P. Huybrechts, 2006. Ice-sheet contributions to future sea-level change. *Phil. Trans. Roy. Soc. Lond. Ser. A*, in press.

Hansen, J., L. Nazarenko, R. Ruedy, M. Sato, J. Willis, A. Del Genio, D. Koch, A. Lacis, K. Lo, S. Menon, T. Novakov, J. Perlwitz, G. Russell, G.A. Schmidt, and N. Tausnev. 2005. Earth's energy imbalance: Confirmation and implications. *Science* 308:1431-1433.

Knutson T.R. and R.E. Tuleya. 2004. Impact of CO₂-induced warming on simulated hurri-

cane intensity and precipitation: Sensitivity to the choice of climate model and convective parameterization. *Journal of Climate* 17: 3477-3495.

Levitus, S., J. Antonov, and T. Boyer. 2005. Warming of the world ocean, 1955-2003. *Geophysical Research Letters*. 32.

Srifer, R. and M. Huber. 2006. Low frequency variability in globally integrated tropical cyclone power dissipation. *Geophysical Research Letters* 33: doi:10.1029/2006GL026167.

Trenberth, K. 2005. Uncertainty in Hurricanes and Global Warming. *Science* 308: 1753-1754.

U.S. National Aeronautics and Space Administration (NASA). 2005. Global Temperature Trends: 2005 Summation. NASA Goddard Institute for Space Studies (GISS). New York, NY. Available at <http://data.giss.nasa.gov/gistemp/2005/>.

Webster, P.J., Holland, G.J., Curry, J.A. and H.-R. Chang. 2005. Changes in tropical cyclone number, duration, and intensity in a warming environment. *Science* 309: 1844-1846.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, the amendments have been cleared on this side. It is a packet of 60 amendments, as I understand. I thank our staffs for working so hard on these amendments. There is a lot of interest in them by a lot of Members. We owe thanks to the staff for their great work. I have not only no objection but enthusiastically join in moving their adoption. I gather they have been agreed to by unanimous consent.

Mr. WARNER. I thank my distinguished colleague for his remarks.

If I might draw to the attention of my distinguished colleague, we have been consulting with our respective leadership and their staffs. We have a joint goal of trying to complete this bill today and have third reading and final passage. The bill is now open for amendment. We have some knowledge of some amendments that may be offered. We would urge those who wish to offer amendments, recognizing cloture has been agreed to by the Chamber, nevertheless within the confines of that cloture, we are ready to have the opportunity to consider further amendments.

I believe I am about to put in the first quorum call for the purpose solely that we have no amendments at the moment pending. That is the first time in the consideration of this bill, I believe.

Mr. LEVIN. I commend the chairman for the way in which he has been able to manage this bill, as always. It is a testament to his ability and the respect that everybody has for him in the Chamber. I have never seen fewer quorum calls on a bill of this size than we have had this week. I am sure there have been a few. I have not counted them. There may have been a quorum call yesterday during the 8 or 9 hours of debate. If there was, I missed it.

I commend the chairman for putting us in a position where we can hopefully get this bill agreed to as soon as possible today. Again, I join him in not urging people to bring amendments to

the floor—we never do that—but in notifying people that if they have amendments, they should bring them to the floor.

Mr. WARNER. I thank my colleague who has worked side by side with me these 28 years on these matters. When I look back on my modest career in the Senate, I can't think of any other Senator with whom I have had a better relationship and a more trusting one, although we do disagree on occasion.

Mr. LEVIN. There is recent evidence of that. But we agree on process. We agree on civility. We agree on most matters. We are able to work things out. It is his nature to do that, and we are all very much in his debt. Our wives are on the same path that we have been on.

Mr. WARNER. That is right. Who quoted Edward R. Murrow, something about the strength of our Nation depends on the diversity of thinking and expression?

Mr. LEVIN. Well, it was quoted this morning. It didn't carry the day, but it was very appropriate.

Mr. WARNER. I thank my colleague. I do believe those two amendments on which we spent so much time were carefully and fully debated. I accept with a sense of humility the outcome, that we were able to prevail on this side of the aisle. However I underline that I do that with a sense of deep humility.

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 (Mr. ALEXANDER). Without objection, it is so ordered.

AMENDMENT NO. 4471, AS MODIFIED

Mr. SESSIONS. Mr. President, I ask unanimous consent to call up my amendment No. 4471 and ask that it be modified with the changes that are at the desk.

The PRESIDING OFFICER. Without objection, the pending amendment is laid aside.

Mr. SESSIONS. I further ask unanimous consent that Senators ALLARD, KYL, THUNE, and VITTER be added as cosponsors.

Mr. LEVIN. Mr. President, reserving the right to object, there is a little uncertainty as to the modifications.

Mr. SESSIONS. I don't think the Senator will find that objectionable. It dealt with funding allocations, the offsets.

Mr. LEVIN. Is the one at the desk the modified version?

Mr. SESSIONS. Yes.

Mr. LEVIN. If the Senator will please withhold for a moment.

Mr. SESSIONS. I will be pleased to.

Mr. LEVIN. I have no objection.

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

The clerk will report the amendment.

The Senator from Alabama [Mr. SESSIONS], for himself, Mr. ALLARD, Mr. KYL, Mr. THUNE, and Mr. VITTER, proposes an amendment numbered 4471, as modified.

Mr. SESSIONS. 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:

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

SEC. 236. TESTING AND OPERATIONS FOR MISSILE DEFENSE.

(a) **ADDITIONAL AMOUNT FOR MISSILE DEFENSE AGENCY.**—Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-wide activities, the amount that is available for the Missile Defense Agency is hereby increased by \$45,000,000.

(b) **AVAILABILITY OF AMOUNT.**—Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-wide activities and available for the Missile Defense Agency, as increased by subsection (a), \$45,000,000 may be available for Ballistic Missile Defense Midcourse Defense Segment (PE #63882C)—

(1) to accelerate the ability to conduct concurrent test and missile defense operations; and

(2) to increase the pace of realistic flight testing of the ground-based midcourse defense system.

(c) **SUPPLEMENT.**—Amounts available under subsection (b) for the program element referred to in that subsection are in addition to any other amounts available in this Act for that program element.

(d) **OFFSET.**—The amount authorized to be appropriated by section 421 for military personnel is hereby reduced by \$45,000,000 due to unexpended obligations.

Mr. SESSIONS. Mr. President, recent concerns over a long-range ballistic missile launch or possible launch toward the United States by North Korea is an event that many experts have predicted and an event of serious import for the world.

President Bush, in December of 2002, directed the Department of Defense to begin fielding a missile defense system to protect the United States. There were many concerns expressed at that time, but Congress followed his orders and has moved forward. Today, we have nine GBIs—ground-based interceptors—in Alaska in silos in the ground, and two in California that are able to be launched to attack and destroy incoming missiles. The system and those missiles that we have are not complete nor fully perfected, but the Commander of Strategic Command, General Cartwright, says it does have capability to defend our Nation.

So I would first like to give my thanks to President Bush and to the Department of Defense for moving on this issue some time ago.

I would also like to express my appreciation for a bipartisan effort that was begun not long after I came to the Senate by Senator THAD COCHRAN and Senator JOE LIEBERMAN and the legislation they passed that called on this Government to deploy a ground-based missile defense system as soon as feasible. That was a major step forward.

Following that, President Bush's actions in 2002 have moved us farther forward.

These missiles that we have in the ground are able to be launched, they are able to attack and destroy incoming systems. So it is a remarkable thing that has been accomplished. Many doubted it. We have a lot more testing to do to deal with decoys and other matters to make sure the entire system works in an harmonious and effective way, from the ground-based radar, sea-based radar, to launch sites and our intercept capabilities and all of the computer systems that are necessary to make these missiles move at incredible speeds to collide in the air with such great force that they basically vaporize without any explosives being involved. So I think, Mr. President, it is an important event in our lifetime as a nation to note that this defense shield is now being employed.

I also was pleased that our Democratic leader a few days ago noted that: "We live in a dangerous time and the threats to our Nation are many." He said, "They range from terrorist attacks like those on 9/11 to rogue nations with nuclear ambitions like North Korea and Iran." He went on to note the: "Headlines about North Korea's new missile test." He discussed that and noted: "It is important that we as a country address each of these threats."

Mr. President, I suggest, based upon the events of the past few weeks, that the debate over the need for missile defense is no longer an academic one, but it is a debate that must now take place in the reality of current events.

As we convene today, North Korea may perhaps still be preparing to test launch its Taepo-Dong II long-range ballistic missile. According to U.S. intelligence agencies, this missile has the potential to reach the shores of the United States, given its purported maximum range of 9,000 miles, far enough to hit the west coast of the U.S. mainland and all of the Pacific bases, according to an article in the Washington Post earlier this week.

The leaders of South Korea, Australia, New Zealand, China, Japan, and the United States are warning, as Secretary of State Rice did Monday, that, as she said, "The launch of a ballistic missile would be a provocative act that would deepen North Korea's isolation." She urged the North Koreans not to end their moratorium on long-range missile testing. Japan's warning was even stronger. Japanese Prime Minister Koizumi said that Japan "would have to respond harshly" if there were a missile attack.

North Korea also fields some 200 medium-range No-Dong ballistic missiles that can reach Japan, and it deploys some 600 short-range ballistic missiles that could reach throughout the Korean Peninsula, where we have some 30,000-plus troops.

Likewise, on the other side of the world, Iran continues to enhance and

test its SHAHAB-3 medium-range ballistic missile to extend its range and effectiveness. U.S. intelligence agencies estimate that Iran could have an ICBM capable of reaching the United States before 2015 with continued foreign assistance.

According to press reports, Israeli intelligence noted in April of 2006 that Iran received a shipment of North Korean-made BM-25 ballistic missiles which have a range of 2,500 kilometers.

This activity was noted by the Prime Minister of Israel, who stated in a press conference with President Bush on May 23 that:

There is a major threat posed by the Iranians in their attempts to have nonconventional capabilities and the ballistic missiles that can hit major centers all across Europe, not just the Middle East.

These are real, not hypothetical, threats to the United States and its allies posed by these ballistic missiles.

These missiles are threats that require a multifaceted response, not the least of which is by means of an effective ballistic missile defense system.

I would imagine that over the past 5 weeks, the Department of Defense has been carefully watching the arrival and fueling of Taepo-Dong missiles at its launch pad on the eastern coast of North Korea. And I would suspect that our missile defense capabilities have been carefully integrated into our diplomatic and deterrent options for dealing with the situation—a situation that Secretary Rice said is an “abrogation of obligations” of North Korea, a path not of compromise or peace “but rather instead to once again saber-rattle.”

So our Secretary of State has called the situation correctly. The Nation and Congress should heed her words.

While I have no direct knowledge of any administration plans beyond what is being said in the press, I would hope that our U.S. Navy ships, which are capable of tracking and potentially intercepting ballistic missiles, have been deployed in the area. I saw this part of our fleet last year when I was in Pearl Harbor right after they conducted a series of successful intercept tests in the Pacific.

I would also hope that the ground-based midcourse defense system, with missiles deployed in both Alaska and California to provide protections against long-range missile attack, has been activated in case it is needed. To be sure, these systems are still undergoing testing. They have been designed to be available in an emergency, and I would think an imminent Taepo-Dong launch falls into that category.

At the very least, such a capability would add to the options available to our President. In a radio interview last week, Ambassador Vershbow, the top U.S. envoy in South Korea, commented on a potential North Korean launch saying, “Since it would be clearly a provocative step vis-a-vis the region and international community, we should not simply let it pass without some response.”

I don’t know what response the Ambassador had in mind, but certainly the ability to intercept that missile before it struck a populated area would be high on my list.

My main point to my colleagues on both sides of the aisle and in both Houses of Congress, Mr. President, is that missile defenses must now be considered an integral and important tool of U.S. diplomacy and national security policy.

This is all the more reason to support the administration’s efforts to develop test and field effective missile defenses against missiles of all ranges. So I am pleased to report that the Defense authorization bill reported out of the Armed Services Committee fully funds the President’s request for missile defense to include \$56 million for site survey and design work associated with the European defense missile defense site.

The European missile defense site, scheduled to begin construction in 2008 with full fielding expected in 2011, will allow 10 ground-based interceptors capable of protecting both the United States and much of Europe against a long-range missile fired by Iran.

If you look at the globe carefully, you could indicate a long-range missile launched towards the United States from Iran would fly over northeastern Europe. That would be an excellent site to protect both the United States as well as protecting Europe.

Congressional support for this activity is timely for our defense and to support Western diplomatic efforts aimed at halting Iran’s acquisition of a nuclear weapon capability.

Should diplomacy fail, a European missile defense site will be critical to defer Iranian ballistic missile threats aimed at attacking or intimidating the West.

Our NATO allies recognize the threat posed by the proliferation of ballistic missiles. In 2010, the alliance expects to have the capability to protect deployed troops against short- and medium-range missiles. The alliance is now reviewing the results of a 4-year feasibility study that examines options for protecting alliance territory—that is the North Atlantic Treaty Organization alliance—and population against a full range of missile threats.

Congressional commitment to a U.S. missile defense site in Europe at this time would be a significant factor in shaping NATO’s decision to provide missile defense protection in Europe. Our commanders tell us that. They tell us it is very important.

I realize some of our colleagues are concerned that funding a European site would be premature at this time. They suggest a slow fielding program until more extensive tests and evaluations have been completed. While I appreciate that concern, I do believe that current Missile Defense Agency approach of simultaneously fielding and testing a GMD system has proven to be wise, as we see the threats to our Nation increase in just recent days.

The Commander of the U.S. Strategic Command has testified that the current missile system provides a thin line of defense that could be used. The independent Pentagon Director of Operational Tests and Evaluation stated on April 4 of this year:

With the current program and the tests that have been scheduled, it’s very likely that the GMD system will demonstrate that it is effective.

The things that are needed to turn this thin line of defense into a robust defense system are more interceptors coupled with more flight testing, both of which are programmed by the missile defense agency and funded by our bill.

While we have crafted a good funding stream in our committee—and I thank my colleague, Senator BILL NELSON of Florida, and others, for the bipartisan way he worked on this—we have worked hard at containing costs and keeping the costs under control.

The possible launch of a long-range North Korean missile that could even reach the United States of America calls for us to evaluate this year’s authorization to ensure that all necessary funding exists to move forward with deployment as well as testing, and to be sure that throughout that time we are ready. General Trey Obering, who directs the program, understands these challenges.

My review of this authorization has convinced me that an additional appropriation of \$45 million is critically important in allowing us to, in the words of our amendment:

accelerate the ability to conduct concurrent tests and missile defense operations [and] to increase the pace of realistic flight tests.

The funds that I am talking about and the projects that I am talking about are already in the 2008 budget. This would allow them to move forward to the 2007 budget.

The amendment for which I am seeking support today will help ensure that we can continue testing and always remain ready; not have to have the readiness of our system degraded by testing that we need to be doing. This is necessary so that we can respond to any possible missile launch that may threaten our Nation.

The key matter is that we test and we test regularly. But we cannot shut down the readiness of our system that could have the capability to knock down incoming missiles that could be aimed at us.

Congressional support for this amendment, I think, will send a strong message to any nation, North Korea or Iran, that we will be constantly, 24/7, ready to respond and knock down and destroy any missile that would be directed at our Nation. It will also reassure our allies that we will be ready to protect them and help us create the kind of umbrella of defense that we have dreamed of for many years and accelerate our ability to make that a reality.

I thank my colleagues. I thank those who indicated they would accept this

amendment. I think it is a good step forward.

It is great to see my colleague, Senator ALLARD, here. He used to chair the subcommittee that I have now, the Strategic Subcommittee. He has been a long-time champion of national missile defense.

I say to Senator LEVIN, he is due to be recognized next, but I know Senator ALLARD is here also.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, we do accept the amendment on this side. There are no differences in terms of the North Korean threat. The question is whether or not we will be deploying a system which will be adequate to meet that threat. Right now we do not know. There has been no operational testing, realistic testing of our system. It needs testing.

Although we have differences and have expressed those and argued over those differences as to whether we ought to be producing 10 more missiles which have not been tested operationally or realistically—whether we ought to be buying these final 10 missiles given the fact we want to make sure if we are going to have a system that it works, and we don't know that yet—as far as this Senator is concerned, I very much disagreed with this approach of buying before we fly. Usually we fly and test before we buy, but this system, we have decided, at least the majority of Senators have decided, that we are going to buy before we test. I think that is a mistake, but that is not the issue on this amendment.

This amendment would authorize \$45 million, mainly for testing, mainly to improve the likelihood that a missile which has been deployed will in fact do the job. Since I have been one who has been arguing regularly for more testing, more realistic testing, more operational testing, it seems to me that I can very readily support funding which is going to go to more testing, which is really what this amendment is all about.

We have not had a single successful intercept test with an operational system. There have been two failures with this operational system. We don't know if our system would work. We obviously want it to work if we are going to have it.

Since this amendment basically is going to increase not only the pace of realistic flight testing of this ground-based, mid-course defense system but also is going to accelerate the ability to conduct concurrent testing while the missile defense operations are going on, since in both instances the focus is on testing and making sure that this system will work if ever called upon, I accept the amendment. I have no objection to it and, indeed, support its purpose.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, I rise to speak in support of the amendment offered by my good friend, Senator JEFF SESSIONS of Alabama, who has worked hard on this issue. I know he is a strong, dedicated Senator as far as making sure that we have a good, strong national defense, which is important in today's times.

There is no doubt that this has been an unusual approach where we develop and purchase at the same time. But these are unusual times. We have had an emerging threat that, according to many of our defense experts, is real. We had to move forward at an unprecedented rapid pace.

Over the last 2 weeks, the North Koreans have moved toward the brink and have been preparing to test fire a long-range ballistic missile capable of reaching the United States. We were in the same position in 1998. Then all we could do is threaten to retaliate if North Korea launched a ballistic missile attack against us. We did not have a system that was capable of defending our country from attack.

Today the situation is different. Acting upon the direction of Congress, which mandated in 1999 that our country deploy a missile defense system as quickly as technologically possible, the Department of Defense has developed and deployed a missile defense system that is capable of defending our Nation against limited ballistic missiles.

Given the real-world ballistic threats, such as North Korea, the Department of Defense has pursued a strategy of concurrent tests and operations. The Department recognizes that our current missile defense system does not have sufficient capability and needs more testing. That is why the Department continues to test the system and add new capabilities.

At the same time, it is clear that situations such as the ongoing North Korean threat require that our missile defenses be ready in case of a ballistic missile attack. Leaving our Nation defenseless to ballistic missile attack while such situations persist is folly in the extreme. We currently have 11 ground-based interceptors deployed and operational. We have also upgraded our early warning radars, improved our Aegis tracking radars, built new forward-based and sea-based radars, and created an integrated command-and-control battle management system.

These are significant achievements that together provide our country with a limited ballistic missile defense. Yet, as we all know, our missile defense still needs more work. It has a limited capability, which is certainly better than having none at all, but we need to do more—particularly with regard to testing.

The amendment offered by Senator SESSIONS puts us on the right track. The Missile Defense Agency needs to test its ballistic missile defense system more often and under more complicated conditions. This amendment, offered by Senator SESSIONS, will help in that effort.

The amendment will also help pay for the unexpected costs of operating the missile defense system 24 hours a day over the last couple of weeks. Soldiers who man the system in Colorado and Alaska have performed exceptionally well, and there is cost for keeping the system on full-time alert status. This amendment helps address this cost.

This body mandated that the Department of Defense deploy a missile defense system as quickly as technologically possible. I supported this mandate and believe that our current missile defense system can provide a limited defense against a ballistic missile attack. It still needs work, which is why this amendment is so important and necessary.

I do support the Sessions amendment and urge my colleagues to do so as well. I am pleased to hear that the ranking member on the Armed Services Committee has agreed to support this amendment.

I thank, again, Senator SESSIONS, for his leadership on this very important issue. I think this is a valuable system, and we need to be very sure that we do not get behind in this kind of technology.

Mr. President, I yield the floor and thank the Members for their support.

Mr. WARNER. Mr. President, I rise to speak on behalf of the amendment sponsored by the Senator from Alabama, concerning the need to add an additional \$45 million to the Missile Defense Agency for testing and operations of the ground-based midcourse defense, GMD, system.

In December of 2002, the President directed the Department of Defense to begin fielding an initial set of missile defense capabilities that included ground-based interceptors for the defense of the United States against the long-range ballistic missile threat. Given our total vulnerability to that threat, the Missile Defense Agency chose to begin the simultaneous fielding of missile defense interceptors even while developmental testing continued to validate the effectiveness of the system. While this is not a conventional acquisition approach, I believe it was prudent given the emerging ballistic missile threats we expected to face.

Recent North Korean preparations for the test launch of a long-range ballistic missile confirm the wisdom of the administration's approach: we need to have an emergency missile defense capability in place, even while development and testing of the system continues.

Moreover, I believe Iran's continuing development of longer range ballistic missiles, coupled with their intention to acquire nuclear weapons, also argues for fielding missile defense capabilities as soon as technically feasible and in numbers sufficient to stay ahead of the threat.

Just last month, from the floor of the Senate, I spoke to my colleagues about how NATO might respond to the greatest threat to regional and global stability that we face today: Iran. I noted

that I support the principle of preserving as many options as possible in diplomacy, and to bolster those diplomatic options, NATO should consider erecting a "ring of deterrence" that would surround Iran to deter the use of actual force, as was done so successfully during the cold war.

I believe that a ground-based interceptor site in Europe, as is being proposed by the Department of Defense, would contribute to this deterrence of Iranian—or any other—missile threats, and would be consistent with NATO activities already underway to provide missile defense capabilities for the Alliance in the next decade. Most important, a missile defense site in Europe would send a message to nations developing longer-range missiles that the United States and its allies will not be intimidated by the threat of ballistic missiles armed with weapons of mass destruction.

The amendment before us now recognizes the accomplishments of the Department of Defense in fielding, in such a short time, a limited missile defense system that is now available in an emergency to provide a measure of protection for the American people against a long-range missile threat—such as the missile that now sits on a North Korean launch pad.

One of the limitations of the current GMD system, however, is that it is difficult to maintain the system on alert while it is undergoing the testing necessary to further improve its capability and reliability. To address this limitation, the Missile Defense Agency plans to create the infrastructure and redundant communications links necessary to permit the system to remain on alert even while test events are underway. This amendment helps advance these plans so that we are better prepared to address the threat posed by the development of a North Korean intercontinental ballistic missile.

In closing, I would note that in my many years here in the Senate, I have been privileged to participate in many a debate over missile defense. We have examined this issue from every conceivable angle—cost, technology, policy, strategy, and diplomacy—and the debate always appeared to me to be somewhat theoretical, since we lacked actual missile defense capabilities.

But today this is no longer the case. The United States now has a limited capability to defend its territory, deployed forces, and its allies against missiles of all ranges. It is a limited capability, to be sure, but one that now provides the President and his senior officials with additional options that can reinforce diplomacy and deterrence or, as a last resort, protect against the growing ballistic missile threat.

Mr. KYL. Mr. President, I, too, rise in support of this amendment of the Senator from Alabama, Mr. SESSIONS. It is a modest increase in funding. But as the ranking member of the Armed Services Committee said, it will enable us to accelerate the pace of testing,

which I think we are all supportive of. And as a result, I think it is a good amendment. I appreciate the support of both the minority and the majority. Because of that, I will not take a long time to detail the reasons why I think it is so important.

Suffice it to say, with the recent news of the preparations of the North Koreans and our knowledge that they have been very closely connected to the development of weapon capabilities, in particular the missile capabilities of the Iranians, and given the fact that both of those countries have not only become increasingly capable but increasingly belligerent in recent months and years, it is very obvious that we have to move forward and accelerate our testing and development and our deployment of the missile interception system with all the speed we can muster.

It is a program that we are developing as we go along, and we are learning a lot in the process. Our most recent tests have been successful. We can build on those successes.

I am delighted that the missile defense system is receiving the kind of support that it needs to receive so that in the years to come, when the American people look back on this and realize that they are protected from a missile attack, they can say it was during these years when that threat was evolving and developing that we had the fortitude to put the money in the program for development and testing that would enable us to protect the American people.

I remember back, right after 9/11, when the intelligence communities were criticized for not connecting the dots. Now the dots on the missile fronts are pretty clear. We are beginning to get big red circles coming at us with both North Korea and Iran, and others are on the way as well. It is during this period of time, before they become completely capable then, we have to develop our interceptor capabilities with our ground-based missile systems and the follow-on systems which we are working on as well.

I applaud the efforts of my colleague from Alabama and his foresight for proposing this modest increase.

I appreciate the support of the ranking minority member on the committee, and I urge my colleagues to support the amendment.

Mr. SESSIONS. Mr. President, I thank the Senator from Arizona for his comments, and in particular I want to express my appreciation to him for his steadfast leadership to ensure that this Nation has a ballistic missile defense.

He was active in this long before 9/11. Ever since he has been in the Senate, this has been a long passion of his. I am delighted that he could be here today to share some thoughts about it.

The system is not yet where we want it to be. But it has been proved. We have demonstrated hit-to-kill technology on two occasions. Now we have this entire system in place where we

have ship-based radar, ground-based radar, our missile satellite system, and the computers are tied all together.

I ask my colleague, Senator KYL, a Member of the leadership in this Senate, if he remembers those debates in the late 1990s—I guess it was when the Cochran-Lieberman bill passed to deploy this system. Maybe he could share some of his thoughts. He must feel some satisfaction to know that we now have a system in place that can give us at least some protection from a missile attack.

Mr. KYL. Mr. President, I will respond quickly to make this point. A lot of folks over the years asked, Why has it taken us so long? It is a good question. There are several different answers to it.

First of all, this is hard. It is hard to hit a bullet with a bullet. It has taken a lot of time and effort by very smart people.

I am glad we were there at the beginning, providing them the resources they needed to conduct these kinds of tests and demonstrate that we could really intercept an intercontinental ballistic missile, which is the equivalent of hitting a bullet with a bullet.

There were years in which there was opposition to the missile defense system, in which funding was cut from the program. That crippled the program and slowed it down. There were times when we were ready to deploy something and then opponents said we don't want to deploy yet, we want to do some more testing. As a result, every time we seemed to be ready to put up something, we were pulled back—all the way back to the early 1980s when Ronald Reagan started talking about this. You have to scratch your head and wonder why it has taken us this long to get to this point.

I think the most important thing, as the Senator from Alabama pointed out, is we are now making tremendous progress. We have a system deployed. It is better with every subsequent test, and as time goes on, the American people can at least begin to feel a little bit more secure. We are not there yet, as everybody has pointed out. But we are making great progress.

Because we worked hard during some of those lean years to keep the funding going and keep the progress going forward, we are at the stage we are today.

I thank both Members of the minority and majority for their support for the program this year.

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

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

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

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

Mr. LEVIN. Mr. President, I ask unanimous consent that Senator DODD be added as a cosponsor to the Levin-Reed Iraq amendment.

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

Mr. WARNER. Mr. President, if I might first thank my colleague from Oklahoma. A few people around here will say they are going to be here at a certain time and show up at a certain time. The Senator was committed to come here at a certain time, and I thank him.

Mr. COBURN. Mr. President, I thank the Senator.

I want to spend a few minutes, first of all, praising the chairman and ranking member of this committee. It is important, I think, that we see the relationships that develop, as well as the standards that have been developed on this bill, the fact that Chairman WARNER was here very late last night, the fact that we are moving forward in an expeditious way.

I have several areas and several amendments I am going to call up. I will try to be cooperative as to whether we have votes. But I think the issues are important enough that the American people ought to hear the debate about them.

I am not under any illusion that will necessarily win some of them. But I think we need to pay attention to them and the debate needs to be a part of the RECORD.

With that, I call up amendment No. 4454 and ask unanimous consent to modify it with the language of 4491, which I have here in my hand.

The PRESIDING OFFICER. Is there objection to the modification?

Mr. WARNER. Mr. President, is it possible for the managers to look at this for a moment before it is sent up? I think it would help facilitate matters.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COBURN. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

AMENDMENT NO. 4491, AS MODIFIED

Mr. COBURN. Mr. President, I call up amendment No. 4491, as modified, and I ask unanimous consent to make it a first-degree amendment.

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

The amendment (No. 4491), as modified, is as follows:

At the appropriate place insert the following:

SEC. ____ REFORMS TO THE DEFENSE TRAVEL SYSTEM TO A FEE-FOR-USE-OF-SERVICE SYSTEM.

No later than one year after the enactment of this Act, the Secretary of Defense may

not obligate or expend any funds related to the Defense Travel System except those funds obtained through a one-time, fixed price service fee per DOD customer utilizing the system with an additional fixed fee for each transaction.

Mr. COBURN. Mr. President, this is a great case for the American people to see what is not operating right in many of the branches of our Government.

There is a procurement contract that started out 8 years ago. The total cost was to be \$200 million. The idea was to save money on purchasing travel vouchers for our military. That was the goal. The original cost was \$246 million. We are now 8 years into this, and we are over \$464 million. It is working at a 30-percent level. It was working at less than 10 percent last year. Even though we have the GAO saying they may have saved \$13 million this year, the fact is that study didn't consider the fact that the vast majority of time when they buy an airplane ticket they do not get the best price. So that wasn't even considered. The purpose of this amendment is to cause us to focus again on what we are doing.

There are no-bid contracts, contracts that change in terms of violation of the contracting laws, performance bonuses, pay for back costs, negotiating through the procurement procedure. There is no significant oversight in this Congress on procurement in the agencies of this Government. That has to change. Nobody in the private world would get away with this. Nobody in their personal life would be able to get away with this.

Yet we have a system now where almost every ticket that is bought through this \$464 million program still has to be checked by a travel agent, of which we pay anywhere from \$5 to \$11 an hour, even though we might have saved \$20 on a payment system through the Pentagon.

What is the problem? I have worked with the comptroller at the Pentagon. They were aware of this. The Secretary of Defense is aware of it. The chairman is aware of the problem. The ranking member and I have had multiple discussions.

The problem is the Pentagon has hundreds of computers that won't talk to each other. Instead of fixing that problem, we contract to make a system that should be off the shelf for less than \$59 million, and we pay \$500 million for it so it will speak to all these different programs—and it is not doing it effectively.

The purpose of this amendment is to quit sending good money after bad and say don't get rid of the program, but let us incentivize the program. If it is a good program, then let us pay the contractor every time it is used. If it is not used enough, and if it doesn't get used—and it is not getting used now because it is too hard to use in the vast majority of the cases, most people go straight to a travel agent—let us pay them on a per-transaction basis just like this contractor has on every other

travel program that it has with the Federal Government.

Why would we do it differently in the Pentagon? We are doing it differently because our procurement system is broken in terms of how we hold people accountable.

I have nothing against the contractor.

If you would let me continue to do a program and not perform and continue to give me money, I will take it. But what it is doing is breeding incompetency. It is wasting taxpayer dollars, and we ought to say there is a point in time.

What do we know about travel systems in the Federal Government? What we know is in five other agencies they don't have any problems at all, two of which were developed by their same contractor.

Why are we having problems here? One of them is because we have a cost-plus contract. What is the incentive to fix the problem? There is not any because it is going to continue to be renewed.

This amendment says very simply change the incentive. If this is a good program—Oh, I know. This doesn't say throw the money out or throw the program out.

It says, change the program to incentivize it to be operational. It is in less than 30 percent of our military bases now. It is still not used. The one place it has been used is one Air Force base where it was mandated by the commander: You will use this system.

Do you know what the utilization rate is? Ninety percent. And the cost in terms of getting it done is about three times the benefit in terms of savings for paying for the bill.

On that same Air Force base, over 50 percent of the time they never get the cheapest fare, so what we save in terms of paying—the actual accounting work within the Pentagon, which I agree is a worthy goal—we lose because the system does not find the best fare.

As a matter of fact, most Pentagon employees would be better off to go to Travelocity or Orbitz, buy their own ticket on their own dime, get reimbursed, and the Pentagon can do it cheaper than with this.

This is a very straightforward amendment. It says don't get rid of the defense travel system, keep it going, but fund it on a per-transaction basis that says if this is good for the Pentagon, then use it and we will pay for it. That incentivizes the contractor to make it easy, to make it useful, and to get our value for it. Isn't half a billion enough to pay for a travel system that you could have bought off the shelf for \$50 million? It reflects on what we have as problems within the Pentagon.

Let me touch on that. I am a supporter of the Pentagon. I am a supporter of our Defense Secretary. He has told me this is one of the areas where they have great problems. Last year, the Pentagon paid \$6 billion in performance bonuses to contractors who

did not meet their performance requirements. Think about that for a minute. That means if you are told where you work: If you meet a certain expectation you are going to get a bonus, except we will pay you even if you do not meet that expectation—what are you going to think next year? You are going to think: I don't have to meet the expectation because I am going to get paid.

That is exactly what is happening within our contracting within the Pentagon and several other agencies within the Federal Government.

I ask the chairman and the ranking member to consider this. I believe it is a way to straighten out a contract and also send a signal. At best, we are going to have a \$350 billion deficit this year. Should we spend our kids' and grandkids' money in an inefficient way? This is a good message we ought to send so other contractors see it. You will not get a cost-plus contract if you do not perform, and you are not going to continue to have contracts renewed.

There are a lot of other details, and I ask unanimous consent to have them printed in the RECORD.

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

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

BACKGROUND

The Defense Travel System, DTS, is an end-to-end electronic travel system intended to integrate all travel functions, from authorization through ticket purchase to accounting for the Department of Defense. The system was initiated in 1998 and it was supposed to be fully deployed by 2002. DTS is currently in the final phase of a six-year contract that expires September 30, 2006. In its entire history, the system has never met a deadline, never stayed within cost estimates, and never performed adequately.

To date, DTS has cost the taxpayers \$474 million—a staggering \$200 million more than it was originally projected to cost.

In short, the American taxpayer has funded a project that is FOUR YEARS behind schedule, is deployed in barely half of the 11,000 DOD travel sites, cannot be relied upon to provide DOD travelers with the lowest available airfare, and is plagued with contracting problems.

And yet . . . Congress continues to fund this broken system.

This amendment prohibits continued funding of DTS and instead shifting to the fixed price per transaction e-travel systems used by government agencies in the civilian sector, as set up under General Services Administration, GSA, contracts.

DTS IS FAR BEHIND SCHEDULE

According to testimony given by Thomas F. Gimble, Acting Inspector General Department of Defense, before the Senate Permanent Subcommittee on Investigations on September 29, 2005, "The Defense Travel System was at 'high risk' for not being an effective solution to streamlining the DOD travel management process. Furthermore, DTS experienced significant testing and deployment problems."

By comparison, according to a March 6, 2006 GSA internal review of its own in-house Program Management Office for e-travel systems, two-thirds of civilian agencies fully deployed their systems on time.

In a January 2006 report, GAO noted that DTS, as originally envisioned, was to commence within 120 days after the effective date of contract award in September 1998, with complete deployment to approximately 11,000 locations by April 2002. However, that date has been changed to September 2006—a slippage of over 4 years.

DTS IS NOT BEING UTILIZED

Dr. Scott A. Comes of Program Analysis and Evaluation in the Defense Department testified last year that the estimated savings projected for DTS assumed a utilization rate of 60 percent in the first year of operation, rising to 90 percent thereafter.

In actuality, the utilization rate for DTS was approximately zero through 2004, reached approximately 15 percent in 2005 and now in the last year of the contract period remains about 30 percent. It is already too late for DTS ever to recover the enormous investment that has been wasted on it.

Furthermore, DTS fails to find the lowest applicable airfare in a significant number of cases. Industry expert Robert Langsfeld, who did a comparative study of DTS with the three civilian e-travel systems approved by GSA, testified last year that DTS performed less efficiently than any of the civilian GSA systems.

According to GAO testimony before the PSI Committee, during fiscal years 2001 and 2002, DOD spent almost \$124 million on airline tickets that included at least one leg of the trip in premium class—usually business class.

Because of control breakdowns within DTS, DOD paid for airline tickets that were neither used nor processed for refund—amounting to about 58,000 tickets totaling more than \$21 million. Based on limited data provided by the airlines to GAO, it is possible that the unused value of the fully and partially-used airline tickets that DOD has purchased could be at least \$100 million during the lifespan of DTS.

GAO also found that DOD sometimes paid twice for the same airline ticket through DTS. Based on GAO's mining of limited data, the potential magnitude of the improper payments was 27,000 transactions for over \$8 million.

In GAO's latest report, January 2006, they examined agencies that continue to use existing legacy travel systems at locations where DTS is already deployed! This means that all of the proclaimed savings that DTS was supposed to reap are nowhere to be found—because DOD continues to use legacy systems to do the same thing.

A blatant example of the waste from the use of these two systems can be seen in the way that travel vouchers are processed: According to an April 13, 2005, memorandum from the Assistant Secretary of the Army, Financial Management and Comptroller, from October 2004 to February 2005, at locations where DTS had been deployed, the Army paid the Defense Finance and Accounting Service, DFAS—the system where the majority of DOD payments are routed through—approximately \$6 million to process 177,000 travel vouchers manually, or \$34 per travel voucher, versus about \$186,000 to process 84,000 travel vouchers electronically, \$2.22 per travel voucher. Overall, for this 5 month period, the Army reported that it spent about \$5.6 million more to process these travel vouchers manually as opposed to electronically using DTS.

This example here shows that DTS is not even being utilized! Why in the world are we—the Congress—continuing to fund two duplicative travel payment systems at DOD which has proven to lose millions of dollars in a matter of months?

TESTING OF THE SYSTEM IS NOT ACCURATE

In a January 2006 GAO Report, GAO found that testing for selected requirements for

display of flights and airfares was "ineffective in ensuring that the promised capability was delivered as intended."

This means that not only is DTS not performing, the current system is incapable of testing properly in order to determine what is required in order to meet DOD's plan.

Further, DOD could not prove that DOD travelers even had access to the flights that were available for travel. There is no doubt such a flaw would have produced higher travel costs.

Confirming the problems with DTS, their own officials acknowledged that this problem has existed before deployment of the system—since 2002. In August 2005, DTS officials stated that the problem was corrected and went ahead with deploying the system.

DTS IS NOT COST EFFECTIVE

DTS is claiming that they saved over \$13 million this year, but their spokesman was unable to say in comparison to what. Apparently that "savings" is the amount estimated in reduced paperwork and accounting, estimated at about \$20 per transaction. This does not take into account the numerous instances in which DTS fails to display the lowest applicable airfare, the necessity to hand-check all its transactions, or the fact that the great bulk of DOD travel is still arranged through old-fashioned conventional travel agents. The alleged savings are completely illusory.

Under the DTS contract Northrop is being paid millions of dollars each month for operation and maintenance, training, help desk, development and deployment—regardless of the actual extent of use by DOD travelers. In addition, DOD is also paying travel agents, commercial travel managers, fees ranging from \$5.25 to \$12.50 to perform a travel transaction using DTS, the agent still has to buy the ticket and perform other administrative functions, and higher fees, up to \$23, if a travel agent has to "touch" or assist in completing or correcting a DTS transaction.

Under the GSA Contract DOD would pay only \$5.25 per transaction to whichever of three contractors won the contract. GSA e-travel systems are fully automated and do not require the assistance of a travel agent. Ironically, one of the three GSA-approved vendors for e-travel for civilian agencies is Northrop Grumman, the company that holds the DTS contract.

DTS IS BESET WITH CONTRACTING PROBLEMS

The facts show that DTS is another instance of a guaranteed-profit, cost-plus contract. The government is responsible for paying all of the costs of the system in addition to the amount the contractor receives as profit.

The original DTS contract provided for compensation on a per-transaction basis—pay for performance. By April 2001, after years of testing failures, it was clear that the original DTS would not work and the contract was secretly rewritten.

In 2002, the DOD and TRW, later purchased by Northrop Grumman, secretly negotiated a total restructure of the contract, in which the government agreed to pay for all the of losses sustained to date by the DTS contractor and to shift from a pay for performance to a cost-plus arrangement.

DOD has paid Northrop Grumman over \$264 million to develop DTS, when this program was supposed to be fully operational in 2001 and development costs were to be at no cost to the Federal government in the original contract.

Another contract change was an agreement by the government to pay the \$43.7 million that had been spent in development costs by the original contractor, subsequently acquired by Northrop Grumman. We got absolutely nothing for that money; it

just covered the losses covered by the contractor when the original contract stipulated that the contractor would bear all risks for the development and deployment of DTS.

Last year Judge George Miller of the Federal Court of Claims decided that he would not even look into allegations of violations of the Competition in Contracting Act because the software and source codes are owned by the contractor, so if the contract were opened for bidding and another bidder was awarded the contract, the Government would have nothing left than a \$500 million loss. But just a week before the September 29, 2005 hearing of the Senate Permanent Subcommittee on Investigations the contractor promised to transfer ownership of this intellectual property to the Defense Department at the end of the contract period if requested, ostensibly to maintain the fiction that the open bidding on the contract in 2006 is on the level. Ownership of DTS seems to bounce around to wherever it is most convenient to avoid serious scrutiny.

The Director, Defense Finance and Accounting Service, testified before the Senate Permanent Subcommittee on Investigations in September 2005, and promised that when Northrop Grumman's contract expired on September 30, 2006, the DTS contract would be re-bid.

However, this pledge has proved to be false. In February 2006, the Program Director, Defense Travel System Program Management Office, admitted to the Court of Federal Claims that when Northrop Grumman's contract expired on September 30, 2006, DOD planned to extend it on a sole source basis to Northrop Grumman through September 30, 2007 for an additional \$20 million.

AGENCIES CURRENTLY USING GSA'S E-TRAVEL SYSTEM

Northrop Grumman's e-travel system has been in use at the Department of Transportation for six months. Northrop also has GSA e-travel contracts with the Environmental Protection Agency, Department of Energy, and the Department of Health and Human Services and it is likely that it will reach early full deployment in each of these.

Mr. COBURN. There were violations in contracting law with this. There were promises made last year when we had this same discussion in the Senate that certain things were happening that did not happen in terms of this contract. There is no question there has been some improvement, but they have not achieved a level that would say we are anywhere close to the level of making this an efficient system.

Mr. WARNER. If I can address the Senator with regard to this amendment, it is an amendment the Senate has visited before.

I would like to have the Senator's observation of whether my information is correct. The Senator has been at this 2 years. I commend the Senator for that work. As a consequence of that work, the Department has done some things, have they not?

Mr. COBURN. They have.

Mr. WARNER. It has been told to me that 95 percent of the Senator's goals have been achieved and that by October 1 of this year, it will be 100 percent.

Mr. COBURN. The actual numbers on utilization of this system, if the Senator can bear with me for a minute, the utilization rate right now is 30 percent in the military. In other words, 3 out of 10 facilities that purchase travel are

utilizing this. If that is what we want when we contracted it, great. But that is not what was in the contract.

This same contractor, by the way, had a system developed through the Department of Transportation 6 months ago that is working just fine.

I portend that proves the problem with the system is the contracting, not the contractor. We ought to send a signal. Say it is 90 percent, if that is the case, they will make more money doing it on a per-transaction basis than they would under a contract basis.

Mr. WARNER. Mr. President, my friend is an expert on this, and I freely admit I am not.

Mr. COBURN. I am not an expert, but I don't like waste. I think we have wasted money.

Mr. WARNER. It is represented to me the DTS, the defense system is not merely a travel booking system, but it has much broader functionality than any of the Federal Government e-travel systems. In short, DTS is an end-to-end accounting system that automatically handles the entire range of otherwise very expensive and time-consuming manual tasks associated with DOD travel.

Any fair comparison has to begin with the fact that DTS offers an end-to-end travel management capability that incorporates military entitlements and DOD travel policies, and e-travel services simply do not.

Mr. COBURN. Early in my statement I made this point: We are fixing the wrong problem. The problem is the computer system. The reason this is so expensive, the computer systems in the Pentagon do not talk to one another. We have designed a monstrous computer system to make it talk to all these systems that will not talk to one another rather than to fix the computer system in the Pentagon to make them talk to one another.

If we do that on every project that we need to enhance and overfill for the Pentagon, we are going to get into the same problem. They make all their money by being able to pay the bill. But it is a travel system.

If they make efficiency in terms of being able to pay the bill—which is the problem the Pentagon was having—we ought to also expect them to get the fares right and not have to pay another \$6 to a travel agent for every ticket they write, to doublecheck to see if the system was right. That is what is happening.

When you say 90 percent, that is 90 percent, plus we are having the travel agents check it. It is not an automated system.

Have they made improvements? Yes, I do not deny that. But if they are where they need to be, and if their contract as originally specified and modified, if they are at 90 percent, they will make a ton more money on a per-transaction basis, and we will get what we need and they will get what they need.

But they are not. That is why we have the resistance to a transaction

basis. You cannot have it both ways. If they are at 90 percent, any prudent businessman would say: Sure, we want it on a transaction basis. If they are not at 90 percent, if they are at 30 percent, as I propose they are, and inefficiently at 30 percent, the reason they want a contract through next year is because they are going to make a lot more money than they would on the transaction basis.

Mr. WARNER. Mr. President, I continue to be very depressed by the knowledge that this Senator has on the subject. I freely admit that I do not have the depth of knowledge.

I understand initially the amendment called for a study. Then, as provided under the rules of the Senate, the Senator modified the amendment, and it is now a very specific piece of legislation that I am advised could well end the program.

Somewhere between a study and trying to end the program, should the Senator prevail, there must be a basis on which we can have an accommodation so I can accept some measure to meet the Senator's goals and incorporate it in the bill, assuming my distinguished ranking member will accept my recommendation.

Mr. President, why doesn't the Senator go to his next amendment? In the meantime staff can go to work.

Mr. COBURN. I will gladly do that, and I am happy to work with you.

I make a final point. Supposedly, this contract is going to be out for bid at the end of this year. It was supposed to have been out for bid last year. They renewed the contract without putting it out for bid, so I don't have any hope it will go out, first.

And, No. 2, nobody is going to bid on this. It is a mess. Nobody is going to bid on it. The only person you will have bid on it is the original contractor. Whether that is accurate or not, I am willing to work with the chairman to bring down the costs.

The fact is, the real problem is the computer systems in the Pentagon. We all know that. The Senator is aware of it, the ranking member is aware of it. The comptroller is working hard to change that. That is a 4- to 7-year program that we have embarked on which everyone knows has to happen.

Here is my worry: I will be back here next year doing the same thing because it is still not going to work. That is my worry. That is not fair to our grandkids.

Mr. WARNER. I say that is not fair to the men and women of the Armed Forces who use this program.

I am not trying to keep in place something that is not adequately serving this constituency and the Department of Defense. I would rather put in a fix if I can get in my mind what that fix can be. The amendment could virtually bring what is in existence at DTS to a standstill.

Mr. COBURN. If I could ask the chairman a question, if, in fact, it is at 90 percent, as the contractor says it is,

then by the contract they should have already converted over to a per-transition plan. So why haven't they? They haven't because it is not at 90 percent because they would be making a whole lot more money if it was.

I am happy to ask unanimous consent to set this amendment and discuss other amendments and work with the Senator and his staff prior to the voting or conclusion of this bill.

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

Mr. WARNER. I thank the cooperation of the Senator.

The PRESIDING OFFICER. The Senator from South Carolina.

AMENDMENT NO. 4365

Mr. GRAHAM. Mr. President, if it is acceptable to the chairman, I would like about 10 minutes, maybe less, to talk about a managers' amendment that has been accepted by the chairman and ranking member, to put in the record how important I think this is regarding military retirement, Guard and Reserves.

Mr. WARNER. We certainly want to accommodate the Senator. I suggest at the conclusion of the presentation of this next amendment.

Mr. GRAHAM. I apologize.

Mr. COBURN. I am happy to let the Senator from South Carolina intervene for a short period of time.

The PRESIDING OFFICER. The Senator from South Carolina has the floor.

Mr. GRAHAM. I will be very brief.

One, I thank the chairman and ranking member for their willingness to help Senator CHAMBLISS and Senator CLINTON and myself with a package of reforms that would be very beneficial to the Guard and Reserves regarding Reserve retirement.

Right now, the current system will not allow you to retire until you are 60. You can serve your 20 years, 30 years, but you have to wait until you are 60 to get your retirement. We are trying to incentivize those Guard and Reserves to take part in active-duty operations, and if you are called up to active duty involuntarily, for every 90 days a member spends on active duty, from September 11 forward, you will get a day-for-day credit in terms of retirement. If you serve a whole year on active duty, voluntarily or involuntarily, you could retire at 59.

We have had this scored. It is minimum cost. But I can assure you it will go a long way in the Guard and Reserve community as a much needed reform.

It will be well received by our troops. It will be good for them and their families. Quite honestly, the level of commitment, the level of Active Duty service is on par with World War II among the Guard and Reserves, and it is the least we can do. This will certainly benefit our guardsmen and reservists and their families. I appreciate the chairman and ranking member putting it in the managers' package.

I have enjoyed working with Senators CHAMBLISS and CLINTON on this issue. The reduced retirement provi-

sion was from Senator CHAMBLISS. It was his amendment. And we used his amendment also to improve health care for the Guard and Reserves.

What we have done—there is a three-tiered system. For every 90 days you are called to active duty, you get a year of TRICARE at a 28-percent premium share rate, which is the same as for Federal employees. Everyone who works in our offices as Federal employees pays 28 percent of the cost of their Federal health care. The only group in the Federal Government not to have Federal health care were the Guard and Reserves. We fixed that last year. And we are going to have a change in the allocation.

Tier 2: If you are an unemployed or an uninsured guardsman or reservist, we are going to have a 50-50 cost share. If you are in the private sector with health care, and you want to come into TRICARE, to have continuity of health care, not bouncing back and forth, we are going to have a 75-25 share. So if you want to get out of your private-sector health care and come into TRICARE, you will have to pay 75 percent. That will be down from 85 percent. We put a cap on premium growth rates.

The entire package, from allowing people to retire early if they serve on active duty, voluntarily or involuntarily, is a great idea. Balancing out the premiums to be paid will go a long way to make our Guard and Reserve family members and Active Duty and military members more appreciated. And it will certainly help them with their budget problems, because we all know how costly health care is.

I have introduced a separate stand-alone bill that would allow every guardsman and reservist who is eligible for TRICARE to participate in premium conversions. It would allow them to have their TRICARE premiums on a pretax basis, like every other Federal employee. That is a stand-alone bill. We will do it later.

I thank Senator CHAMBLISS for coming up with a package that would allow military members and the Guard and Reserves to get credit for their active service in terms of retiring below age 60. Senator CLINTON and I have worked for several years on TRICARE benefits for guardsmen and reservists. I think we have improved that benefit in a very reasonable way. I put that on the record and hope every Member of the Senate will appreciate what we have done because our guardsmen and reservists have served above and beyond the call of duty.

Mr. President, I now yield to Senator CLINTON, who, as I have indicated, has been with us every step of the way, leading on this issue.

The PRESIDING OFFICER. The Senator from New York.

Mrs. CLINTON. Mr. President, I am honored and delighted to join my voice along with my colleagues, Senator GRAHAM and Senator CHAMBLISS, and thank them for their efforts.

Today, we have made further progress in improving benefits for National Guard members and reservists. This bill makes great strides in improving retirement benefits for reservists and Guard members who serve for longer periods. For every consecutive 90 days a member spent in an active Federal status, the age at which they receive their retirement annuity would be decreased by 3 months. The lowest a member could collect retirement pay as a result of this provision would be age 50. The age at which they would qualify for health care benefits would not decrease.

Any Guard or Reserve member who is called or ordered to active duty, or volunteers for active duty, would qualify. This will greatly help us with recruitment and especially retention. We have a problem in our Reserve component which has been under great stress over the last several years.

Last year, thanks to the leadership of Senator GRAHAM, we made great progress in expanding access to TRICARE. All members of the Selected Reserve are eligible to enroll in TRICARE, and we created a separate category based on whether a Guard member or reservist had been deployed.

Category one, for members of the Selected Reserves who have been activated: Members would accumulate 1 year of TRICARE coverage for every year of service and would only have to pay 28 percent of the cost. Category two established a 50-50 cost share for those without health insurance owing to unemployment or lack of employer-provided coverage. And category three was for the remainder of members of the Selective Reserve who did not fit in the other categories, allowing them to buy into coverage at an 85 percent cost share.

Our improvements this year will allow small businesses with fewer than 20 employees to qualify for the 50-50 cost share. And it reduces the amount paid, by those who qualify for category three, to 75 percent.

This is not only a win-win for Guard members and reservists. This is a win-win for our military services and for our country. We are sending a clear message—not just rhetoric, not just rah-rah—but a very clear, solemn message to those who volunteer to be our citizen soldiers. Perhaps in the past they might have thought they would have a weekend a month, 2 weeks in the summer. Well, now they know they are part of the war against terrorism. They are on call literally at any moment.

What we found is that when we began to activate those Guard and Reserve members, 20 to 25 percent of them were found to be medically unready. They had physical problems. They had dental problems. They were not ready because they did not have health insurance. They fell into the category of Americans who go without health care because they cannot afford it or their employer does not provide it.

So in addition to the work I have been privileged to do with Senator GRAHAM on health care benefits, and under the leadership of Senator CHAMBLISS with respect to retirement, we have really sent a great message to our men and women in the Guard and Reserve that we care about you. We care about your families. We value your service. And we want you to know that when it comes to retirement and health care, your country is grateful.

Thank you very much, Mr. President. The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 4370

Mr. COBURN. Mr. President, I ask unanimous consent that the pending amendment be set aside and that amendment No. 4370 be called up.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 4370.

Mr. COBURN. 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 require notice to Congress and the public on earmarks of funds available to the Department of Defense)

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

SEC. 1008. REPORTS TO CONGRESS AND NOTICE TO PUBLIC ON EARMARKS IN FUNDS AVAILABLE TO THE DEPARTMENT OF DEFENSE.

(a) ANNUAL REPORT AND NOTICE REQUIRED.—The Secretary of Defense shall submit to Congress, and post on the Internet website of the Department of Defense available to the public, each year information as follows:

(1) A description of each earmark of funds made available to the Department of Defense for the previous fiscal year, 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 Department, set forth using a rating system as follows:

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

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

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

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

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

(b) EARMARK DEFINED.—In this section, the term “earmark” means a provision of law, or a directive contained within a joint explanatory statement or report accompanying a conference report or bill (as applicable), that specifies the identity 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. Mr. President, this is an amendment that is going to have some emotion with it. I want to talk about it first. There is no question when it comes to the wisdom of many of the Members of our body that directing the Pentagon to do certain things is valuable. We know that from anecdotal experience. But what we don't know is how many times we have told them to do something that has been a complete waste. What I am talking about are earmarks in the Defense authorization bill as well as in the Defense appropriations bill.

There is a wonderful body of knowledge, plus an institutional knowledge, here that helps give wisdom to direct the Armed Services. I believe we ought to be in that position. What this amendment does is ask for a report. I want to explain, for a second—and I want the American public to see—what has happened in terms of earmarks.

In 1994, there were \$4.2 billion worth of earmarks in the Defense appropriations bill. Last year, there were \$9.4 billion. The question we should be asking is not whether or not there should be earmarks, but what is the result of those earmarks? What is the consequence of the earmarks? Not only were the numbers up, the dollars up, but the numbers have skyrocketed.

So the question which I think would be prudent for us to ask is, No. 1: Earmarks are consuming a larger percentage of defense dollars. They also, according to Pentagon reports and some Members of this body, are taking money away from other priorities that are deemed to be higher a lot of the time. They also account for some of the problems we are having in the emergency supplementals and adding to the rising cost of our debt. Many times they are not needed, but, in fact, they are associated with benefiting a region or an industry that is not necessarily in the highest priority.

So this is not about eliminating earmarks. This is about looking at earmarks and saying: What are we getting for them? Where are they working great for us? Where are they not working? Are they beneficial to the defense of this country? Is it something that gives us a benefit?

The other thing I would remind us of is, in the most recent history we have seen an ethical lapse in association with some earmarks, and we have actually seen some criminal behavior in association with earmarks. That ought to be a part of the report as well.

So the whole idea is to add transparency and accountability to earmarks. Let's look at them. What are we getting for them? What are we losing? What are the opportunity costs that are lost because we have them there? The total annual cost of earmarks in Defense appropriations bills would be put in this report.

We can determine the actual numbers of earmarks and the actual price tags. But we don't know the hidden costs of those earmarks, which include staff time and administration. And we don't know the opportunity cost of those earmarks: What did not happen for our soldiers, what did not happen in terms of procurement because we put in something else of maybe a lesser priority?

The annual report will provide Congress and the public a more complete understanding of the total cost of the earmarks to the Department of Defense, the purpose and location of each earmark, and an analysis of the usefulness of each earmark in advancing the goals of the Department of Defense. This will provide Members of Congress a more complete view of the cost-effectiveness of each project and whether those projects warrant continued funding.

The last amendment we were on started as an earmark. I remind the Members of this body, it started at \$200 million, and now will have grown to over \$500 million in initiatives and earmarks, but we did not have the benefit of a report such as this to see if we were getting value for this money.

This is a simple amendment. It is not going after earmarks. It is not saying they are bad. It is not saying they are good. What it is saying is: Shouldn't this body know? Shouldn't we know the impact, positively and negatively? Shouldn't we know the lost opportunity cost?

I hope both the ranking member and the chairman of this committee will give this amendment consideration. And I ask for their response.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, the managers are working to try to resolve a number of issues in the hopes we can complete this bill. I will eventually reply to the Senator from Georgia. I wonder if at this time, without losing the floor, he will yield to his colleague to speak on another matter.

Mr. COBURN. I say to the Senator, I will be happy to.

Mr. WARNER. I thank the Senator.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I thank the chairman and thank my good friend from Oklahoma for yielding for just a minute.

AMENDMENT NO. 4365

Mr. President, I would like to address amendment No. 4365, cosponsored by myself, Senator GRAHAM, Senator CLINTON, and Senator BURNS.

This amendment, which I am speaking on today, makes what I believe is a

relatively minor but very important adjustment to the Reserve retirement system. My amendment would lower the age at which a reservist can receive their retirement annuity by 3 months—counting down from age 60—for every 90 days a reservist spends on active duty during a fiscal year.

This amendment specifically rewards the members of the Guard and Reserve who have been called or ordered for active duty, interrupted their civilian lives for an extended period of time, and in many cases placed themselves in harm's way in defense of their country.

Currently, the average reservist, if they collect any retirement pay at all, receives a small fraction of the annuity that an Active Duty member receives. If this amendment becomes law, that percentage will rise slightly. But in no way will this amendment result in a major change with large financial implications.

I do not have a formal CBO estimate for the current version. However, based on CBO scoring for an earlier version, I suggest the cost of this amendment will be approximately \$300 million over 5 years. There have been several other bills and amendments related to Reserve retirement introduced in Congress, and for the sake of comparison, I believe my amendment provides the right incentives and rewards. It is also the least costly alternative which has been offered so far.

I believe this amendment is significant and important because it recognizes the increased contributions our reservists are making, rewards them for their service in the global war on terrorism, and provides reservists in the middle of their careers with an incentive to stay on board. I have received great feedback from the Department of Defense on this amendment because it provides incentives for volunteers, provides motivation for retention, and is relatively low cost.

The Reserve Officers Association of America, the National Guard Association of the United States, the Naval Reserve Association, the Reserve Enlisted Association, and several other military associations also support the amendment and see it as an important, responsible step forward in support of our reservists.

With the coauthorship of my good friends Senator GRAHAM of South Carolina and Senator CLINTON of New York, this amendment also makes two important changes to the current laws related to TRICARE by allowing small businesses under 20 to participate in the 50-50 cost share in the TRICARE program and changing third tier beneficiaries from paying 85 percent to 75 percent. These are important changes, which benefit our men and women in the Guard and Reserve and further provide for the health care benefits of our servicemembers in a way that is affordable and enhances their service.

I commend its inclusion in the bill. It has been a pleasure to work with Senators GRAHAM and CLINTON, as well as

Senator BURNS, on this matter. We have had great cooperation from both the chairman and ranking member. I can't tell them how much we appreciate this.

This is the No. 1 issue of the Guard and Reserve this year. It is going to be a great package. I commend Senator GRAHAM for his hard work, Senator CLINTON for her hard work, as well as Senator BURNS for his hard work on this issue. I appreciate very much the cooperation of the staff, as well as the chairman and ranking member, in making sure that we continue to look after our men and women in the Guard and Reserve who are being called up all the more often than we have ever anticipated and all the more often than what they anticipated.

The chairman and ranking member have accepted the amendment, and I am appreciative of that.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

AMENDMENT NO. 4471, AS MODIFIED

Mr. FRIST. Mr. President, I know in a few moments we will be voting. I did want to come to the floor and speak strongly in support of the Sessions missile defense amendment.

More than 23 years have passed since President Reagan announced his Strategic Defense Initiative—the idea that our Nation should develop the ability to protect itself against the threat of missile attack by being able to shoot down incoming missiles.

President Reagan's idea has been very controversial ever since it was announced.

For some reason there has always been a very substantial school of thought, especially on the other side of the aisle, that we are better off being defenseless against missile attack; that instead of being able to shoot down incoming missiles, we should rely instead exclusively on the threat that we will strike back after someone else attacks us first.

This policy of intentional vulnerability—of intentionally exposing our cities and our people to the threat of missile attack—has never made sense to me or to the American people.

But that hasn't stopped repeated efforts over the years by opponents of missile defense to reduce or even eliminate funding for research, development, and deployment of missile defenses.

Fortunately, Republican administrations and Republican Congresses over the last 23 years have fought to continue our national investment in missile defense.

Thanks to our efforts, our Nation today has a number of missile defense systems and components in place, including a total of 11 ground-based mid-course interceptors fielded in Alaska and California, and more are on the way.

This system is working today to defend the American people.

As Assistant Secretary of Defense Peter Flory testified 3 months ago before a House committee:

The United States today has all of the pieces in place needed to intercept an incoming long-range ballistic missile: ground based interceptors in Alaska and California; a network of ground, sea, and space-based sensors; a command and control network; and most importantly, trained servicemen and women ready to operate the system. Our ballistic missile defense system today is primarily oriented toward continued development and testing. But we are confident that it could intercept a long-range ballistic missile if called upon to do so.

The existence of this system, rudimentary though it may be, is a great source of comfort to the American people, especially as we confront the threat that North Korea may test fire an ICBM eastward across the Pacific Ocean any day now.

No less an expert than Dr. William J. Perry, President Clinton's Secretary of Defense, has seen the risk of such a test launch by North Korea as sufficiently threatening to America to justify a preemptive U.S. attack on the North Korean ICBM while it is still sitting on its launch pad.

Secretary Perry, in his op-ed in today's Washington Post, acknowledges that attacking the North Korean ICBM on the ground in North Korea would be a high-risk action that could lead to war between the United States and North Korea.

I certainly want to avoid a war with North Korea if at all possible. At the same time, I cannot disagree with Secretary Perry that North Korea's missile program poses a great threat to our Nation that we cannot ignore.

It was precisely to avoid having to choose between preemptive war and defenselessness that our Nation has been pursuing missile defense for the last 23 years.

Senator SESSION's amendment underscores and increases our Nation's commitment to missile defense by increasing the funding for it in this bill by \$45 million.

It is a worthy amendment that builds on the commitment that many of us have demonstrated over the years to missile defense.

I understand that the distinguished ranking member, Senator LEVIN, has expressed his support for the amendment, which I welcome—not only because I value his support, but also because, it renews my faith in the power of redemption.

I know we will be voting shortly, but I urge strong support of the Sessions amendment.

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. WARNER. 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. WARNER. Mr. President, I thank the Senator from Oklahoma for his cooperation. We are trying to reduce the number of rollcall votes so that we can conclude this bill. We are very close to doing so.

I yield the floor for the purposes of the Senator from Oklahoma being recognized.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 4491, AS MODIFIED

Mr. COBURN. Mr. President, I would like to call up amendment No. 4491 again.

The PRESIDING OFFICER. Without objection, the amendment is pending.

Mr. COBURN. I ask for its consideration for the purpose of a vote.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to amendment No. 4491, as modified.

The amendment (No. 4491), as modified, was agreed to.

AMENDMENT NO. 4370

Mr. COBURN. I call up amendment No. 4370.

The PRESIDING OFFICER. The amendment is pending.

Mr. COBURN. I ask for its consideration.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to amendment No. 4370.

The amendment (No. 4370) was agreed to.

Mr. WARNER. Mr. President, as a courtesy to the Senator, I move to reconsider the votes and to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. I thank the Senator from Oklahoma.

I believe we will shortly have a UC request to present, but I am looking for the Senator from Alabama, Mr. SESSIONS. If I could have his attention, my understanding is that the Senator desires a rollcall vote on his amendment.

Mr. SESSIONS. I do think that is appropriate.

Mr. WARNER. Fine, the amendment has been debated on both sides.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, we support the amendment. Obviously, if there is a desire for a rollcall, that is their right. We will be recommending a "yea" vote.

Mr. WARNER. Mr. President, we want to schedule that vote. So it is agreed that will be the subject of a rollcall vote.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, I ask unanimous consent that at 3:45 p.m. today, the Senate proceed to stacked votes in relation to the following amendments to the Defense authorization bill: Chambliss No. 4261, Sessions No. 4471, as modified. I further ask that there be no amendments to the amendments in order prior to the votes and that after the first vote, all rollcall votes be 10 minutes in length; further that there be 2 minutes equally divided between each vote after the first.

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

UNANIMOUS-CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. FRIST. I ask unanimous consent that following the stacked votes that begin shortly in relation to the Defense authorization bill, the Senate proceed

to executive session and to immediate votes on the following nominations: No. 704, Andrew Guilford, U.S. District Judge for the Central District of California; No. 714, Frank D. Whitney, U.S. District Judge for the Western District of North Carolina.

I ask unanimous consent that prior to each vote it be in order for the Senators from California and the Senators from North Carolina to speak for up to 3 minutes each or to submit statements for the RECORD prior to the votes; provided further, that following those votes, the Senate proceed to the consideration of No. 715, the nomination be confirmed, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

Mr. LEVIN. Reserving the right to object, we understand that District Judge Frank Whitney would probably be a voice vote; is that correct?

Mr. FRIST. That is correct.

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

Mr. FRIST. Mr. President, I will turn to the chairman and the ranking member to comment on what they expect over the course of the afternoon, but the two unanimous-consent requests that we just did means that we will have a series of two or three rollcall votes and one by voice. And then after that, I will turn to the chairman and ranking member as to what we might expect in terms of completion of the bill.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, could those three votes be sequenced, the first vote will take the normal course and the next two votes be 10 minutes each?

The PRESIDING OFFICER. That is part of the order.

Mr. WARNER. I thank the distinguished Presiding Officer. Secondly, there seems to be only one remaining amendment which we are trying to resolve. Then I would approach the leadership jointly for final passage of the bill.

Mr. FRIST. Mr. President, that is my understanding. Is that the understanding of the ranking member?

Mr. LEVIN. I understand that unresolved amendment on our side may have just been resolved. That adds a note of optimism.

Mr. FRIST. Things are sounding better and better.

Mr. WARNER. Would the majority leader authorize the chairman to seek final passage when we are ready to go?

Mr. FRIST. Yes.

AMENDMENT NO. 4261

The PRESIDING OFFICER. Under the previous of order, the hour of 3:45 having arrived, the question is on agreeing to the Chambliss amendment No. 4261.

The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Wyoming (Mr. ENZI).

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

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

The result was announced—yeas 70, nays 28, as follows:

[Rollcall Vote No. 184 Leg.]

YEAS—70

Akaka	DeWine	Murray
Alexander	Dodd	Nelson (NE)
Allard	Domenici	Pryor
Baucus	Dorgan	Reed
Bennett	Durbin	Reid
Bingaman	Ensign	Roberts
Bond	Feinstein	Salazar
Boxer	Frist	Santorum
Brownback	Graham	Sarbanes
Bunning	Hatch	Schumer
Burns	Hutchison	Sessions
Burr	Inhofe	Shelby
Byrd	Inouye	Smith
Cantwell	Isakson	Snowe
Chambliss	Landrieu	Specter
Coburn	Lautenberg	Stevens
Cochran	Lieberman	Stevens
Coleman	Lincoln	Sununu
Collins	Lott	Talent
Conrad	Martinez	Thomas
Cornyn	McConnell	Thune
Craig	Menendez	Vitter
Crapo	Mikulski	Voinovich
DeMint	Murkowski	

NAYS—28

Allen	Gregg	Levin
Bayh	Hagel	Lugar
Biden	Harkin	McCain
Carper	Jeffords	Nelson (FL)
Chafee	Johnson	Obama
Clinton	Kennedy	Stabenow
Dayton	Kerry	Warner
Dole	Kohl	Wyden
Feingold	Kyl	
Grassley	Leahy	

NOT VOTING—2

Enzi	Rockefeller
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The amendment (No. 4261) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, before we proceed to the next vote, I would like to propound the following unanimous-consent request:

I ask unanimous consent that following the next vote, which is on the Sessions amendment, I then be recognized in order to send to the desk a series of amendments that have been cleared on both sides. I further ask unanimous consent that following action on those cleared amendments, the bill be read a third time and the Senate proceed to a vote on final passage of the bill, with no intervening action or debate; provided further, that after passage, the Senate proceed to the votes in executive session as under the previous order.

Mr. LEVIN. No objection.

Mr. KERRY. Mr. President, reserving the right to object, and I will not object; I wish to clarify with the distinguished chairman, should we make a clarification with respect to pay raise now or when we are done?

Mr. WARNER. We have reached an agreement on the pay raise issue. I would prefer to do that following final

passage and have the colloquy inserted in the RECORD prior to.

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

Mr. WARNER. I thank the Presiding Officer, and I thank my colleagues.

AMENDMENT NO. 4471, AS MODIFIED

The PRESIDING OFFICER. There are now 2 minutes equally divided for debate before a vote in relation to the Sessions amendment No. 4471. Who yields time? Is all time yielded back?

The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I think there is strong support on both sides of the aisle for this amendment. This is money which goes to testing of the missile defense system mainly; it surely needs testing. That has always been the question. So I support this amendment, and I believe we could have a voice vote, but there has been a request for a rollcall vote. We support the amendment.

Mr. WARNER. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not.

Mr. WARNER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

Mr. WARNER. Mr. President, this is an amendment by the distinguished Senator from Alabama, Mr. SESSIONS, and the distinguished Senator from Tennessee, Mr. FRIST, and it has been carefully worked and debated. I ask that the vote begin.

The PRESIDING OFFICER. The Senator from Alabama still has 1 minute remaining.

Mr. SESSIONS. Mr. President, I would just say that the projected launch from North Korea has caused us to focus intensely on the missile defense system. To celebrate what we have accomplished, we have nine missiles now in place in Alaska and two in California that are capable of knocking down such an attacking missile. This amendment would allow the capability for continued testing and, at the same time, be on 24/7 readiness to knock down an incoming missile.

We think it is a good amendment, and it is offset. I urge my colleagues to support it. In effect, we would also be sending a message to North Korea and Iran and other rogue nations that we would be ready to defend this Nation.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 4471, as modified. 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 Wyoming (Mr. ENZI).

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessary absent.

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

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 185 Leg.]

YEAS—98

Akaka	Dole	McCain
Alexander	Domenici	McConnell
Allard	Dorgan	Menendez
Allen	Durbin	Mikulski
Baucus	Ensign	Murkowski
Bayh	Feingold	Murray
Bennett	Feinstein	Nelson (FL)
Biden	Frist	Nelson (NE)
Bingaman	Graham	Obama
Bond	Grassley	Pryor
Boxer	Gregg	Reed
Brownback	Hagel	Reid
Bunning	Harkin	Roberts
Burns	Hatch	Salazar
Burr	Hutchison	Santorum
Byrd	Inhofe	Sarbanes
Cantwell	Inouye	Schumer
Carper	Isakson	Sessions
Chafee	Jeffords	Shelby
Chambliss	Johnson	Smith
Clinton	Kennedy	Snowe
Coburn	Kerry	Specter
Cochran	Kohl	Stabenow
Coleman	Kyl	Stevens
Collins	Landrieu	Sununu
Conrad	Lautenberg	Talent
Cornyn	Leahy	Thomas
Craig	Levin	Thune
Crapo	Lieberman	Vitter
Dayton	Lincoln	Voinovich
DeMint	Lott	Warner
DeWine	Lugar	Wyden
Dodd	Martinez	

NOT VOTING—2

Enzi	Rockefeller
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The amendment (No. 4471), as modified, was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, for those Senators who may not have heard that vote, if I am correct it was 98 yeas, 0 nays. That is a strong voice from the Senate of the United States in support of the men and women of the Armed Forces. I thank each and every one of you.

Mr. LEVIN. Mr. President, if the Senator will yield, it is also a very strong voice for testing a missile system as well as supporting the men and women in the Armed Forces.

I wonder if we could get the attention of the Senate. It is our understanding now that we are going to proceed to a package which has been cleared and then move to final passage?

Mr. WARNER. That is correct.

Mr. LEVIN. And then immediately move to consideration of a judge.

Mr. WARNER. That is correct. The prior vote being on the missile defense.

Mr. LEVIN. I thank my colleague.

AMENDMENTS NOS. 4520; 4374; 4521; 4522; 4523; 4458; 4524; 4264, AS MODIFIED; 4464; 4489; 4525; 4526; 4327, AS MODIFIED; 4527; 4434; 4393, AS MODIFIED; 4312; 4424; 4416; 4364, AS MODIFIED; 4232; 4528; 4529; 4311; 4228; 4439, AS MODIFIED; 4530; 4337; 4531; 4411; 4336; 4361; 4532; 4533; 4534; 4535; 4381, AS MODIFIED; 4429; 4398, AS MODIFIED; 4451, AS MODIFIED; 4536; 4537; 4538; 4303; 4539; 4423; 4316; 4407; 4366; 4321; 4540; 4449; 4204, AS MODIFIED; AND 4541, EN BLOC

Mr. WARNER. I send a series of amendments to the desk which have

been cleared by myself and the ranking member. I ask unanimous consent the Senate consider these amendments en bloc, the amendments be agreed to, and the motions to reconsider be laid upon the table. Finally, I ask that any statements pertaining to any of these individual amendments be printed in the RECORD.

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

The amendments were agreed to, as follows:

AMENDMENT NO. 4520

(Purpose: Relating to the Minuteman III Intercontinental Ballistic Missile)

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

SEC. 147. MINUTEMAN III INTERCONTINENTAL BALLISTIC MISSILES.

(a) FINDINGS.—Congress makes the following findings:

(1) In the Joint Explanatory Statement of the Committee of Conference on H.R. 1815, the National Defense Authorization Act for Fiscal Year 2006, the conferees state that the policy of the United States “is to deploy a force of 500 ICBMs”. The conferees further note “that unanticipated strategic developments may compel the United States to make changes to this force structure in the future.”.

(2) The Quadrennial Defense Review (QDR) conducted under section 118 of title 10, United States Code, in 2005 finds that maintaining a robust nuclear deterrent “remains a keystone of United States national power”. However, notwithstanding that finding and without providing any specific justification for the recommendation, the Quadrennial Defense Review recommends reducing the number of deployed Minuteman III Intercontinental Ballistic Missiles (ICBMs) from 500 to 450 beginning in fiscal year 2007. The Quadrennial Defense Review also fails to identify what unanticipated strategic developments compelled the United States to reduce the Intercontinental Ballistic Missile force structure.

(3) The commander of the Strategic Command, General James Cartwright, testified before the Committee on Armed Services of the Senate that the reduction in deployment of Minuteman III Intercontinental Ballistic Missiles is required so that the 50 missiles withdrawn from the deployed force could be used for test assets and spares to extend the life of the Minuteman III Intercontinental Ballistic Missile well into the future. If spares are not modernized, the Air Force may not have sufficient replacement missiles to sustain the force size.

(b) MODERNIZATION OF INTERCONTINENTAL BALLISTIC MISSILES REQUIRED.—The Air Force shall modernize Minuteman III Intercontinental Ballistic Missiles in the United States inventory as required to maintain a sufficient supply of launch test assets and spares to sustain the deployed force of such missiles through 2030.

(c) LIMITATION ON TERMINATION OF MODERNIZATION PROGRAM PENDING REPORT.—No funds authorized to be appropriated for the Department of Defense may be obligated or expended for the termination of any Minuteman III ICBM modernization program, or for the withdrawal of any Minuteman III Intercontinental Ballistic Missile from the active force, until 30 days after the Secretary of Defense submits to the congressional defense committees a report setting forth the following:

(1) A detailed strategic justification for the proposal to reduce the Minuteman III Intercontinental Ballistic Missile force from 500

to 450 missiles, including an analysis of the effects of the reduction on the ability of the United States to assure allies and dissuade potential competitors.

(2) A detailed analysis of the strategic ramifications of continuing to equip a portion of the Minuteman III Intercontinental Ballistic Missile force with multiple independent warheads rather than single warheads as recommended by past reviews of the United States nuclear posture.

(3) An assessment of the test assets and spares required to maintain a force of 500 deployed Minuteman III Intercontinental Ballistic Missiles through 2030.

(4) An assessment of the test assets and spares required to maintain a force of 450 deployed Minuteman III Intercontinental Ballistic Missiles through 2030.

(5) An inventory of currently available Minuteman III Intercontinental Ballistic Missile test assets and spares.

(6) A plan to sustain and complete the modernization of all deployed and spare Minuteman III Intercontinental Ballistic Missiles, a test plan, and an analysis of the funding required to carry out modernization of all deployed and spare Minuteman III Intercontinental Ballistic Missiles.

(7) An assessment of whether halting upgrades to the Minuteman III Intercontinental Ballistic Missiles withdrawn from the deployed force would compromise the ability of those missiles to serve as test assets.

(8) A description of the plan of the Department of Defense for extending the life of the Minuteman III Intercontinental Ballistic Missile force beyond fiscal year 2030.

(d) REMOTE VISUAL ASSESSMENT.—

(1) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE.—The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force is hereby increased by \$5,000,000.

(2) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force, as increased by paragraph (1), \$5,000,000 may be available for ICBM Security Modernization (PE #0604851) for Remote Visual Assessment for security for silos for intercontinental ballistic missiles (ICBMs).

(3) OFFSET.—The amount authorized to be appropriated by section 103(2) for procurement of missiles for the Air Force is hereby reduced by \$5,000,000, with the amount of the reduction to be allocated to amounts available for the Evolved Expendable Launch Vehicle.

(e) ICBM MODERNIZATION PROGRAM DEFINED.—In this section, the term “ICBM Modernization program” means each of the following for the Minuteman III Intercontinental Ballistic Missile:

(1) The Guidance Replacement Program (GRP).

(2) The Propulsion Replacement Program (PRP).

(3) The Propulsion System Rocket Engine (PSRE) program.

(4) The Safety Enhanced Reentry Vehicle (SERV) program.

AMENDMENT NO. 4374

(Purpose: To provide for a study of the health effects of exposure to depleted uranium)

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

SEC. 746. STUDY OF HEALTH EFFECTS OF EXPOSURE TO DEPLETED URANIUM.

(a) STUDY.—The Secretary of Defense, in consultation with the Secretary for Veterans Affairs and the Secretary of Health and Human Services, shall conduct a comprehensive study of the health effects of exposure

to depleted uranium munitions on uranium-exposed soldiers and on children of uranium-exposed soldiers who were born after the exposure of the uranium-exposed soldiers to depleted uranium.

(b) URANIUM-EXPOSED SOLDIERS.—In this section, the term “uranium-exposed soldiers” means a member or former member of the Armed Forces who handled, came in contact with, or had the likelihood of contact with depleted uranium munitions while on active duty, including members and former members who—

(1) were exposed to smoke from fires resulting from the burning of vehicles containing depleted uranium munitions or fires at depots at which depleted uranium munitions were stored;

(2) worked within environments containing depleted uranium dust or residues from depleted uranium munitions;

(3) were within a structure or vehicle while it was struck by a depleted uranium munition;

(4) climbed on or entered equipment or structures struck by a depleted uranium munition; or

(5) were medical personnel who provided initial treatment to members of the Armed Forces described in paragraph (1), (2), (3), or (4).

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Defense shall submit a report to Congress on the results of the study described in subsection (a).

AMENDMENT NO. 4521

(Purpose: To provide, with an offset, \$10,000,000 for the Joint Advertising, Market Research and Studies program)

At the end of title XIV, add the following:

SEC. 1414. JOINT ADVERTISING, MARKET RESEARCH AND STUDIES PROGRAM.

(a) INCREASE IN AMOUNT FOR OPERATION AND MAINTENANCE, DEFENSE-WIDE.—The amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities, is hereby increased by \$10,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities, as increased by subsection (a), \$10,000,000 may be available for the Joint Advertising, Market Research and Studies (JAMRS) program.

(c) OFFSET.—The amount authorized to be appropriated by section 421(a) for military personnel is hereby decreased by \$10,000,000, due to unexpended obligations, if available.

AMENDMENT NO. 4522

(Purpose: To require a report on security measures to ensure that data contained in the Joint Advertising, Market Research and Studies (JAMRS) program is maintained and protected)

At the appropriate place, add the following:

REPORT.—Not later than 120 days after the date of enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on how the data, including social security numbers, contained in the Joint Advertising, Market Research and Studies (JAMRS) program is maintained and protected, including the security measures in place to prevent unauthorized access or inadvertent disclosure of the data that could lead to identity theft.

AMENDMENT NO. 4523

(Purpose: To extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers)

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

SEC. 1084. EXTENSION OF RETURNING WORKER EXEMPTION.

Section 402(b)(10) of the Save Our Small and Seasonal Businesses Act of 2005 (title IV of division B of Public Law 109-13; 8 U.S.C. 1184 note) is amended by striking “2006” and inserting “2008”.

AMENDMENT NO. 4458

(Purpose: To ensure payment of United States assessments for United Nations peacekeeping operations in 2005, 2006, and 2007)

At the appropriate place, insert the following:

SEC. ____ . LIMITATION ON THE UNITED STATES SHARE OF ASSESSMENTS FOR UNITED NATIONS PEACEKEEPING OPERATIONS.

(a) IN GENERAL.—Section 404(b)(2)(B) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 287e note) is amended by adding at the end the following:

“(v) For assessments made during calendar years 2005, 2006, and 2007, 27.10 percent.”.

(b) CONFORMING AMENDMENT.—Section 411 of the Department of State and Related Agency Appropriations Act, 2005 (title IV of division B of Public Law 108-447; 22 U.S.C. 287e note) is repealed.

AMENDMENT NO. 4524

(Purpose: To provide for Military Deputies to the Assistant Secretaries of the military departments for acquisition, logistics, and technology matters)

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

SEC. 903. MILITARY DEPUTIES TO THE ASSISTANT SECRETARIES OF THE MILITARY DEPARTMENTS FOR ACQUISITION, LOGISTICS, AND TECHNOLOGY MATTERS.

(a) DEPARTMENT OF THE ARMY.—

(1) ESTABLISHMENT OF POSITION.—There is hereby established within the Department of the Army the position of Military Deputy to the Assistant Secretary of the Army for Acquisition, Logistics, and Technology.

(2) LIEUTENANT GENERAL.—The individual serving in the position of Military Deputy to the Assistant Secretary of the Army for Acquisition, Logistics, and Technology shall be a lieutenant general of the Army on active duty.

(3) EXCLUSION FROM GRADE AND NUMBER LIMITATIONS.—An officer serving in the position of Military Deputy to the Assistant Secretary of the Army for Acquisition, Logistics, and Technology shall not be counted against the numbers and percentages of officers of the Army of the grade of lieutenant general.

(b) DEPARTMENT OF THE NAVY.—

(1) ESTABLISHMENT OF POSITION.—There is hereby established within the Department of the Navy the position of Military Deputy to the Assistant Secretary of the Navy for Research, Development, and Acquisition.

(2) VICE ADMIRAL.—The individual serving in the position of Military Deputy to the Assistant Secretary of the Navy for Research, Development, and Acquisition shall be a vice admiral on active duty.

(3) EXCLUSION FROM GRADE AND NUMBER LIMITATIONS.—An officer serving in the position of Military Deputy to the Assistant Secretary of the Navy for Research, Development, and Acquisition shall not be counted against the numbers and percentages of officers of the grade of vice admiral.

(c) DEPARTMENT OF THE AIR FORCE.—

(1) ESTABLISHMENT OF POSITION.—There is hereby established within the Department of the Air Force the position of Military Deputy to the Assistant Secretary of the Air Force for Acquisition.

(2) LIEUTENANT GENERAL.—The individual serving in the position of Military Deputy to

the Assistant Secretary of the Air Force for Acquisition shall be a lieutenant general of the Air Force on active duty.

(3) **EXCLUSION FROM GRADE AND NUMBER LIMITATIONS.**—An officer serving in the position of Military Deputy to the Assistant Secretary of the Air Force for Acquisition shall not be counted against the numbers and percentages of officers of the Air Force of the grade of lieutenant general.

AMENDMENT NO. 4264, AS MODIFIED

At the end of title VI, add the following:

Subtitle F—Transition Assistance for Members of the National Guard and Reserve Returning From Deployment in Operation Iraqi Freedom or Operation Enduring Freedom

SEC. 681. SHORT TITLE.

This subtitle may be cited as the “Heroes at Home Act of 2006”.

SEC. 682. SPECIAL WORKING GROUP ON TRANSITION TO CIVILIAN EMPLOYMENT OF MEMBERS OF THE NATIONAL GUARD AND RESERVE RETURNING FROM DEPLOYMENT IN OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM.

(a) **WORKING GROUP REQUIRED.**—The Secretary of Defense shall establish within the Department of Defense a working group to identify and assess the needs of members of the National Guard and Reserve returning from deployment in Operation Iraqi Freedom or Operation Enduring Freedom in transitioning to civilian employment on their return from such deployment.

(b) **MEMBERS.**—The working group established under subsection (a) shall include a balance of individuals appointed by the Secretary of Defense from among the following:

(1) Personnel of the Department of Defense.

(2) With the concurrence of the Secretary of Veterans Affairs, personnel of the Department of Veterans Affairs.

(3) With the concurrence of the Secretary of Labor, personnel of the Department of Labor.

(c) **RESPONSIBILITIES.**—The working group established under subsection (a) shall—

(1) identify and assess the needs of members of the National Guard and Reserve described in subsection (a) in transitioning to civilian employment on their return from deployment as described in that subsection, including the needs of—

(A) members who were self-employed before deployment and seek to return to such employment after deployment;

(B) members who were students before deployment and seek to return to school or commence employment after deployment;

(C) members who have experienced multiple recent deployments; and

(D) members who have been wounded or injured during deployment; and

(2) develop recommendations on means of improving assistance to members of the National Guard and Reserve described in subsection (a) in meeting the needs identified in paragraph (1) on their return from deployment as described in subsection (a).

(d) **CONSULTATION.**—In carrying out its responsibilities under subsection (c), the working group established under subsection (a) shall consult with the following:

(1) Appropriate personnel of the Small Business Administration.

(2) Representatives of employers who employ members of the National Guard and Reserve described in subsection (a) on their return to civilian employment as described in that subsection.

(3) Representatives of employee assistance organizations.

(4) Representatives of associations of employers.

(5) Representatives of organizations that assist wounded or injured members of the National Guard and Reserves in finding or sustaining employment.

(6) Representatives of such other public or private organizations and entities as the working group considers appropriate.

(e) **REPORT.**—

(1) **IN GENERAL.**—Not later than one year after the date of the enactment of this Act, the working group established under subsection (a) shall submit to the Secretary of Defense and Congress a report on its activities under subsection (c).

(2) **ELEMENTS.**—The report required by paragraph (1) shall include the following:

(A) The results of the identification and assessment required under subsection (c)(1).

(B) The recommendations developed under subsection (c)(2), including recommendations on the following:

(i) The provision of outreach and training to employers, employment assistance organizations, and associations of employers on the employment and transition needs of members of the National Guard and Reserve described in subsection (a) upon their return from deployment as described in that subsection.

(ii) The provision of outreach and training to employers, employment assistance organizations, and associations of employers on the needs of family members of such members.

(iii) The improvement of collaboration between the public and private sectors in order to ensure the successful transition of such members into civilian employment upon their return from such deployment.

(3) **AVAILABILITY TO PUBLIC.**—The Secretary shall take appropriate actions to make the report under paragraph (1) available to the public, including through the Internet website of the Department of Defense.

(f) **TERMINATION.**—

(1) **IN GENERAL.**—The working group established under subsection (a) shall terminate on the date that is two years after the date of the enactment of this Act.

(2) **INTERIM DUTIES.**—During the period beginning on the date of the submittal of the report required by subsection (e) and the termination of the working group under paragraph (1), the working group shall serve as an advisory board to the Office for Employers and Employment Assistance Organizations under section 683.

(g) **EMPLOYMENT ASSISTANCE ORGANIZATION DEFINED.**—In this section, the term “employment assistance organization” means an organization or entity, whether public or private, that provides assistance to individuals in finding or retaining employment, including organizations and entities under military career support programs.

SEC. 683. OFFICE FOR EMPLOYERS AND EMPLOYMENT ASSISTANCE ORGANIZATIONS.

(a) **DESIGNATION OF OFFICE.**—

(1) **IN GENERAL.**—The Secretary of Defense shall designate an office within the Department of Defense to assist employers, employment assistance organizations, and associations of employers in facilitating the successful transition to civilian employment of members of the National Guard and Reserve returning from deployment in Operation Iraqi Freedom or Operation Enduring Freedom.

(2) **NAME.**—The office designated under this subsection shall be known as the “Office for Employers and Employment Assistance Organizations” (in this section referred to as the “Office”).

(3) **HEAD.**—The Secretary shall designate an individual to act as the head of the Office.

(4) **INTEGRATION.**—In designating the Office, the Secretary shall ensure close communication between the Office and the military de-

partments, including the commands of the reserve components of the Armed Forces.

(b) **FUNCTIONS.**—The Office shall have the following functions:

(1) To provide education and technical assistance to employers, employment assistance organizations, and associations of employers to assist them in facilitating the successful transition to civilian employment of members of the National Guard and Reserve described in subsection (a) on their return from deployment as described in that subsection.

(2) To provide education and technical assistance to employers, employment assistance organizations, and associations of employers to assist them in facilitating the successful adjustment of family members of the National Guard and Reserve to the deployment and return from deployment of members of the National Guard and Reserve as described in that subsection.

(c) **RESOURCES TO BE PROVIDED.**—

(1) **IN GENERAL.**—In carrying out the functions specified in subsection (b), the Office shall provide employers, employment assistance organizations, and associations of employers resources, services, and assistance that include the following:

(A) Guidelines on best practices and effective strategies.

(B) Education on the physical and mental health conditions that can and may be experienced by members of the National Guard and Reserve described in subsection (a) on their return from deployment as described in that subsection in transitioning to civilian employment, including Post Traumatic Stress Disorder (PTSD) and traumatic brain injury (TBI), including education on—

(i) the detection of warning signs of such conditions;

(ii) the medical, mental health, and employment services available to such members, including materials on services offered by the Department of Defense, the Department of Veterans Affairs (including through the vet center program under section 1712A of title 38, United States Code), the Department of Labor, military support programs, and community mental health clinics; and

(iii) the mechanisms for referring such members for services described in clause (ii) and for other medical and mental health screening and care when appropriate.

(C) Education on the range and types of potential physical and mental health effects of deployment and post-deployment adjustment on family members of members of the National Guard and Reserve described in subsection (a), including education on—

(i) the detection of warning signs of such effects on family members of members of the National Guard and Reserves;

(ii) the medical, mental health, and employment services available to such family members, including materials on such services as described in subparagraph (B)(ii); and

(iii) mechanisms for referring such family members for services described in clause (ii) and for medical and mental health screening and care when appropriate.

(D) Education on mechanisms, strategies, and resources for accommodating and employing wounded or injured members of the National Guard and Reserves in work settings.

(2) **PROVISION OF RESOURCES.**—The Office shall make resources, services, and assistance available under this subsection through such mechanisms as the head of the Office considers appropriate, including the Internet, video conferencing, telephone services, workshops, trainings, presentations, group forums, and other mechanisms.

(d) **PERSONNEL AND OTHER RESOURCES.**—The Secretary of Defense shall assign to the

Office such personnel, funding, and other resources as are required to ensure the effective discharge by the Office of the functions under subsection (b).

(e) REPORTS ON ACTIVITIES.—

(1) ANNUAL REPORT BY OFFICE.—Not later than one year after the designation of the Office, and annually thereafter, the head of the Office, in consultation with the working group established pursuant to section 682 (while in effect), shall submit to the Secretary of Defense a written report on the progress and outcomes of the Office during the one-year period ending on the date of such report.

(2) TRANSMITTAL TO CONGRESS.—Not later than 60 days after receipt of a report under paragraph (1), the Secretary shall transmit such report to the Committees on Armed Services of the Senate and the House of Representatives, together with—

(A) such comments on such report, and such assessment of the effectiveness of the Office, as the Secretary considers appropriate; and

(B) such recommendations on means of improving the effectiveness of the Office as the Secretary considers appropriate.

(3) AVAILABILITY TO PUBLIC.—The Secretary shall take appropriate actions to make each report under paragraph (2) available to the public, including through the Internet website of the Office.

(f) EMPLOYMENT ASSISTANCE ORGANIZATION DEFINED.—In this section, the term “employment assistance organization” means an organization or entity, whether public or private, that provides assistance to individuals in finding or retaining employment, including organizations and entities under military career support programs.

SEC. 684. ADDITIONAL RESPONSIBILITIES OF DEPARTMENT OF DEFENSE TASK FORCE ON MENTAL HEALTH RELATING TO MENTAL HEALTH OF MEMBERS OF THE NATIONAL GUARD AND RESERVE DEPLOYED IN OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM.

(a) ADDITIONAL RESPONSIBILITIES.—Section 723 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3348) is amended—

(1) by redesignating subsections (d), (e), (f), and (g) as subsections (e), (f), (g), and (h), respectively; and

(2) by inserting after subsection (c) the following new subsection (d):

“(d) ASSESSMENT OF MENTAL HEALTH NEEDS OF MEMBERS OF NATIONAL GUARD AND RESERVE DEPLOYED IN OIF OR OEF.—

“(1) IN GENERAL.—In addition to the activities required under subsection (c), the task force shall, not later than 12 months after the date of the enactment of the Heroes at Home Act of 2006, submit to the Secretary a report containing an assessment and recommendations on the needs with respect to mental health of members of the National Guard and Reserve who are deployed in Operation Iraqi Freedom or Operation Enduring Freedom upon their return from such deployment.

“(2) ELEMENTS.—The assessment and recommendations required by paragraph (1) shall include the following:

“(A) An assessment of the specific needs with respect to mental health of members of the National Guard and Reserve who are deployed in Operation Iraqi Freedom or Operation Enduring Freedom upon their return from such deployment.

“(B) An identification of mental health conditions and disorders (including Post Traumatic Stress Disorder (PTSD), suicide attempts, and suicide) occurring among members of the National Guard and Reserve who undergo multiple deployments in Oper-

ation Iraqi Freedom or Operation Enduring Freedom upon their return from such deployment.

“(C) Recommendations on mechanisms for improving the mental health services available to members of the National Guard and Reserve who are deployed in Operation Iraqi Freedom or Operation Enduring Freedom, including such members who undergo multiple deployments in such operations, upon their return from such deployment.”.

(b) REPORT.—Subsection (f) of such section, as redesignated by subsection (a)(1) of this section, is further amended—

(1) in the subsection heading, by striking “REPORT” and inserting “REPORTS”;

(2) by striking paragraph (1) and inserting the following new paragraph (1):

“(1) IN GENERAL.—The report submitted to the Secretary under each of subsections (c) and (d) shall include—

“(A) a description of the activities of the task force under such subsection;

“(B) the assessment and recommendations required by such subsection; and

“(C) such other matters relating to the activities of the task force under such subsection as the task force considers appropriate.”; and

(3) in paragraph (2)—

(A) by striking “the report under paragraph (1)” and inserting “a report under paragraph (1)”; and

(B) by striking “the report as” and inserting “such report as”.

(c) PLAN MATTERS.—Subsection (g) of such section, as redesignated by subsection (a)(1) of this section, is further amended—

(1) by striking “the report from the task force under subsection (e)(1)” and inserting “a report from the task force under subsection (f)(1)”; and

(2) by inserting “contained in such report” after “the task force” the second place it appears.

(d) TERMINATION.—Subsection (h) of such section, as redesignated by subsection (a)(1) of this section, is further amended—

(1) by inserting “with respect to the assessment and recommendations required by subsection (d)” after “the task force”; and

(2) by striking “subsection (e)(2)” and inserting “subsection (f)(2)”.

SEC. 685. GRANTS ON ASSISTANCE IN COMMUNITY-BASED SETTINGS FOR MEMBERS OF THE NATIONAL GUARD AND RESERVE AND THEIR FAMILIES AFTER DEPLOYMENT IN OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM.

(a) IN GENERAL.—The Secretary of Defense may award grants to eligible entities to carry out demonstration projects to assess the feasibility and advisability of utilizing community-based settings for the provision of assistance to members of the National Guard and Reserve who serve in Operation Iraqi Freedom or Operation Enduring Freedom, and their families, after the return of such members from deployment in Operation Iraqi Freedom or Operation Enduring Freedom, as the case may be, including—

(1) services to improve the reuniting of such members of the National Guard and Reserve and their families;

(2) education to increase awareness of the physical and mental health conditions that members of the National Guard and Reserve can and may experience on their return from such deployment, including education on—

(A) Post Traumatic Stress Disorder (PTSD) and traumatic brain injury (TBI); and

(B) mechanisms for the referral of such members of the National Guard and Reserve for medical and mental health screening and care when necessary; and

(3) education to increase awareness of the physical and mental health conditions that

family members of such members of the National Guard and Reserve can and may experience on the return of such members from such deployment, including education on—

(A) depression, anxiety, and relationship problems; and

(B) mechanisms for medical and mental health screening and care when appropriate.

(b) ELIGIBLE ENTITIES.—An entity eligible for the award of a grant under this section is any public or private non-profit organization, such as a community mental health clinic, family support organization, military support organization, law enforcement agency, community college, or public school.

(c) APPLICATION.—An eligible entity seeking a grant under this section shall submit to the Secretary of Defense an application therefor in such manner, and containing such information, as the Secretary may require for purposes of this section, including a description of how such entity will work with the Department of Defense, the Department of Veterans Affairs, State health agencies, other appropriate Federal, State, and local agencies, family support organizations, and other community organization in undertaking activities described in subsection (a).

(d) ANNUAL REPORTS BY GRANT RECIPIENTS.—An entity awarded a grant under this section shall submit to the Secretary of Defense on an annual basis a report on the activities undertaken by such entity during the preceding year utilizing amounts under the grant. Each report shall include such information as the Secretary shall specify for purposes of this subsection.

(e) ANNUAL REPORTS TO CONGRESS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, and annually thereafter, the Secretary of Defense shall submit to Congress a report on activities undertaken under the grants awarded under this section. The report shall include recommendations for legislative, programmatic, or administrative action to improve or enhance activities under the grants awarded under this section.

(2) AVAILABILITY TO PUBLIC.—The Secretary shall take appropriate actions to make each report under this subsection available to the public.

SEC. 686. LONGITUDINAL STUDY ON TRAUMATIC BRAIN INJURY INCURRED BY MEMBERS OF THE ARMED FORCES IN OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM.

(a) STUDY REQUIRED.—The Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, conduct a longitudinal study on the effects of traumatic brain injury incurred by members of the Armed Forces in Operation Iraqi Freedom or Operation Enduring Freedom. The duration of the longitudinal study shall be 15 years.

(b) ELEMENTS.—The study required by subsection (a) shall address the following:

(1) The long-term physical and mental health effects of traumatic brain injuries incurred by members of the Armed Forces during service in Operation Iraqi Freedom or Operation Enduring Freedom.

(2) The health care, mental health care, and rehabilitation needs of such members for such injuries after the completion of inpatient treatment through the Department of Defense, the Department of Veterans Affairs, or both.

(3) The type and availability of long-term care rehabilitation programs and services within and outside the Department of Defense and the Department of Veterans Affairs for such members for such injuries, including community-based programs and services and in-home programs and services.

(c) REPORTS.—

(1) PERIODIC AND FINAL REPORTS.—After the third, seventh, eleventh, and fifteenth years

of the study required by subsection (a), the Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, submit to Congress a comprehensive report on the results of the study during the preceding years. Each report shall include the following:

(A) Current information on the cumulative outcomes of the study.

(B) Such recommendations as the Secretary of Defense and the Secretary of Veterans Affairs jointly consider appropriate based on the outcomes of the study, including recommendations for legislative, programmatic, or administrative action to improve long-term care and rehabilitation programs and services for members of the Armed Forces with traumatic brain injuries.

(2) AVAILABILITY TO PUBLIC.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly take appropriate actions to make each report under this subsection available to the public.

(d) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department of Defense to carry out this section amounts as follows:

(A) For fiscal year 2007, \$5,000,000.

(B) For each of fiscal years 2008 through 2021, such sums as may be necessary.

(2) OFFSET.—The amount authorized to be appropriated by section 102(a)(2) for weapons procurement for the Navy is hereby reduced by \$5,000,000, with the amount of the reduction to be allocated to amounts for the Trident II conventional modification program.

SEC. 687. TRAINING CURRICULA FOR FAMILY CAREGIVERS ON CARE AND ASSISTANCE FOR MEMBERS AND FORMER MEMBERS OF THE ARMED FORCES WITH TRAUMATIC BRAIN INJURY INCURRED IN OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM.

(a) TRAUMATIC BRAIN INJURY FAMILY CAREGIVER PANEL.—

(1) ESTABLISHMENT.—The Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, establish within the Department of Defense a panel to develop coordinated, uniform, and consistent training curricula to be used in training family members in the provision of care and assistance to members and former members of the Armed Forces for traumatic brain injuries incurred during service in the Armed Forces in Operation Iraqi Freedom or Operation Enduring Freedom.

(2) DESIGNATION OF PANEL.—The panel established under paragraph (1) shall be known as the “Traumatic Brain Injury Family Caregiver Panel”.

(3) MEMBERS.—The Traumatic Brain Injury Family Caregiver Panel established under paragraph (1) shall consist of 15 members appointed by the Secretary of Defense, in consultation with the Secretary of Veterans Affairs, equally represented from among—

(A) physicians, nurses, rehabilitation therapists, and other individuals with an expertise in caring for and assisting individuals with traumatic brain injury, including those who specialize in caring for and assisting individuals with traumatic brain injury incurred in war;

(B) representatives of family caregivers or family caregiver associations;

(C) Department of Defense and Department of Veterans Affairs health and medical personnel with expertise in traumatic brain injury, and Department of Defense personnel and readiness representatives with expertise in traumatic brain injury;

(D) psychologists or other individuals with expertise in the mental health treatment and care of individuals with traumatic brain injury;

(E) experts in the development of training curricula; and

(F) any other individuals the Secretary considers appropriate.

(b) DEVELOPMENT OF CURRICULA.—

(1) IN GENERAL.—The Traumatic Brain Injury Family Caregiver Panel shall develop training curricula to be utilized during the provision of training to family members of members and former members of the Armed Forces described in subsection (a) on techniques, strategies, and skills for care and assistance for such members and former members with the traumatic brain injuries described in that subsection.

(2) SCOPE OF CURRICULA.—The curricula shall—

(A) be based on empirical research and validated techniques; and

(B) shall provide for training that permits recipients to tailor caregiving to the unique circumstances of the member or former member of the Armed Forces receiving care.

(3) PARTICULAR REQUIREMENTS.—In developing the curricula, the Traumatic Brain Injury Family Caregiver Panel shall—

(A) specify appropriate training commensurate with the severity of traumatic brain injury; and

(B) identify appropriate care and assistance to be provided for the degree of severity of traumatic brain injury for caregivers of various levels of skill and capability.

(4) USE OF EXISTING MATERIALS.—In developing the curricula, the Traumatic Brain Injury Family Caregiver Panel shall utilize and enhance any existing training curricula, materials, and resources applicable to such curricula as the Panel considers appropriate.

(5) DEADLINE FOR DEVELOPMENT.—The Traumatic Brain Injury Family Caregiver Panel shall develop the curricula not later than one year after the date of the enactment of this Act.

(c) DISSEMINATION OF CURRICULA.—

(1) IN GENERAL.—The Secretary of Defense shall, in consultation with the Traumatic Brain Injury Family Caregiver Panel, develop mechanisms for the dissemination of the curricula developed under subsection (b) to health care professionals referred to in paragraph (2) who treat or otherwise work with members and former members of the Armed Forces with traumatic brain injury incurred in Operation Iraqi Freedom or Operation Enduring Freedom. In developing such mechanisms, the Secretary may utilize and enhance existing mechanisms, including the Military Severely Injured Center.

(2) HEALTH CARE PROFESSIONALS.—The health care professionals referred to in this paragraph are the following:

(A) Personnel at military medical treatment facilities.

(B) Personnel at the polytrauma centers of the Department of Veterans Affairs.

(C) Personnel and care managers at the Military Severely Injured Center.

(D) Such other health care professionals of the Department of Defense as the Secretary considers appropriate.

(E) Such other health care professionals of the Department of Veterans Affairs as the Secretary of Defense, in consultation with the Secretary of Veterans Affairs, considers appropriate.

(3) PROVISION OF TRAINING TO FAMILY CAREGIVERS.—

(A) IN GENERAL.—Health care professionals referred to in paragraph (2) who are trained in the curricula developed under subsection (b) shall provide training to family members of members and former members of the Armed Forces who incur traumatic brain injuries during service in the Operation Iraqi Freedom or Operation Enduring Freedom in the care and assistance to be provided for such injuries.

(B) TIMING OF TRAINING.—Training under this paragraph shall, to the extent practicable, be provided to family members while the member or former member concerned is undergoing treatment at a facility of the Department of Defense or Department of Veterans Affairs, as applicable, in order to ensure that such family members receive practice on the provision of such care and assistance under the guidance of qualified health professionals.

(C) PARTICULARIZED TRAINING.—Training provided under this paragraph to family members of a particular member or former member shall be tailored to the particular care needs of such member or former member and the particular caregiving needs of such family members.

(4) QUALITY ASSURANCE.—The Secretary shall develop mechanisms to ensure quality in the provision of training under this section to health care professionals referred to in paragraph (2) and in the provision of such training under paragraph (4) by such health care professionals.

(5) REPORT.—Not later than one year after the development of the curricula required by subsection (b), and annually thereafter, the Traumatic Brain Injury Family Caregiver Training Panel shall submit to the Secretary of Defense and the Secretary of Veterans Affairs, and to Congress, a report on the following:

(A) The actions undertaken under this subsection.

(B) The results of the tracking of outcomes based on training developed and provided under this section.

(C) Recommendations for the improvement of training developed and provided under this section.

(d) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department of Defense to carry out this section amounts as follows:

(A) For fiscal year 2007, \$1,000,000.

(B) For each of fiscal years 2008 through 2011, such sums as may be necessary.

(2) OFFSET.—The amount authorized to be appropriated by section 102(a)(2) for weapons procurement for the Navy is hereby reduced by \$1,000,000, with the amount of the reduction to be allocated to amounts for the Trident II conventional modification program.

AMENDMENT NO. 4464

(Purpose: To provide a sunset date for the Small Business Competitive Demonstration Program)

At the end of title X of division A, insert the following:

SEC. 1084. TERMINATION OF PROGRAM.

Section 711(c) of the Small Business Competitive Demonstration Program Act of 1988 (15 U.S.C. 644 note) is amended by inserting after “January 1, 1989” the following: “, and shall terminate on the date of enactment of the National Defense Authorization Act for Fiscal Year 2007”.

AMENDMENT NO. 4489

(Purpose: To propose an alternative to section 1083 to improve the Quadrennial Defense Review)

Strike section 1083 and insert the following:

SEC. 1083. QUADRENNIAL DEFENSE REVIEW.

(a) FINDINGS.—Congress makes the following findings:

(1) The Quadrennial Defense Review (QDR) under section 118 of title 10, United States Code, is vital in laying out the strategic military planning and threat objectives of the Department of Defense.

(2) The Quadrennial Defense Review is critical to identifying the correct mix of military planning assumptions, defense capabilities, and strategic focuses for the Armed Forces of the United States.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Quadrennial Defense Review is intended to provide more than an overview of global threats and the general strategic orientation of the Department of Defense.

(c) IMPROVEMENTS TO QUADRENNIAL DEFENSE REVIEW.—

(1) CONDUCT OF REVIEW.—Subsection (b) of section 118 of title 10, United States Code, is amended—

(A) in paragraph (2), by striking “and” at the end;

(B) in paragraph (3), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following new paragraph:

“(4) to make recommendations that are not constrained to comply with the budget submitted to Congress by the President pursuant to section 1105 of title 31.”

(2) ADDITIONAL ELEMENT IN REPORT TO CONGRESS.—Subsection (d) of such section is amended—

(A) in paragraph (1), by inserting “, the strategic planning guidance,” after “United States”;

(B) by redesignating paragraphs (9) through (15) as paragraphs (10) through (16), respectively; and

(C) by inserting after paragraph (8) the following new paragraph (9):

“(9) The specific capabilities, including the general number and type of specific military platforms, needed to achieve the strategic and warfighting objectives identified in the review.”

(3) CJCS REVIEW.—Subsection (e)(1) of such section is amended by inserting before the period at the end the following: “ and a description of the capabilities needed to address such risk”.

(4) INDEPENDENT ASSESSMENT.—Such section is further amended by adding at the end the following new subsection:

“(f) INDEPENDENT ASSESSMENT.—(1) Not later than one year before the date a report on a quadrennial defense review is to be submitted to Congress under subsection (d), the President shall appoint a panel to conduct an independent assessment of the review.

“(2) The panel appointed under paragraph (1) shall be composed of seven individuals (who may not be employees of the Department of Defense) as follows:

“(A) Three members shall be appointed by the President.

“(B) One member shall be appointed by the President in consultation with, and based on the recommendations of, the Speaker of the House of Representatives.

“(C) One member shall be appointed by the President in consultation with, and based on the recommendations of, the Minority Leader of the House of Representatives.

“(D) One member shall be appointed by the President in consultation with, and based on the recommendations of, the Majority Leader of the Senate.

“(E) One member shall be appointed by the President in consultation with, and based on the recommendations of, the Minority Leader of the Senate.

“(3) Not later than three months after the date that the report on a quadrennial defense review is submitted to Congress under subsection (d), the panel appointed under paragraph (2) shall provide to the congressional defense committees an assessment of the assumptions, planning guidelines, recommendations, and realism of the review.”

AMENDMENT NO. 4525

(Purpose: To require a report on Air Force safety requirements for Air Force flight training operations at Pueblo Memorial Airport, Colorado)

At the end of subtitle D of title III, add the following:

SEC. 352. REPORT ON AIR FORCE SAFETY REQUIREMENTS FOR AIR FORCE FLIGHT TRAINING OPERATIONS AT PUEBLO MEMORIAL AIRPORT, COLORADO.

(a) REPORT REQUIRED.—Not later than February 15, 2007, the Secretary of the Air Force shall submit to the congressional defense committees a report on Air Force safety requirements for Air Force flight training operations at Pueblo Memorial Airport, Colorado.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of the Air Force flying operations at Pueblo Memorial Airport.

(2) An assessment of the impact of Air Force operations at Pueblo Memorial Airport on non-Air Force activities at the airport.

(3) A description of the requirements necessary at Pueblo Memorial Airport to ensure safe Air Force flying operations, including continuous availability of fire protection, crash rescue, and other emergency response capabilities.

(4) An assessment of the necessity of providing for a continuous fire-fighting capability at Pueblo Memorial Airport.

(5) A description and analysis of alternatives for Air Force flying operations at Pueblo Memorial Airport, including the cost and availability of such alternatives.

(6) An assessment of whether Air Force funding is required to assist the City of Pueblo, Colorado, in meeting Air Force requirements for safe Air Force flight operations at Pueblo Memorial Airport, and if required, the Air Force plan to provide the funds to the City.

AMENDMENT NO. 4526

(Purpose: To require the President to develop a comprehensive strategy toward Somalia)

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

SEC. 1209. COMPREHENSIVE STRATEGY FOR SOMALIA.

(a) SENSE OF SENATE.—It is the sense of the Senate that the United States should—

(1) support the development of the Transitional Federal Institutions in Somalia into a unified national government, support humanitarian assistance to the people of Somalia, support efforts to prevent Somalia from becoming a safe haven for terrorists and terrorist activities, and support regional stability;

(2) broaden and integrate its strategic approach toward Somalia within the context of United States activities in countries of the Horn of Africa, including Djibouti, Ethiopia, Kenya, Eritrea, and in Yemen on the Arabian Peninsula; and

(3) carry out all diplomatic, humanitarian, counter-terrorism, and security-related activities in Somalia within the context of a comprehensive strategy developed through an interagency process.

(b) DEVELOPMENT OF A COMPREHENSIVE STRATEGY FOR SOMALIA.—

(1) REQUIREMENT FOR STRATEGY.—Not later than 90 days after the date of the enactment of this Act, the President shall develop and submit to the appropriate committees of Congress a comprehensive strategy toward Somalia within the context of United States activities in the countries of the Horn of Africa.

(2) CONTENT OF STRATEGY.—The strategy should include the following:

(A) A clearly stated policy towards Somalia that will help establish a functional, legitimate, unified national government in Somalia that is capable of maintaining the rule of law and preventing Somalia from becoming a safe haven for terrorists.

(B) An integrated political, humanitarian, intelligence, and military approach to counter transnational security threats in Somalia within the context of United States activities in the countries of the Horn of Africa.

(C) An interagency framework to plan, coordinate, and execute United States activities in Somalia within the context of other activities in the countries of the Horn of Africa among the agencies and departments of the United States to oversee policy and program implementation.

(D) A description of the type and form of diplomatic engagement to coordinate the implementation of the United States policy in Somalia.

(E) A description of bilateral, regional, and multilateral efforts to strengthen and promote diplomatic engagement in Somalia.

(F) A description of appropriate metrics to measure the progress and effectiveness of the United States policy towards Somalia and throughout the countries of the Horn of Africa.

(G) Guidance on the manner in which the strategy will be implemented.

(c) ANNUAL REPORTS.—Not later than April 1, 2007, and annually thereafter, the President shall prepare and submit to the appropriate committees of Congress a report on the status of the implementation of the strategy.

(d) FORM.—Each report under this section shall be submitted in unclassified form, but may include a classified annex.

(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee Intelligence of the Senate; and

(2) the Committee on Appropriations, the Committee on Armed Services, the Committees on International Relations, and the Permanent Select Committee on Intelligence of the House of Representatives.

AMENDMENT NO. 4327, AS MODIFIED

At the end of subtitle E of title VI, add the following:

SEC. 662. IMPROVEMENT OF MANAGEMENT OF ARMED FORCES RETIREMENT HOME.

(a) REDESIGNATION OF CHIEF OPERATING OFFICER AS CHIEF EXECUTIVE OFFICER.—

(1) IN GENERAL.—Section 1515 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 415) is amended—

(A) by striking “Chief Operating Officer” each place it appears and inserting “Chief Executive Officer”; and

(B) in subsection (e)(1), by striking “Chief Operating Officer’s” and inserting “Chief Executive Officer’s”.

(2) CONFORMING AMENDMENTS.—Such Act is further amended by striking “Chief Operating Officer” each place it appears in a provision as follows and inserting “Chief Executive Officer”:

(A) Section 1511 (24 U.S.C. 411).

(B) Section 1512 (24 U.S.C. 412).

(C) Section 1513(a) (24 U.S.C. 413(a)).

(D) Section 1514(c)(1) (24 U.S.C. 414(c)(1)).

(E) Section 1516(b) (24 U.S.C. 416(b)).

(F) Section 1517 (24 U.S.C. 417).

(G) Section 1518(c) (24 U.S.C. 418(c)).

(H) Section 1519(c) (24 U.S.C. 419(c)).

(I) Section 1521(a) (24 U.S.C. 421(a)).

(J) Section 1522 (24 U.S.C. 422).

(K) Section 1523(b) (24 U.S.C. 423(b)).

(L) Section 1531 (24 U.S.C. 431).

(3) CLERICAL AMENDMENTS.—(A) The heading of section 1515 of such Act is amended to read as follows:

“SEC. 1515. CHIEF EXECUTIVE OFFICER.”

(B) The table of contents for such Act is amended by striking the item relating to section 1515 and inserting the following new item:

“Sec. 1515. Chief Executive Officer.”.

(4) REFERENCES.—Any reference in any law, regulation, document, record, or other paper of the United States to the Chief Operating Officer of the Armed Forces Retirement Home shall be considered to be a reference to the Chief Executive Officer of the Armed Forces Retirement Home.

(b) DIRECTOR AND DEPUTY DIRECTOR OF FACILITIES.—

(1) MILITARY DIRECTOR.—Subsection (b)(1) of section 1517 of such Act (24 U.S.C. 417) is amended by striking “a civilian with experience as a continuing care retirement community professional or”.

(2) CIVILIAN DEPUTY DIRECTOR.—Subsection (d)(1)(A) of such section is amended by striking “or a member” and all that follows and inserting “; and”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act, and shall apply with respect to any vacancy that occur in the position of Director or Deputy Director of a facility of the Armed Forces Retirement Home that occurs on or after that date.

(c) CLARIFICATION OF MEMBERSHIP ON LOCAL BOARD OF TRUSTEES.—Section 1516(c)(1)(H) of such Act (24 U.S.C. 416(c)(1)(K)) is amended by inserting before the period at the end the following: “, who shall be a member of the Armed Forces serving on active duty in the grade of brigadier general, or in the case of the Navy, rear admiral (lower half)”.

AMENDMENT NO. 4527

(Purpose: To require a report on the feasibility of establishing a United States military regional combatant command for Africa)

At the end of subtitle G of title X, insert the following:

SEC. 1066. REPORT ON FEASIBILITY OF ESTABLISHING REGIONAL COMBATANT COMMAND FOR AFRICA.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees and the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report on the establishment of a United States Armed Forces regional combatant command for Africa.

(b) CONTENT.—The report required under subsection (a) shall include—

(1) a study on the feasibility and desirability of establishing of a United States Armed Forces regional combatant command for Africa;

(2) an assessment of the benefits and problems associated with establishing such a command; and

(3) an estimate of the costs, time, and resources needed to establish such a command.

AMENDMENT NO. 4434

(Purpose: To ensure proper education, training, and supervision of personnel providing special education services for dependents of members of the Armed Forces under extended benefits under TRICARE)

At the end of subtitle B of title VII, add the following:

SEC. 730. EDUCATION, TRAINING, AND SUPERVISION OF PERSONNEL PROVIDING SPECIAL EDUCATION SERVICES UNDER EXTENDED BENEFITS UNDER TRICARE.

Section 1079(d)(2) of title 10, United States Code is amended by adding at the end the following: “The regulations shall include the following:

“(A) Requirements for education, training, and supervision of individuals providing special education services known as Applied Behavioral Analysis under this subsection that are in addition to any other education, training, and supervision requirements applicable to Board Certified Behavior Analysts or Board Certified Associate Behavior Analysts or are otherwise applicable to personnel providing such services under applicable State law.

“(B) Metrics to identify and measure the availability and distribution of individuals of various expertise in Applied Behavioral Analysis in order to evaluate and assure the availability of qualified personnel to meet needs for Applied Behavioral Analysis under this subsection.”.

AMENDMENT NO. 4393, AS MODIFIED

At the end of subtitle D of title VII, add the following:

SEC. 762. TRANSFER OF CUSTODY OF THE AIR FORCE HEALTH STUDY ASSETS TO MEDICAL FOLLOW-UP AGENCY.

(a) TRANSFER.—

(1) NOTIFICATION OF PARTICIPANTS.—The Secretary of the Air Force shall notify the participants of the Air Force Health Study that the study as currently constituted is ending as of September 30, 2006. In consultation with the Medical Follow-up Agency (in this section referred to as the “Agency”) of the Institute of Medicine of the National Academy of Sciences, the Secretary of the Air Force shall request the written consent of the participants to transfer their data and biological specimens to the Agency during fiscal year 2007 and written consent for the Agency to maintain the data and specimens and make them available for additional studies.

(2) COMPLETION OF TRANSFER.—Custodianship of the Air Force Health Study shall be completely transferred to the Agency on or before September 30, 2007. Assets to be transferred shall include electronic data files and biological specimens of all the study participants.

(3) COPIES TO ARCHIVES.—The Air Force shall send paper copies of all study documents to the National Archives.

(b) REPORT ON TRANSFER.—

(1) REQUIREMENT.—Not later than 30 days after completion of the transfer of the assets of the Air Force Health Study under subsection (a), the Secretary of the Air Force shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the transfer.

(2) MATTERS COVERED.—At a minimum, the report shall include information on the number of study participants whose data and biological specimens were not transferred, the efforts that were taken to contact such participants, and the reasons why the transfer of their data and specimens did not occur.

(c) DISPOSITION OF ASSETS NOT TRANSFERRED.—The Secretary of the Air Force may not destroy any data or biological specimens not transferred under subsection (a) until the expiration of the one-year period following submission of the report under subsection (b).

(d) FUNDING.—

(1) COSTS OF TRANSFER OF THE FUNDS AVAILABLE TO THE DEFENSE HEALTH PROGRAM.—The Secretary of Defense may make available to the Air Force \$850,000 for preparation, trans-

fer of the assets of the Air Force Health Study and shipment of data and specimens to the Medical Follow-up Agency and the National Archives during fiscal year 2007 from amounts available from the Department of Defense for that year. The Secretary of Defense is authorized to transfer the freezers and other physical assets assigned to the Air Force Health Study to the Agency without charge.

(2) COSTS OF COLLABORATION OF THE FUNDS AVAILABLE TO THE DEFENSE HEALTH PROGRAM.—The Secretary of Defense may reimburse the National Academy of Sciences up to \$200,000 for costs of the Medical Follow-up Agency to collaborate with the Air Force in the transfer and receipt of the assets of the Air Force Health Study to the Agency during fiscal year 2007 from amounts available from the Department of Defense for that year.

AMENDMENT NO. 4312

(Purpose: To expand and enhance the bonus to encourage members of the Army to refer other persons for enlistment in the Army)

At the end of subtitle B of title VI, add the following:

SEC. 620. ENHANCEMENT OF BONUS TO ENCOURAGE MEMBERS OF THE ARMY TO REFER OTHER PERSONS FOR ENLISTMENT IN THE ARMY.

(a) INDIVIDUALS ELIGIBLE FOR BONUS.—Subsection (a) of section 645 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3310) is amended—

(1) by striking “The Secretary” and inserting the following:

“(1) IN GENERAL.—The Secretary”;

(2) by striking “a member of the Army, whether in the regular component of the Army or in the Army National Guard or Army Reserve,” and inserting “an individual referred to in paragraph (2)”;

(3) by adding at the end the following new paragraph:

“(2) INDIVIDUALS ELIGIBLE FOR BONUS.—Subject to subsection (c), the following individuals are eligible for a referral bonus under this section:

“(A) A member in the regular component of the Army.

“(B) A member of the Army National Guard.

“(C) A member of the Army Reserve.

“(D) A member of the Army in a retired status, including a member under 60 years of age who, but for age, would be eligible for retired pay.

“(E) A civilian employee of the Department of the Army.”.

(b) AMOUNT OF BONUS.—Subsection (d) of such section is amended to read as follows:

“(d) AMOUNT OF BONUS.—The amount of the bonus payable for a referral under subsection (a) may not exceed \$2,000. The amount shall be payable in two lump sums as provided in subsection (e).”.

(c) PAYMENT OF BONUS.—Subsection (e) of such section is amended to read as follows:

“(e) PAYMENT.—A bonus payable for a referral of a person under subsection (a) shall be paid as follows:

“(1) Not more than \$1,000 shall be paid upon the commencement of basic training by the person referred.

“(2) Not more than \$1,000 shall be paid upon the completion of basic training and individual advanced training by the person referred.”.

(d) COORDINATION WITH RECEIPT OF RETIRED PAY.—Such section is further amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following new subsection (g):

“(g) COORDINATION WITH RECEIPT OF RETIRED PAY.—A bonus paid under this section

to a member of the Army in a retired status in addition to any compensation to such member is entitled under title 10, 37, or 38, United States Code, or under any other provision of law.”.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to bonuses payable under section 645 of the National Defense Authorization Act for Fiscal Year 2006, as amended by this section, on or after that date.

AMENDMENT NO. 4424

(Purpose: To modify certain requirements related to counterdrug activities)

On page 387, line 7, strike “and aircraft” and insert “and, subject to section 484(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291c(a)), aircraft”.

On page 387, line 25, after “congressional defense committees” the following: “and the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives”.

On page 388, line 3, strike “paragraphs (10)” and insert “paragraphs (1)”.

AMENDMENT NO. 4416

(Purpose: To direct the Secretary of the Army to assume responsibility for the annual operation and maintenance of the Fox Point Hurricane Barrier, Providence, Rhode Island)

At the appropriate place, insert the following:

SEC. . . . FOX POINT HURRICANE BARRIER, PROVIDENCE, RHODE ISLAND.

(a) DEFINITIONS.—In this section:

(1) The term “Barrier” means the Fox Point Hurricane Barrier, Providence, Rhode Island.

(2) The term “City” means the city of Providence, Rhode Island.

(3) The term “Secretary” means the Secretary of the Army, acting through the Chief of Engineers.

(b) RESPONSIBILITY FOR BARRIER.—Not later than 2 years after the date of enactment of this Act, the Secretary shall assume responsibility for the annual operation and maintenance of the Barrier.

(c) REQUIRED STRUCTURES.—

(1) IN GENERAL.—The City, in coordination with the Secretary, shall identify any land and structures required for the continued operation and maintenance, repair, replacement, rehabilitation, and structural integrity of the Barrier.

(2) CONVEYANCE.—The City shall convey to the Secretary, by quitclaim deed and without consideration, all rights, title, and interests of the City in and to the land and structures identified under paragraph (1).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such funds as are necessary for each fiscal year to operate and maintain the Barrier (including repair, replacement, and rehabilitation).

AMENDMENT NO. 4364, AS MODIFIED

At the end of subtitle B of title XXVIII, add the following:

SEC. 2828. NAMING OF NAVY AND MARINE CORPS RESERVE CENTER AT ROCK ISLAND, ILLINOIS, IN HONOR OF LANE EVANS, A MEMBER OF THE HOUSE OF REPRESENTATIVES.

DESIGNATION.—The Navy and Marine Corps Reserve Center at Rock Island Arsenal, Illinois, shall be known and designated as the “Lane Evans Navy and Marine Corps Reserve Center”. Any reference in a law, map, regulation, document, paper, or other record of the United States to the Navy and Marine Corps Reserve Center at Rock Island Arsenal shall be deemed to be a reference to the Lane Evans Navy and Marine Corps Reserve Center.

AMENDMENT NO. 4232

(Purpose: To name the new administration building at the Joint Systems Manufacturing Center in Lima, Ohio, after Michael G. Oxley, a member of the House of Representatives)

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

SEC. 2814. NAMING OF ADMINISTRATION BUILDING AT JOINT SYSTEMS MANUFACTURING CENTER IN LIMA, OHIO, AFTER MICHAEL G. OXLEY, A MEMBER OF THE HOUSE OF REPRESENTATIVES.

The administration building under construction at the Joint Systems Manufacturing Center in Lima, Ohio, shall, upon completion, be known and designated as the “Michael G. Oxley Administration and Technology Center”. Any reference in a law, map, regulation, document, paper, or other record of the United States to such administration building shall be deemed to be a reference to the Michael G. Oxley Administration and Technology Center.

AMENDMENT NO. 4528

(Purpose: To name a military family housing facility at Fort Carson, Colorado, after Representative Joel Hefley)

On page 535, between lines 12 and 13, insert the following:

SEC. 2814. NAMING OF MILITARY FAMILY HOUSING FACILITY AT FORT CARSON, COLORADO, IN HONOR OF JOEL HEFLEY, A MEMBER OF THE HOUSE OF REPRESENTATIVES.

The Secretary of the Army shall designate one of the military family housing areas or facilities constructed for Fort Carson, Colorado, using the authority provided by subchapter IV of chapter 169 of title 10, United States Code, as the “Joel Hefley Village”. Any reference in any law, regulation, map, document, record, or other paper of the United States to the military housing area or facility designated under this section shall be considered to be a reference to Joel Hefley Village.

AMENDMENT NO. 4529

(Purpose: To require the submittal to Congress of the Department of Defense Supplemental and Cost of War Execution reports)

At the end of title XIV, insert the following:

SEC. 1414. SUBMITTAL TO CONGRESS OF DEPARTMENT OF DEFENSE SUPPLEMENTAL AND COST OF WAR EXECUTION REPORTS.

Section 1221(c) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3462; 10 U.S.C. 113 note) is amended—

(1) in the subsection caption by inserting “CONGRESS AND” after “SUBMISSION TO”; and

(2) by inserting “the congressional defense committees and” before “the Comptroller General”.

AMENDMENT NO. 4311

(Purpose: To provide that acceptance by a military officer of appointment to the position of Director of National Intelligence or Director of the Central Intelligence Agency shall be conditional upon retirement of the officer after the assignment)

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

SEC. 509. CONDITION ON APPOINTMENT OF COMMISSIONED OFFICERS TO POSITION OF DIRECTOR OF NATIONAL INTELLIGENCE OR DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY.

(a) CONDITION.—

(1) IN GENERAL.—Chapter 32 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 529. Condition on appointment to certain positions: Director of National Intelligence; Director of the Central Intelligence Agency

“As a condition of appointment to the position of Director of National Intelligence or Director of the Central Intelligence Agency, an officer shall acknowledge that upon termination of service in such position the officer shall be retired in accordance with section 1253 of this title.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 32 of such title is amended by adding at the end the following new item:

“529. Condition on appointment to certain positions: Director of National Intelligence; Director of the Central Intelligence Agency.”.

(b) RETIREMENT.—

(1) IN GENERAL.—Chapter 63 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 1253. Mandatory retirement: Director of National Intelligence; Director of the Central Intelligence Agency

“Upon termination of the appointment of an officer to the position of Director of National Intelligence or Director of the Central Intelligence Agency, the Secretary of the military department concerned shall retire the officer under any provision of this title under which the officer is eligible to retire.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 63 of such title is amended by adding at the end the following new item:

“1253. Mandatory retirement: Director of National Intelligence; Director of the Central Intelligence Agency.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to appointments of commissioned officers of the Armed Forces to the position of Director of National Intelligence or Director of the Central Intelligence Agency on or after that date.

AMENDMENT NO. 4228

(Purpose: Relating to the comprehensive review of the procedures of the Department of Defense on mortuary affairs)

At the end of subtitle F of title V, add the following:

SEC. 587. COMPREHENSIVE REVIEW ON PROCEDURES OF THE DEPARTMENT OF DEFENSE ON MORTUARY AFFAIRS.

(a) REPORT.—As soon as practicable after the completion of the comprehensive review of the procedures of the Department of Defense on mortuary affairs, the Secretary of Defense shall submit to the congressional defense committees a report on the review.

(b) ADDITIONAL ELEMENTS.—In conducting the comprehensive review described in subsection (a), the Secretary shall also address, in addition to any other matters covered by the review, the following:

(1) The utilization of additional or increased refrigeration (including icing) in combat theaters in order to enhance preservation of remains.

(2) The relocation of refrigeration assets further forward in the field.

(3) Specific time standards for the movement of remains from combat units.

(4) The forward location of autopsy and embalming operations.

(5) Any other matters that the Secretary considers appropriate in order to speed the return of remains to the United States in a non-decomposed state.

(c) ADDITIONAL ELEMENT OF POLICY ON CASUALTY ASSISTANCE TO SURVIVORS OF MILITARY DECEDENTS.—Section 562(b) of the National Defense Authorization Act for Fiscal

Year 2006 (Public Law 109-163; 119 Stat. 3267; 10 U.S.C. 1475 note) is amended by adding at the end the following new paragraph:

“(12) The process by which the Department of Defense, upon request, briefs survivors of military decedents on the cause of, and any investigation into, the death of such military decedents and on the disposition and transportation of the remains of such decedents, which process shall—

“(A) provide for the provision of such briefings by fully qualified Department personnel;

“(B) ensure briefings take place as soon as possible after death and updates are provided in a timely manner when new information becomes available;

“(C) ensure that—

“(i) such briefings and updates relate the most complete and accurate information available at the time of such briefings or updates, as the case may be; and

“(ii) incomplete or unverified information is identified as such during the course of such briefings or updates; and

“(D) include procedures by which such survivors shall, upon request, receive updates or supplemental information on such briefings or updates from qualified Department personnel.”.

AMENDMENT NO. 4439, AS MODIFIED

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

SEC. 1223. REPORTS ON THE DARFUR PEACE AGREEMENT.

Not later than 60 days after the date of the enactment of this Act, and annually thereafter, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a detailed report on the Department of Defense's role in assisting the parties to the Darfur Peace Agreement of May 5, 2006 with implementing that Agreement. Each such report shall include a description of—

(1) the assets that the United States military, in concert with the United States North Atlantic Treaty Organisation (NATO) allies, are able to offer the African Union Mission in Sudan (AMIS) and any United Nations peacekeeping mission authorized for Darfur;

(2) any plans of the Secretary of Defense to support the AMIS by providing information regarding the location of belligerents and potential violations of the Darfur Peace Agreement and assistance to improve the AMIS use of intelligence and tactical mobility;

(3) the resources that will be used during the current fiscal year to provide the support described in paragraph (2) and the resources that will be needed during the next fiscal year to provide such support;

(4) the efforts of the Secretary of Defense and Secretary of State to leverage troop contributions from other countries to serve in the proposed United Nation peacekeeping mission for Darfur;

(5) any plans of the Secretary of Defense to participate in the deployment of any NATO mentoring or technical assistance teams to Darfur to assist the AMIS; and

(6) any actions carried out by the Secretary of Defense to address deficiencies in the AMIS communications systems, particularly the interoperability of communications equipment.

AMENDMENT NO. 4530

(Purpose: To extend the patent term for the badges of the American Legion, the American Legion Women's Auxiliary, and the Sons of the American Legion, and for other purposes)

At the appropriate place, insert the following:

SEC. ____ PATENT TERM EXTENSIONS FOR THE BADGES OF THE AMERICAN LEGION, THE AMERICAN LEGION WOMEN'S AUXILIARY, AND THE SONS OF THE AMERICAN LEGION.

(a) **PATENT TERM EXTENSION FOR THE BADGE OF THE AMERICAN LEGION.**—The term of a certain design patent numbered 54,296 (for the badge of the American Legion) is renewed and extended for a period of 14 years beginning on the date of enactment of this Act, with all the rights and privileges pertaining to such patent.

(b) **PATENT TERM EXTENSION FOR THE BADGE OF THE AMERICAN LEGION WOMEN'S AUXILIARY.**—The term of a certain design patent numbered 55,398 (for the badge of the American Legion Women's Auxiliary) is renewed and extended for a period of 14 years beginning on the date of enactment of this Act, with all the rights and privileges pertaining to such patent.

(c) **PATENT TERM EXTENSION FOR THE BADGE OF THE SONS OF THE AMERICAN LEGION.**—The term of a certain design patent numbered 92,187 (for the badge of the Sons of the American Legion) is renewed and extended for a period of 14 years beginning on the date of enactment of this Act, with all the rights and privileges pertaining to such patent.

AMENDMENT NO. 4337

(Purpose: Relating to intelligence on Iran)

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

SEC. 1209. INTELLIGENCE ON IRAN.

(a) **SUBMITTAL TO CONGRESS OF UPDATED NATIONAL INTELLIGENCE ESTIMATE ON IRAN.**—

(1) **SUBMITTAL REQUIRED.**—As soon as is practicable, but not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress an updated National Intelligence Estimate on Iran.

(2) **NOTICE REGARDING SUBMITTAL.**—If the Director determines that the National Intelligence Estimate required by paragraph (1) cannot be submitted by the date specified in that paragraph, the Director shall submit to Congress a report setting forth—

(A) the reasons why the National Intelligence Estimate cannot be submitted by such date; and

(B) an estimated date for the submittal of the National Intelligence Estimate.

(3) **FORM.**—The National Intelligence Estimate under paragraph (1) shall be submitted in classified form. Consistent with the protection of intelligence sources and methods, an unclassified summary of the key judgments of the National Intelligence Estimate should be submitted.

(4) **ELEMENTS.**—The National Intelligence Estimate submitted under paragraph (1) shall address the following:

(A) The foreign policy and regime objectives of Iran.

(B) The current status of the nuclear programs of Iran, including—

(i) an assessment of the current and projected capabilities of Iran to design a nuclear weapon, to produce plutonium, enriched uranium, and other weapons materials, to build a nuclear weapon, and to deploy a nuclear weapon; and

(ii) an assessment of the intentions of Iran regarding possible development of nuclear weapons, the motivations underlying such intentions, and the factors that might influence changes in such intentions.

(C) The military and defense capabilities of Iran, including any non-nuclear weapons of mass destruction programs and related delivery systems.

(D) The relationship of Iran with terrorist organizations, the use by Iran of terrorist organizations in furtherance of its foreign pol-

icy objectives, and the factors that might cause Iran to reduce or end such relationships.

(E) The prospects for support from the international community for various potential courses of action with respect to Iran, including diplomacy, sanctions, and military action.

(F) The anticipated reaction of Iran to the courses of action set forth under subparagraph (E), including an identification of the course or courses of action most likely to successfully influence Iran in terminating or moderating its policies of concern.

(G) The level of popular and elite support within Iran for the Iran regime, and for its civil nuclear program, nuclear weapons ambitions, and other policies, and the prospects for reform and political change within Iran.

(H) The views among the populace and elites of Iran with respect to the United States, including views on direct discussions with or normalization of relations with the United States.

(I) The views among the populace and elites of Iran with respect to other key countries involved in nuclear diplomacy with Iran.

(J) The likely effects and consequences of any military action against the nuclear programs or other regime interests of Iran.

(K) The confidence level of key judgments in the National Intelligence Estimate, the quality of the sources of intelligence on Iran, the nature and scope of any gaps in intelligence on Iran, and any significant alternative views on the matters contained in the National Intelligence Estimate.

(b) **PRESIDENTIAL REPORT ON POLICY OBJECTIVES AND UNITED STATES STRATEGY REGARDING IRAN.**—

(1) **REPORT REQUIRED.**—As soon as is practicable, but not later than 90 days after the date of the enactment of this Act, the President shall submit to Congress a report on the following:

(A) The objectives of United States policy on Iran.

(B) The strategy for achieving such objectives.

(2) **FORM.**—The report under paragraph (1) shall be submitted in unclassified form with a classified annex, as appropriate.

(3) **ELEMENTS.**—The report submitted under paragraph (1) shall—

(A) address the role of diplomacy, incentives, sanctions, other punitive measures and incentives, and other programs and activities relating to Iran for which funds are provided by Congress; and

(B) summarize United States contingency planning regarding the range of possible United States military actions in support of United States policy objectives with respect to Iran.

(c) **DIRECTOR OF NATIONAL INTELLIGENCE REPORT ON PROCESS FOR VETTING AND CLEARING ADMINISTRATION OFFICIALS' STATEMENTS DRAWN FROM INTELLIGENCE.**—

(1) **REPORT REQUIRED.**—As soon as is practicable, but not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the process for vetting and clearing statements of Administration officials that are drawn from or rely upon intelligence.

(2) **ELEMENTS.**—The report shall—

(A) describe current policies and practices of the Office of the Director of National Intelligence and the intelligence community for—

(i) vetting and clearing statements of senior Administration officials that are drawn from or rely upon intelligence; and

(ii) how significant misstatements of intelligence that may occur in public statements of senior public officials are identified,

brought to the attention of any such officials, and corrected;

(B) assess the sufficiency and adequacy of such policies and practices; and

(C) include any recommendations that the Director considers appropriate to improve such policies and practices.

AMENDMENT NO. 4531

(Purpose: To make available \$2,900,000 from Operation and Maintenance, Army, for the Virginia Military Institute for military training infrastructure improvements)

At the end of subtitle B of title III, add the following:

SEC. 315. MILITARY TRAINING INFRASTRUCTURE IMPROVEMENTS AT VIRGINIA MILITARY INSTITUTE.

Of the amount authorized to be appropriated by section 301(1) for operation and maintenance for the Army, \$2,900,000 may be available to the Virginia Military Institute for military training infrastructure improvements to provide adequate field training of all Armed Forces Reserve Officer Training Corps.

AMENDMENT NO. 4411

(Purpose: To authorize \$3,600,000 for military construction for the Air National Guard of the United States to construct an engine inspection and maintenance facility at Little Rock Air Force Base, Arkansas)

On page 519, line 21, strike "\$242,143,000" and insert "\$245,743,000".

AMENDMENT NO. 4336

(Purpose: To require a report on the feasibility of omitting Social Security Numbers from military identification cards)

At the end of subtitle F of title V, add the following:

SEC. 587. REPORT ON OMISSION OF SOCIAL SECURITY NUMBERS ON MILITARY IDENTIFICATION CARDS.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report setting forth the assessment of the Secretary of the feasibility of utilizing military identification cards that do not contain, display or exhibit the Social Security Number of the individual identified by such military identification card.

(b) MILITARY IDENTIFICATION CARD DEFINED.—In this section, the term "military identification card" has the meaning given the term "military ID card" in section 1060b(b)(1) of title 10, United States Code.

AMENDMENT NO. 4361

(Purpose: To require that Congress be apprised periodically on the implementation of the Darfur Peace Agreement)

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

SEC. 1209. REPORTS ON IMPLEMENTATION OF THE DARFUR PEACE AGREEMENT.

(a) REQUIREMENT FOR REPORTS.—Not later than 30 days after the date of the enactment of this Act, and every 60 days thereafter until the date that the President submits the certification described in subsection (b), the President shall submit to Congress a report on the implementation of the Darfur Peace Agreement of May 5, 2006, and the situation in Darfur, Sudan. Each such report shall include—

(1) a description of the steps being taken by the Government of Sudan, the Sudan Liberation Movement/Army (SLM/A), and other parties to the Agreement to uphold their commitments to—

(A) demobilize and disarm the Janjaweed, as stated in paragraphs 214(F), 338, 339, 340, 366, 387, and 368 of the Agreement;

(B) provide secure, unfettered access for humanitarian personnel and supplies, as stated in paragraph 214(E) of the Agreement;

(C) ensure that foreign combatants respect the provisions of the Agreement, as stated in paragraphs 341 through 344 of the Agreement; and

(D) expedite the safe and voluntary return of internally-displaced persons and refugees to their places of origin, as stated in paragraphs 182 through 187 of the Agreement;

(2) a description of any violation of the Agreement and any delay in implementing the Agreement, including any such violation or delay that compromises the safety of civilians, and the names of the individuals or entities responsible for such violation or delay;

(3) a description of any attacks against civilians and any activities that disrupt implementation of the Agreement by armed persons who are not a party to the Agreement; and

(4) a description of the ability of the Ceasefire Commission, the African Union Mission in Sudan, and the other organizations identified in the Agreement to monitor the implementation of the Agreement, and a description of any obstruction to such monitoring.

(b) CERTIFICATION.—The certification described in this subsection is a certification made by the President and submitted to Congress that the Government of Sudan has fulfilled its obligations under the Darfur Peace Agreement of May 5, 2006, to demobilize and disarm the Janjaweed and to protect civilians.

(c) FORM AND AVAILABILITY OF REPORTS.—(1) FORM.—A report submitted under this section shall be in an unclassified form and may include a classified annex.

(2) AVAILABILITY.—The President shall make the unclassified portion of a reported submitted under this section available to the public.

AMENDMENT NO. 4532

(Purpose: To require a report on the use of alternative fuels by the Department of Defense)

At the end of subtitle D of title III, add the following:

SEC. 352. REPORT ON USE OF ALTERNATIVE FUELS BY THE DEPARTMENT OF DEFENSE.

(a) STUDY.—The Secretary of Defense shall conduct a study on the use of alternative fuels by the Armed Forces and the Defense Agencies, including any measures that can be taken to increase the use of such fuels by the Department of Defense and the Defense Agencies.

(b) ELEMENTS.—The study shall address each matter set forth in paragraphs (1) through (7) of section 357(b) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3207) with respect to alternative fuels (rather than to the fuels specified in such paragraphs).

(c) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the study conducted under this section.

(2) MANNER OF SUBMITTAL.—The report required by this subsection may be incorporated into, or provided as an annex to, the study required by section 357(c) of the National Defense Authorization Act for Fiscal Year 2006.

(d) ALTERNATIVE FUELS DEFINED.—In this section, the term "alternative fuels" means biofuels, biodiesel, renewable diesel, ethanol that contain less than 85 percent ethyl alcohol, and cellulosic ethanol.

AMENDMENT NO. 4533

(Purpose: To make available an additional \$450,000,000 for Research, Development, Test, and Evaluation, Defense-wide and provide an offsetting reduction for a certain military intelligence program)

At the end of subtitle D of title X, add the following:

SEC. 1035. FUNDING FOR A CERTAIN MILITARY INTELLIGENCE PROGRAM.

(a) INCREASE IN AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE.—The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-wide activities is hereby increased by \$450,000,000.

(b) OFFSET.—The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force is hereby decreased by \$450,000,000, with the amount of the reduction to be allocated to amounts available for a classified program as described on page 34 of Volume VII (Compartmented Annex) of the Fiscal Year 2007 Military Intelligence Program justification book.

AMENDMENT NO. 4534

(Purpose: To authorize the repositioning of Department of Defense assets to improve support to civilian authorities)

At the end of subtitle F of title III, add the following:

SEC. 375. REPOSITIONING OF DEPARTMENT OF DEFENSE ASSETS TO IMPROVE SUPPORT TO CIVILIAN AUTHORITIES.

(a) REPOSITIONING AUTHORIZED.—The Secretary of Defense may provide for the repositioning of prepackaged or preidentified basic response assets, such as medical supplies, food and water, and communications equipment, in order to improve Department of Defense support to civilian authorities.

(b) REIMBURSEMENT.—To the extent required by section 1535 of title 31, United States Code (popularly known as the "Economy Act"), or other applicable law, the Secretary shall require reimbursement of the Department of Defense for costs incurred in the repositioning of basic response assets under subsection (a).

(c) LIMITATION.—Basic response assets may not be repositioned under subsection (a) if the repositioning of such assets will adversely affect the military preparedness of the United States.

(d) PROCEDURES AND GUIDELINES.—The Secretary may develop procedures and guidelines applicable to the repositioning of basic response assets under this section.

AMENDMENT NO. 4535

(Purpose: To provide for energy efficiency in new construction)

On page 531, strike lines 7 through 13 and insert the following:

(3) in subsection (b)(2)(A), by striking "installations of the Department of Defense as may be designated" and inserting "installations of the Department of Defense and related to such vehicles and military support equipment of the Department of Defense as may be designated";

(4) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(5) by inserting after subsection (d) the following new subsection:

"(e) ENERGY EFFICIENCY IN NEW CONSTRUCTION.—

"(1) The Secretary of Defense shall ensure, to the maximum extent practicable, that energy efficient products meeting the Department's requirements, if cost effective over the life cycle of the product and readily available, be used in new facility construction by or for the Department carried out under this chapter.

“(2) In determining the energy efficiency of products, the Secretary shall consider products that—

“(A) meet or exceed Energy Star specifications; or

“(B) are listed on the Department of Energy’s Federal Energy Management Program Product Energy Efficiency Recommendations product list.”

AMENDMENT NO. 4381, AS MODIFIED

On page 178, between lines 10 and 11, insert the following:

(c) TRANSITION OF MILITARY DEPENDENTS FROM MILITARY TO CIVILIAN SCHOOLS.—

(1) IN GENERAL.—The Secretary of Defense shall work collaboratively with the Secretary of Education in any efforts to ease the transition of dependents of members of the Armed Forces from attendance in Department of Defense dependent schools to civilian schools in systems operated by local educational agencies.

(2) UTILIZATION OF EXISTING RESOURCES.—In working with the Secretary of Education under paragraph (1), the Secretary of Defense may utilize funds authorized to be appropriated for operation and maintenance for Defense-wide activities to share expertise and experience of the Department of Defense Education Activity with local educational agencies as dependents of members of the Armed Forces make the transition from attendance at Department of Defense dependent schools to attendance at civilian schools in systems operated by such local educational agencies, including such transitions resulting from defense base closure and realignment, global rebasing, and force restructuring.

(3) DEFINITIONS.—In this subsection:

(A) The term “expertise and experience”, with respect to the Department of Defense Education Activity, means resources of such activity relating to—

(i) academic strategies which result in increased academic achievement;

(ii) curriculum development consultation and materials;

(iii) teacher training resources and materials;

(iv) access to virtual and distance learning technology capabilities and related applications for teachers; and

(v) such other services as the Secretary of Defense considers appropriate to improve the academic achievement of such students.

(B) The term “local educational agency” has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

(4) EXPIRATION.—The authority of the Secretary of the Defense under this subsection shall expire on September 30, 2011.

AMENDMENT NO. 4429

(Purpose: To authorize the donation of the SS Arthur M. Huddell to the Government of Greece)

At the end of subtitle B of title X, add the following:

SEC. 1013. AUTHORITY TO DONATE SS ARTHUR M. HUDDELL TO THE GOVERNMENT OF GREECE.

(a) FINDINGS.—Congress makes the following findings:

(1) It is in the economic and environmental interests of the United States to promote the disposal of vessels in the National Defense Reserve Fleet that are of insufficient value to warrant further preservation.

(2) The Maritime Administration of the Department of Transportation has been authorized to make such disposals, including the sale and recycling of such vessels and the donation of such vessels to any State, commonwealth, or possession of the United States, and to nonprofit organizations.

(3) The government of Greece has expressed an interest in obtaining and using the ex-Liberty ship, SS ARTHUR M. HUDDELL, for purposes of a museum exhibit.

(4) It is in the interest of the United States to authorize the Maritime Administration to donate SS ARTHUR M. HUDDELL to Greece.

(b) DONATION OF SS ARTHUR M. HUDDELL TO GOVERNMENT OF GREECE.—Notwithstanding Section 510(j) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1158), the Secretary of Transportation is authorized to transfer SS ARTHUR M. HUDDELL, by gift, to the Government of Greece, in accordance with terms and conditions determined by the Secretary.

(c) ADDITIONAL EQUIPMENT.—The Secretary may convey additional equipment from other obsolete vessels of the National Defense Reserve Fleet to assist the Government of Greece under this section for purposes of the museum exhibit referred to in subsection (a)(3).

AMENDMENT NO. 4398

At the end of subtitle D of title II, add the following:

SEC. 257. REPORT ON BIOMETRICS PROGRAMS OF THE DEPARTMENT OF DEFENSE.

(a) REPORT.—The Secretary of Defense shall submit to Congress, at the same time as the submittal of the budget of the President for fiscal year 2008 (as submitted under section 1105(a) of title 31, United States Code) a report on the biometrics programs of the Department of Defense.

(b) ELEMENTS.—The report shall address the following:

(1) Whether the Department should modify the current executive agent management structure for the biometrics programs.

(2) The requirements for the biometrics programs to meet needs throughout the Department of Defense.

(3) A description of programs currently fielded to meet requirements in Iraq and Afghanistan.

(4) An assessment of the adequacy of fielded programs to meet operational requirements.

(5) An assessment of programmatic or capability gaps in meeting future requirements.

(6) The actions being taken within the Executive Branch to coordinate and integrate requirements, programs, and resources among the departments and agencies of the Executive Branch with a role in using or developing biometrics capabilities.

(c) BIOMETRICS DEFINED.—In this section, the term “biometrics” means an identity management program or system that utilizes distinct personal attributes, including DNA, facial features, irises, retinas, signatures, or voices, to identify individuals.

AMENDMENT NO. 4451, AS MODIFIED

At the end of subtitle G of title X, add the following:

SEC. 1066. ANNUAL REPORTS ON EXPANDED USE OF UNMANNED AERIAL VEHICLES IN THE NATIONAL AIRSPACE SYSTEM.

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

(1) Unmanned aerial vehicles (UAVs) serve Department of Defense intelligence, surveillance, reconnaissance, and combat missions.

(2) Operational reliability of unmanned systems continues to improve and sense-and-avoid technology development and fielding must continue in an effort to provide unmanned aerial systems with an equivalent level of safety to manned aircraft.

(3) Unmanned aerial vehicles have the potential to support the Nation’s homeland defense mission, border security mission, and natural disaster recovery efforts.

(4) Accelerated development and testing of standards for the integration of unmanned

aerial vehicles in the National Airspace System would further the increased safe use of such vehicles for border security, homeland defense, and natural disaster recovery efforts.

(b) ANNUAL REPORTS.—Not later than one year after the date of the enactment of this Act and annually thereafter until the Federal Aviation Administration promulgates such policy, the Secretary of Defense shall submit to the Committees on Armed Services, Commerce, Science and Transportation, and Homeland Security and Governmental Affairs of the Senate and the Committees on Armed Services, Energy and Commerce, and Government Reform of the House of Representatives a report on the actions of the Department of Defense to support the development by the Federal Aviation Administration of a policy on the testing and operation of unmanned aerial vehicles in the National Airspace System.

AMENDMENT NO. 4536

(Purpose: To require a report on the incorporation of elements of the reserve components into the Special Forces in the expansion of the Special Forces)

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

SEC. 924. REPORT ON INCORPORATION OF ELEMENTS OF THE RESERVE COMPONENTS INTO THE SPECIAL FORCES.

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

(1) The Quadrennial Defense Review recommends an increase in the size of the Special Operations Command and the Special Forces as a fundamental part of our efforts to fight the war on terror.

(2) The Special Forces play a crucial role in the war on terror, and the expansion of their force structure as outlined in the Quadrennial Defense Review should be fully funded.

(3) Expansion of the Special Forces should be consistent with the Total Force Policy.

(4) The Secretary of Defense should assess whether the establishment of additional reserve component Special Forces units and associated units is consistent with the Total Force Policy.

(5) Training areas in high-altitude and mountainous areas represent a national asset for preparing Special Forces units and personnel for duty in similar regions of Central Asia.

(b) REPORT ON INCORPORATION OF ELEMENTS INTO SPECIAL FORCES.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report to address whether units and capabilities should be incorporated into the reserve components of the Armed Forces as part of the expansion of the Special Forces as outlined in the Quadrennial Defense Review, and consistent with the Total Force Policy.

(c) REPORT ON SPECIAL FORCES TRAINING.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the effort taken by the U.S. Special Operations Command to provide Special Forces training in high-altitude and mountainous areas within the United States.

AMENDMENT NO. 4537

(Purpose: To express the sense of the Senate on the Transformational Medical Technology Initiative of the Department of Defense)

At the end of subtitle D of title VII, add the following:

SEC. 762. SENSE OF SENATE ON THE TRANSFORMATIONAL MEDICAL TECHNOLOGY INITIATIVE OF THE DEPARTMENT OF DEFENSE.

(a) FINDINGS.—The Senate finds the following:

(1) The most recent Quadrennial Defense Review and other studies have identified the need to develop broad-spectrum medical countermeasures against the threat of genetically engineered bioterror agents.

(2) The Transformational Medical Technology Initiative of the Department of Defense implements cutting edge transformational medical technologies and applies them to address the challenges of known, emerging, and bioengineered threats.

(3) The Transformational Medical Technology Initiative is designed to provide such technologies in a much shorter timeframe, and at lower cost, than is required with traditional approaches.

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

(1) the Transformational Medical Technology Initiative is an important effort to provide needed capability within the Department of Defense to field effective broad-spectrum countermeasures against a significant array of current and future biological threats; and

(2) innovative technological approaches to achieve broad-spectrum medical countermeasures are a necessary component of the capacity of the Department to provide chemical-biological defense and force protection capabilities for the Armed Forces.

AMENDMENT NO. 4538

(Purpose: To provide for the enhancement of funeral ceremonies for veterans)

At the end of subtitle F of title V, add the following:

SEC. 587. FUNERAL CEREMONIES FOR VETERANS.

(a) SUPPORT FOR CEREMONIES BY DETAILS CONSISTING SOLELY OF MEMBERS OF VETERANS AND OTHER ORGANIZATIONS.—

(1) SUPPORT OF CEREMONIES.—Section 1491 of title 10, United States Code, is amended—

(A) by redesignating subsections (e), (f), (g), and (h) as subsections (f), (g), (h), and (i), respectively; and

(B) by inserting after subsection (d) the following new subsection (e):

“(e) SUPPORT FOR FUNERAL HONORS DETAILS COMPOSED OF MEMBERS OF VETERANS ORGANIZATIONS.—(1) Subject to such regulations and procedures as the Secretary of Defense may prescribe, the Secretary of the military department of which a veteran was a member may support the conduct of funeral honors for such veteran that are provided solely by members of veterans organizations or other organizations referred to in subsection (b)(2).

“(2) The provision of support under this subsection is subject to the availability of appropriations for that purpose.

“(3) The support provided under this subsection may include the following:

“(A) Reimbursement for costs incurred by organizations referred to in paragraph (1) in providing funeral honors, including costs of transportation, meals, and similar costs.

“(B) Payment to members of such organizations providing such funeral honors of the daily stipend prescribed under subsection (d)(2).”

(2) CONFORMING AMENDMENTS.—Such section is further amended—

(A) in subsection (d)(2), by inserting “and subsection (e)” after “paragraph (1)(A)”; and

(B) in paragraph (1) of section (f), as redesignated by subsection (a)(1) of this section, by inserting “(other than a requirement in subsection (e))” after “pursuant to this section”.

(b) USE OF EXCESS M-1 RIFLES FOR CEREMONIAL AND OTHER PURPOSES.—Section 4683 of such title is amended—

(1) in subsection (a), by adding at the end the following new paragraph:

“(3) Rifles loaned or donated under paragraph (1) may be used by an eligible designee for funeral ceremonies of a member or former member of the armed forces and for other ceremonial purposes.”;

(2) in subsection (c), by inserting after “accountability” the following: “; provided that such conditions do not unduly hamper eligible designees from participating in funeral ceremonies of a member or former member of the armed forces or other ceremonies”;

(3) in subsection (d)—

(A) in paragraph (2), by striking “; or” and inserting “or fire department;”;

(B) in paragraph (3), by striking the period at the end and inserting “; or”; and

(C) by adding at the end the following new paragraph:

“(4) any other member in good standing of an organization described in paragraphs (1), (2), or (3).”;

(4) by adding at the end the following new subsection:

“(e) ELIGIBLE DESIGNEE DEFINED.—In this section, the term ‘eligible designee’ means a designee of an eligible organization who—

“(1) is a spouse, son, daughter, nephew, niece, or other family relation of a member or former member of the armed forces;

“(2) is at least 18 years of age; and

“(3) has successfully completed a formal firearm training program or a hunting safety program.”.

AMENDMENT NO. 4303

(Purpose: To provide for the recovery and availability to the Corporation for the Promotion of Rifle Practice and Firearms Safety of certain firearms, ammunition, and parts)

At the end of subtitle F of title III, add the following:

SEC. 375. RECOVERY AND AVAILABILITY TO CORPORATION FOR THE PROMOTION OF RIFLE PRACTICE AND FIREARMS SAFETY OF CERTAIN FIREARMS, AMMUNITION, AND PARTS.

(a) IN GENERAL.—Subchapter II of chapter 407 of title 36, United States Code, is amended by inserting after the item relating to section 40728 the following new section:

“§ 40728A. Recovery and availability of excess firearms, ammunition, and parts granted to foreign countries

“(a) RECOVERY.—The Secretary of the Army may recover from any country to which a grant of rifles, ammunition, repair parts, or other supplies described in section 40731(a) of this title is made under section 505 of the Foreign Assistance Act of 1961 (22 U.S.C. 2314) any such rifles, ammunition, repair parts, or supplies that are excess to the needs of such country.

“(b) COST OF RECOVERY.—(1) Except as provided in paragraph (2), the cost of recovery of any rifles, ammunition, repair parts, or supplies under subsection (a) shall be treated as incremental direct costs incurred in providing logistical support to the corporation for which reimbursement shall be required as provided in section 40727(a) of this title.

“(2) The Secretary may require the corporation to pay costs of recovery described in paragraph (1) in advance of incurring such costs. Amounts so paid shall not be subject to the provisions of section 3302 of title 31, but shall be administered in accordance with the last sentence of section 40727(a) of this title.

“(c) AVAILABILITY.—Any rifles, ammunition, repair parts, or supplies recovered under subsection (a) shall be available for transfer to the corporation in accordance

with the provisions of section 40728 of this title under such additional terms and conditions as the Secretary shall prescribe for purposes of this section.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 407 of such title is amended by inserting after the item relating to section 40728 the following new item:

“40728A. Recovery and availability of excess firearms, ammunition, and parts granted to foreign countries.”.

AMENDMENT NO. 4539

(Purpose: To provide that the Secretary of the Army may authorize family members of a member of the armed forces on active duty who is occupying military family housing units leased under the exception provided for United States Southern Command personnel to remain in such units while the soldier is assigned to a family-member-restricted area)

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

SEC. 2814. AUTHORITY TO OCCUPY UNITED STATES SOUTHERN COMMAND FAMILY HOUSING.

(a) The Secretary of the Army may authorize family members of a member of the armed forces on active duty who is occupying a housing unit leased under section 2828(b)(4) of title 10, United States Code and who is assigned to a family-member-restricted area to remain in the leased housing unit until the member completes the family-member-restricted tour. Costs incurred for such housing during such tour shall be included in the costs subject to the limitation under subparagraph (B) of that paragraph.

(b) The authority granted by subsection (a) shall expire on September 30, 2008.

AMENDMENT NO. 4423

(Purpose: To limit the availability of funds for certain purposes relating to Iraq)

At the end of title XIV, add the following:

SEC. 1414. LIMITATION ON AVAILABILITY OF FUNDS FOR CERTAIN PURPOSES RELATING TO IRAQ.

No funds authorized to be appropriated by this Act may be obligated or expended for a purpose as follows:

(1) To establish a permanent United States military installation or base in Iraq.

(2) To exercise United States control over the oil resources of Iraq.

AMENDMENT NO. 4316

(Purpose: To provide for the conveyance of land located in Hopkinton, New Hampshire)

At the end of subtitle D of title XXVIII, add the following:

SEC. 2844. LAND CONVEYANCE, HOPKINTON, NEW HAMPSHIRE.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to the Town of Hopkinton, New Hampshire (in this section referred to as the “Town”), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 90 acres located at a site in Hopkinton, New Hampshire, known as the “Kast Hill” property for the purpose of permitting the Town to use the existing sand and gravel resources on the property and to ensure perpetual conservation of the property.

(b) CONSIDERATION.—

(1) IN GENERAL.—As consideration for the conveyance under subsection (a), the Town shall, subject to paragraph (2), provide to the United States, whether by cash payment, in-kind consideration, or a combination thereof, an amount that is not less than the fair market value of the conveyed property, as

determined pursuant to an appraisal acceptable to the Secretary.

(2) **WAIVER OF PAYMENT OF CONSIDERATION.**—The Secretary may waive the requirement for consideration under paragraph (1) if the Secretary determines that the Town will not use the existing sand and gravel resources to generate revenue.

(c) **REVERSIONARY INTEREST.**—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance specified in such subsection, all right, title, and interest in and to all or any portion of the property shall revert, at the option of the Secretary, to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(d) **PROHIBITION ON RECONVEYANCE OF LAND.**—The Town may not reconvey any of the land acquired from the United States under subsection (a) without the prior approval of the Secretary.

(e) **PAYMENT OF COSTS OF CONVEYANCE.**—

(1) **PAYMENT REQUIRED.**—The Secretary shall require the Town to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the Town in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the Town.

(2) **TREATMENT OF AMOUNTS RECEIVED.**—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(f) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(g) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the conveyance of real property under subsection (a) as the Secretary consider appropriate to protect the interests of the United States.

AMENDMENT NO. 4407

(Purpose: To authorize \$1,000,000 for the phase 1 construction of an air traffic control complex at Minot Air Force Base, North Dakota, and to provide an offset)

On page 502, in the table preceding line 1, strike “\$8,000,000” in the amount column of the item relating to Minot Air Force Base, North Dakota, and insert “\$9,000,000”.

On page 503, in the table following line 10, strike “\$171,188,000” in the amount column of the item relating to Minot Air Force Base, North Dakota, and insert “\$170,188,000”.

On page 504, line 23, strike “\$862,661,000” and insert “\$863,661,000”.

On page 505, line 16, strike “\$1,183,138,000” and insert “\$1,182,138,000”.

AMENDMENT NO. 4366

(Purpose: To provide for an independent review and assessment of the organization and management of the Department of Defense for national security in space)

At the end of subtitle B of title IX, add the following:

SEC. 913. INDEPENDENT REVIEW AND ASSESSMENT OF DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT FOR NATIONAL SECURITY IN SPACE.

(a) **INDEPENDENT REVIEW AND ASSESSMENT REQUIRED.**—

(1) **IN GENERAL.**—The Secretary of Defense shall provide for an independent review and assessment of the organization and management of the Department of Defense for national security in space.

(2) **CONDUCT OF REVIEW.**—The review and assessment shall be conducted by an appropriate entity outside the Department of Defense selected by the Secretary for purposes of this section.

(3) **ELEMENTS.**—The review and assessment shall address the following:

(A) The requirements of the Department of Defense for national security space capabilities, as identified by the Department, and the efforts of the Department to fulfill such requirements.

(B) The future space missions of the Department, and the plans of the Department to meet the future space missions.

(C) The actions that could be taken by the Department to modify the organization and management of the Department over the near-term, medium-term, and long-term in order to strengthen United States national security in space, and the ability of the Department to implement its requirements and carry out the future space missions, including the following:

(i) Actions to exploit existing and planned military space assets to provide support for United States military operations.

(ii) Actions to improve or enhance current interagency coordination processes regarding the operation of national security space assets, including improvements or enhancements in interoperability and communications.

(iii) Actions to improve or enhance the relationship between the intelligence aspects of national security space (so-called “black space”) and the non-intelligence aspects of national security space (so-called “white space”).

(iv) Actions to improve or enhance the manner in which military space issues are addressed by professional military education institutions.

(4) **LIAISON.**—The Secretary shall designate at least one senior civilian employee of the Department of Defense, and at least one general or flag officer of an Armed Force, to serve as liaison between the Department, the Armed Forces, and the entity conducting the review and assessment.

(b) **REPORT.**—

(1) **IN GENERAL.**—Not later than one year after the date of the enactment of this Act, the entity conducting the review and assessment shall submit to the Secretary and the congressional defense committees a report on the review and assessment.

(2) **ELEMENTS.**—The report shall include—

(A) the results of the review and assessment; and

(B) recommendations on the best means by which the Department may improve its organization and management for national security in space.

AMENDMENT NO. 4321

(Purpose: To exclude Minnesota’s Northstar Corridor Commuter Rail Project from the Federal Transit Administration’s medium cost-effectiveness rating requirement for Federal funding)

At the appropriate place, insert the following:

SEC. ____ . FEDERAL FUNDING FOR FIXED GUIDEWAY PROJECTS.

The Federal Transit Administration’s Dear Colleague letter dated April 29, 2005 (C-05-05), which requires fixed guideway projects to achieve a “medium” cost-effectiveness rating for the Federal Transit Administration to recommend such projects for funding, shall not apply to the Northstar Corridor Commuter Rail Project in Minnesota.

AMENDMENT NO. 4540

(Purpose: To provide for the availability of funds authorized to the South County Commuter Rail project, Providence, Rhode Island)

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

SEC. 1084. AVAILABILITY OF FUNDS FOR SOUTH COUNTY COMMUTER RAIL PROJECT, PROVIDENCE, RHODE ISLAND.

Funds available for the South County Commuter Rail project, Providence, Rhode Island, authorized by paragraphs (34) and (35) of section 3034(d) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59; 119 Stat. 1650) shall be available for the purchase of commuter rail equipment for the South County Commuter Rail project upon the receipt by the Rhode Island Department of Transportation of an approved environmental assessment for the South County Commuter Rail project.

AMENDMENT NO. 4449

(Purpose: To require the Secretary of the Air Force to prepare an environmental impact statement or similar analysis for the bed-down of F-22A fighter aircraft at Holloman Air Force Base, New Mexico, as replacements for retiring F-117A fighter aircraft)

At the end of subtitle B of title III, add the following:

SEC. 313. ENVIRONMENTAL DOCUMENTATION FOR BEDDOWN OF F-22A AIRCRAFT AT HOLLOWMAN AIR FORCE BASE, NEW MEXICO.

The Secretary of the Air Force shall prepare environmental documentation per the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for the beddown of F-22A aircraft at Holloman Air Force Base, New Mexico, as replacements for the retiring F-117A aircraft.

AMENDMENT NO. 4204, AS MODIFIED

On page 437, between lines 2 and 3, insert the following:

SEC. 1084. SENSE OF CONGRESS ON IRAQ SUMMIT.

SENSE OF CONGRESS.—It is the sense of Congress that the President should convene a summit as soon as possible that includes the leaders of the Government of Iraq, leaders of the governments of each country bordering Iraq, representatives of the Arab League, the Secretary General of the North Atlantic Treaty Organization, representatives of the European Union, and leaders of the governments of each permanent member of the United Nations Security Council, for the purpose of reaching a comprehensive political agreement for Iraq that addresses fundamental issues including federalism, oil revenues, the militias, security guarantees, reconstruction, economic assistance, and border security.

AMENDMENT NO. 4541

(Purpose: To require a report on planning by the Department of the Air Force for the realignment of aircraft, weapons systems, and functions at active and Air National Guard bases as a result of the 2005 round of defense base closure and realignment)

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

SEC. 2834. REPORT ON AIR FORCE AND AIR NATIONAL GUARD BASES AFFECTED BY 2005 ROUND OF DEFENSE BASE CLOSURE AND REALIGNMENT.

(a) REPORT.—Not later than January 1, 2007, the Secretary of the Air Force shall submit to Congress a report on planning by the Department of the Air Force for future roles and missions for active and Air National Guard personnel and installations affected by decisions of the 2005 round of defense base closure and realignment.

(b) CONTENT.—The report required under subsection (a) shall include—

(1) an assessment of the capabilities, characteristics, and capacity of the facilities, infrastructure, and authorized personnel at each affected base;

(2) a description of the planning process used by the Air Force to determine future roles and missions at active and Air National Guard bases affected by the decisions of the 2005 round of defense base closure and realignment, including an analysis of alternatives for installations to support each future role or mission;

(3) a description of the future roles and missions under consideration for each active and Air National Guard base and an explanation of the criteria and decision-making process to make final decisions about future roles and missions for each base; and

(4) a timeline for decisions on the final determination of future roles and missions for each active and Air National Guard base affected by the decisions of the 2005 round of defense base closure and realignment.

(c) BASES COVERED.—The report required under subsection (a) shall include information on each active and Air National Guard base at which the number of aircraft, weapon systems, or functions is proposed to be reduced or eliminated and to any installation that was considered as a potential receiving location for the realignment of aircraft, weapons systems, or functions.

AMENDMENT NO. 4337

Mr. REID. Mr. President, I appreciate very much that there has been consent to agree to my amendment No. 4337 on Congressional oversight of Iran policy. I would like to explain why I believe it is important that the Senate pass this amendment and sustain it in conference with the House.

Mr. President, we live in a dangerous time. The threats to our freedom are many.

As the administration embarks on serious diplomacy with Iran, the Senate must be engaged and consulted. We Senators must take seriously our responsibility to insist on a thorough review of the facts, a full debate of the threat, and full consultation as events move forward.

The amendment I propose today would help put in place the rigorous oversight necessary to hold the administration accountable for its rhetoric and its policy decisions.

Yesterday, Senate leadership met with State Department officials to get briefed on the details of the "offer" the administration laid on the table for

Iran a few weeks ago. The meeting was welcome. I respect the hard work of Secretary Rice and Ambassador Burns in moving diplomacy forward. However, I am surprised the meeting happened several weeks after the deal was already offered. To the best of my knowledge, until yesterday, Congress had not been briefed on the key details of the deal offered to Iran a few weeks ago. The Iranians had been briefed. The Europeans had been briefed. The Russians and Chinese had been briefed. But not the United States Senate.

This reminds me of how the administration handled the proposed Indian nuclear deal, which Members first found out about from the Indian prime minister and the press, not from the Administration.

I am also reminded of the sales campaign that the administration engaged in, in the runup to war in Iraq. A sales campaign—rather than a serious effort to consult and treat Congress as a partner in figuring out how to protect America.

It makes the executive branch's job a lot tougher when Congress is consulted last, rather than first. Congress should be in the take off, not asked to join for the crash landing.

This amendment requires the administration to give Congress and the American people three things: an updated intelligence assessment of the threat of Iran, a clear statement of the President's policy objectives and strategy, and a confirmation that administration officials' public statements about the threat of Iran are being reviewed for accuracy.

These are reasonable requests to ensure a rigorous debate about the way forward. The amendment's adoption would increase the administration's information flow to Congress on Iran issues and improve the Senate's oversight in this important area of national security policy.

I would note that the House Armed Services Committee included parallel reporting requirements on the threat of Iran and the U.S. strategy for responding to it in its report on the House version of this bill. I trust that the conference of the two bodies will, in striving to reconcile these parallel reporting requirements, put the United States Congress on record in law about the importance of rigorous Congressional oversight of U.S. policy regarding Iran and the importance of the administration working in close consultation with Congress in this area.

AMENDMENT NO. 4528

Mr. ALLARD. Mr. President, I rise today to discuss amendment No. 4528. This amendment honors Representative JOEL HEFLEY, Congressman of Colorado's 5th district, for his outstanding service to the people of Colorado and to our Nation.

As you may know, Mr. President, Representative HEFLEY made the decision earlier this year to retire after 2 decades of service in Congress. This was a very difficult decision for him.

He was the 3rd ranking Republican on the House Armed Services Committee and had garnered considerable influence because of his integrity and his respect of the legislative branch as an institution. He worked diligently over his 20 years in Congress and served the people of Colorado's 5th District well.

Representative HEFLEY was first elected to represent Colorado's 5th Congressional district in 1986 and has served in the House of Representatives since that time with distinction, class, integrity, and honor. As his current and former colleagues will attest, Representative HEFLEY is a fair and effective lawmaker who works for the national interest while never forgetting his Western roots.

For most of his two decades in the House, Representative HEFLEY poured his time and energy into the Committee on Armed Services of the House of Representatives. He served as chairman of the Subcommittee on Military Installations and Facilities from 1995 through 2000 and, since 2001, as chairman of the Subcommittee on Readiness.

Representative HEFLEY's efforts on the Committee on Armed Services have instrumental to the military value of, and quality of life at, installations in the State of Colorado, Cheyenne Mountain, Peterson Air Force Base, Schriever Air Force Base, Buckley Air Force Base, and the United States Air Force Academy.

Representative HEFLEY was a leader in efforts to retain and expand Fort Carson as an essential part of the national defense system during the Defense Base Closure and Realignment process.

Representative HEFLEY has also consistently advocated for providing members of the Armed Forces and their families with quality, safe, and affordable housing and supportive communities.

Representative HEFLEY's leadership on the Military House Privatization Initiative has allowed for the privatization of more than 121,000 units of military family housing, which brought meaningful improvements to living conditions for thousands of members of the Armed Forces and their spouses and children at installations throughout the United States.

In honor of Representative HEFLEY's achievements and his work on military housing privatization, this amendment designates the military family housing areas at Fort Carson, Colorado in his name.

I served with Representative HEFLEY in the House of Representatives for 6 years before I was elected to the Senate. I consider him to be one of my closest colleagues in Congress and a dear friend. I have tremendous respect for his character and for his ability to get things done. He has been a champion for over two decades for the Colorado Springs community and for conservative values. I know that he will be sorely missed in the House of Representatives.

I believe Representative HEFLEY deserves the honor and recognition that this amendment provides. I am pleased my colleagues agreed to join me in adopting this amendment.

AMENDMENT NO. 4424

Mr. BIDEN. Mr. President, I appreciate the support of Chairman WARNER and Senator LEVIN in agreeing to accept amendment No. 4424 to S. 2766, which I have sponsored.

Section 1023 relates to a counter-narcotics authority granted to the Department of Defense in the fiscal year 1998 Defense Authorization Act, P.L. 105-85, specifically section 1033 of that Act. The original provision, enacted in 1997, gave the Department authority to provide counterdrug support to the Governments of Peru and Colombia, including authority to transfer riverine patrol boats to those Governments, and to maintain and repair equipment used for counter-drug activities by those Governments. In recent years, the so-called 1033 authority has been expanded to cover the other countries in the Andes, and to Afghanistan and many of its neighboring states.

The bill now before the Senate would expand the list of eligible governments still further, to include a long list of countries in Asia, the Americas, and Africa. It also provides the Department the authority to transfer aircraft to eligible governments.

The amendment I have proposed to section 1023 would ensure that the transfer of aircraft is subject to section 484(a) of the Foreign Assistance Act of 1961, which requires that the United States retain title to aircraft made available to a foreign country primarily for narcotics-related purposes, unless the President makes a national interest determination and so notifies Congress. The requirement that such aircraft be made available only on a loan or lease basis has been the law for 20 years, since the enactment of the Anti-Drug Abuse Act of 1986, P.L. 99-570, and no good argument has been offered as to why it should not apply to Department of Defense programs. Simply put, the requirement strengthens the ability of the United States to make sure that the aircraft provided is used for the intended purpose.

In my view, section 484(a) already does apply to Defense Department counternarcotics programs. By its terms, it applies to any aircraft "made available to a foreign country primarily for narcotics-related purposes" under the Foreign Assistance Act of 1961 or "under any other provision of law." This expansive statutory language makes clear that any U.S. Government agency providing aircraft to a foreign government for counterdrug purposes must retain title to that aircraft. Yet inquiries to the Department of Defense officials about whether the authority provided in section 1023 of S. 2766 would be governed by section 484(a) have proven inconclusive. So that there is no doubt about this question, I have proposed this amendment,

which I understand the managers of the bill have agreed to accept.

AMENDMENT NO. 4364

Mr. DURBIN. Mr. President, I rise today to offer an amendment that would rename the Navy and Marine Corps Reserve Center at Rock Island, IL, in honor of Representative LANE EVANS.

Representative EVANS has been a tireless advocate of our men and women in uniform during his 24 years in Congress. Unfortunately, Congress will lose a great man when he retires at the end of this year, and we can honor him and his accomplishments by renaming the Navy and Marine Corps Reserve Center at Rock Island after him.

LANE EVANS came to Congress as a Marine Corps veteran, and military personnel and veterans were always on the forefront of his mind during his service on the House Committee on Armed Services and Committee on Veterans' Affairs. Throughout his career, Representative EVANS has fought to ensure that veterans receive the medical care they need and has provided outspoken support for individuals suffering from post-traumatic stress disorder and gulf war syndrome. Additionally, Representative EVANS is credited with bringing new services to veterans living in his congressional district. In particular, he was responsible for the development of outpatient clinics in the Quad Cities and Quincy, IL, as well as the establishment of the Quad-Cities Vet Center.

Representative EVANS also has worked to ensure that military personnel experience a smooth transition from active military service into the care of the Department of Veterans Affairs. Generations of veterans will continue to benefit from his hard work long after he has retired.

Representative EVANS has worked in conjunction with local leaders to promote the Rock Island Arsenal, and through his support, the facility has received new jobs and new missions. It is fitting and proper that the Navy and Marine Corps Reserve Center at Rock Island Arsenal be named in honor of Representative EVANS in order to commemorate his service to America's military personnel, its veterans, and his 17th Congressional district.

I urge my colleagues to join me in supporting this amendment.

AMENDMENT NO. 4336

Mrs. HUTCHISON. Mr. President, Social Security numbers are included on all military identification cards including the service member, military spouse, and all dependents over the age of ten. In light of the recent theft of millions of veterans' personal information from the Department of Veterans Affairs, all federal agencies must take measures to protect crucial information. To this end, I have introduced an amendment that would require the Department of Defense to conduct a feasibility study on prohibiting the use of Social Security numbers on all military identification cards.

When the Department of Defense began using Social Security numbers on identification cards in 1967, identity theft was not a problem most Americans worried about. Electronic transactions were, for the most part, non-existent, and we did not have the kind of access to personal records that we have today. By simply gaining access to someone's Social Security number, a malicious person could attempt to open a line of credit, obtain a false driver's license or passport, or completely steal another person's identity. Our military men and women should not have to worry about these problems while defending our country.

We cannot wait until an incident occurs within the Department of Defense that compromises the security of our military members. The federal government must be proactive. The feasibility study I have proposed has a reasonable finish date of six months from enactment and would give the Department ample time to study this issue and find a self-imposed solution.

Social Security numbers are not included on driver's licenses or passports. Colleges and universities are using generic numbers for student identification rather than Social Security numbers. It is time the Department of Defense provides this important safeguard for our troops.

AMENDMENT NO. 4398

Mr. KENNEDY. Mr. President, I urge my colleagues to join me in supporting this amendment to ensure that the Defense Department invests in critical basic research and maintains the workforce it needs to stay globally competitive.

Our military is first in the world because of the quality and training of our personnel and the technological sophistication of our equipment and weaponry. But many of our Nation's best civilian scientific minds in the Defense Department are nearing retirement age, and our uncertain commitment to basic research funding makes it harder to attract a new corps of scientists to do this research.

Our amendment that the Senator from Maine and I are offering includes an additional \$5 million for the Department's SMART Scholars Program which is essentially an ROTC program for its civilian scientists. The amendment will more than double the funding level provided last year and provide more than 100 full college scholarships and graduate fellowships in science, technology, engineering, and math.

Our amendment also adds \$40 million to the Department's funding of basic research in science and technology to ensure that its investment in the field is maintained and our military technology remains the best in the world. The amendment is supported by more than 60 of the most prestigious institutions of higher education in the Nation.

Advances in military technology often have their source in the work of civilian scientists in Department of

Defense laboratories. Unfortunately, a large percentage of these scientists are nearing retirement. Today, nearly one in three DOD civilian engineers in science, technology, engineering, and mathematics is eligible to retire. In 7 years, 70 percent will be of retirement age.

It is distressing that the number of new doctoral level scientists being produced by our major universities each year has declined by 6 percent since 1997. Many of those who do graduate are ineligible to work on sensitive defense matters, since about a third of all science and engineering doctorate degrees awarded at American universities go to foreign students.

It is unlikely that retiring DOD scientists can be replaced by current private industry employees. About 5,000 science and engineering positions are unfilled in private industry in defense-related fields. The Department of Labor estimates that by 2012, more than 40 percent of jobs in science and engineering occupations will be unfilled.

We face a major math and science challenge in both higher education and in elementary and secondary education. We are tied with Latvia for 28th in the industrial world in math education, and that is far from good enough. We have fallen from 3rd in the world to 15th in producing scientists and engineers. Clearly, we need a new National Defense Education Act of the size and scope passed nearly 50 years ago.

At the very least, however, the legislation before us needs to do more to maintain our military's technological advantage. In 2004, over 100 "highly rated" SMART Scholar applications were turned down because of insufficient funding. Our amendment provides enough funds to support every one of those talented young people who want to learn and serve.

Our amendment also deals with the critical need to provide the basic research dollars that enable science and technology graduates and students to pursue their research. Basic research investments by the Defense Department in science and technology a generation ago helped the United States win the Cold War. But funding for basic research has fallen by more than 10 percent in the past decade.

Investing in basic research and attracting the best minds to science and engineering are as important today as they have ever been. Almost every day, you can pick up the paper and see yet another high-performing company setting up an R&D shop in India or China. Those countries get it. They know how important basic research is to their prospects for growth. But this Congress and this President ignore how important it is to invest in our talent and our research capacity.

China now graduates over 2½ times the number of engineers and computer science majors as the United States. We still have an edge in dollars in-

vested, but our average annual investment growth in R&D is far less than China and other countries.

These countries are increasing their government investment in science and technology, but our Federal research investment is stagnating as a share of the U.S. economy. It has plateaued at 1.1 percent of GDP. We are still ahead of most other nations, but they are catching up. In combined Federal and private R&D, the fastest growing countries such as Ireland and Singapore are clearly challenging us.

Yet the President's proposed budget reduces Defense Department basic research, and this authorization bill does little to increase it over last year's appropriation, even though we know we have to increase it.

The Defense Science Board recommends that funding for science and technology reach 3 percent of total defense spending, and the administration and Congress have adopted this goal in the past. But the President's budget cuts science and technology funding by 18.6 percent and falls well short of this goal. The board also recommends that 20 percent of that amount be dedicated to basic research. Again, the administration's budget falls short: basic research accounts for only 12.6 percent of total science and technology funding.

Our leading economic and scientific thinkers are telling us we need to invest in these areas to stay globally competitive. The National Academy of Sciences, the Council on Competitiveness, and others say it is wrong to ignore the need to increase investment in basic research. Nobel prize-winners such as American physicist Steven Chu say that we need to increase Federal investment in long-term basic research because "there are growing signs that all is not well."

The Internet, the laser, MRIs, global positioning systems—all came from basic research at the Department of Defense. We can't forget that this type of research leads to the kinds of innovations that can generate millions of jobs and major new economic activity.

Our global competitiveness deserves high priority, and our amendment provides it. The goal is to see that American innovation grows and that we continue to attract and retain the best and the brightest men and women to these critical fields in math and science.

I urge my colleagues to join us in supporting this needed amendment to provide more scholarships to math and science students and to increase our Federal commitment to basic research at the Department of Defense.

LEGISLATIVE INTENT WITH REGARD TO
EXPANDED NATIONAL GUARD AUTHORITIES

Mr. CONRAD. Mr. President, I thank Mr. LEVIN for agreeing to join me in this discussion of the legislative intent of the Senate in approving several provisions related to the integration between the Active-Duty military and the Reserve component. This bill will enhance the authority of the Department of Defense to achieve future total

force integration between the Active-Duty and Reserve components. I would be grateful in the ranking member could explain in more detail the intent of section 531 of S. 2766, the National Defense Authorization Act for Fiscal Year 2007.

Mr. LEVIN. Specifically, the changes contained in this bill will increase the efficiency of the Department of Defense's operations by allowing the Guard and Reserve to train and instruct other component members as an additional duty. It is desirable for Active Guard and Reserve, AGR, and technician members of the National Guard and Reserve to be able to train members of all components to the extent that these duties do not interfere with the performance of the member's primary duties. Currently, titles 10 and 32, United States Code, limit the efficiencies that can be realized by restricting the employment of AGRs and technicians to "organizing, administering, recruiting, instructing, or training" the Reserve components. This bill will expand the role of AGRs and technicians so that they may instruct and train members of any other component, and also DOD civilian employees, DOD contractor personnel, and foreign military personnel.

The changes included in this bill will also increase the Department's flexibility in using the Guard and Reserve to support certain operations or missions. It is the committee's belief that members of the Reserve and National Guard need increased flexibility to support certain operations or missions assigned in whole or in part to the Reserve, or undertaken by the National Guard at the request of the President or Secretary of Defense. This bill will facilitate the transformation of the National Guard and Reserve from a Cold War "strategic reserve" to a present day "operational reserve." An "operational reserve" actively supports ongoing operational missions where appropriate, while also providing the additional reserve capacity needed to meet surge requirements or support wartime or contingency operations. These amendments would make some distinctions between the duties that may be performed, in addition to their primary duties, by Reserve AGRs and technicians and those that may be performed by Guard AGRs and technicians in title 32 status. Generally, full-time Reserve personnel would be permitted to support title 10 operational activities, while full-time Guard, including AGRs and technicians, would be permitted to perform operational activities if authorized by the President or the Secretary of Defense.

Mr. CONRAD. I thank the ranking member. These are very important expansions to the National Guard's role and will play an important part in allowing the Air Force to achieve its objectives for total force integration. It is my belief that the provisions included in this bill will permit, for example, the North Dakota Air National

Guard to provide a security forces squadron to augment the Active-Duty security forces in the ICBM field at Minot Air Force Base, assuming that the Secretary requests that they perform such a mission. Air Force Space Command is eager to begin this initiative and has secured funding for it in the Air Force Program Objective Memorandum. This unit would include both traditional guardsmen and AGRs and would augment, not replace, the Active-Duty security forces group currently assigned to the mission. I would encourage Secretary Rumsfeld to give serious consideration to requesting that the North Dakota Air National Guard augment the Active-Duty Air Force in carrying out this important operational mission, and I thank my colleagues for their time and their support.

KILLING OF U.S. SOLDIERS BY IRAQI SECURITY FORCES

Mrs. BOXER. This week, the military informed two California families that their sons were shot and killed by the very same Iraqi troops they were training.

SGT Patrick McCaffrey and 1LT Andre Tyson were killed near Balad in 2004. At first, the Army told the families that these two National Guardsmen were killed by Iraqi insurgents.

An investigation by the U.S. Army Criminal Investigation Command determined in September 2005 that both soldiers were shot and killed by members of the Iraqi security forces.

In addition to the fact that Iraqi security forces are killing U.S. soldiers, this situation raises several troubling questions.

First, according to his parents, there were two prior incidents in which Sergeant McCaffrey was fired upon by Iraqi security forces and the chain of command took no action. Why was nothing done? Are there other incidents where American troops are being shot at by the Iraqi forces they are training?

Second, why did the Army close its investigation in September 2005 but fail to inform the family until June 2006? Was there a coverup of this incident? What other explanation could there be?

Third, why were the families denied official government reports on the events that led to the deaths of these two soldiers? One of the families needed the help of my office to make any progress in learning the truth. How could the Army treat the families of dead soldiers in such a callous and dismissive way? Where are the military case officers who are supposed to help the families of slain U.S. soldiers?

And, fourth, a Defense Department spokesman has called this incident "extremely rare." How can the Department of Defense conclude that the incident is rare when such incidents are evidently not being reported up the chain of command? Members of Sergeant McCaffrey's unit told his father that insurgents were offering Iraqi soldiers about \$100 a piece for each American they could kill.

I ask the Senator from Michigan, is he willing to work with me to get answers to these troubling questions?

Mr. LEVIN. I share the Senator's concern and will work with her to address these important questions.

Mr. COBURN. Mr. President, the Senate today accepted three amendments that I offered to S. 2766, the National Defense Authorization Act for Fiscal Year 2007, intended to improve transparency and accountability of taxpayer funds provided to the Department of Defense.

Amendment No. 4370 addresses the practice of the earmarking of Federal funds by members of Congress. "Earmarks," more commonly known as "pork projects," are provisions inserted into bills or directives contained within a joint explanatory statement or reports accompanying bills specifying the identity of an entity, program, project or service to receive assistance.

Many Congressional earmarks inserted within Defense appropriations bills are not needed, or even wanted, by the Pentagon. Just this week, the Washington Post published an article titled, "The Project That Wouldn't Die; Using earmarks, members of Congress kept money flowing to a local company that got \$37 million for technology the military couldn't use."

Earmarks contained within Defense appropriations bills have been linked to a number of recent Congressional corruption and ethics probes. Convicted super-lobbyist Jack Abramoff openly boasted that earmarks were his political currency and he called the Appropriations Committee that doles them out a "favor factory" for lobbyists.

The \$80 billion emergency supplemental passed last year was riddled with add-ons. It included \$10 million to expand wastewater facilities in Swiftwater, PA. The University of Texas Southwestern Medical Center got \$3 million. A wastewater treatment plant in Desoto County, MS, got \$35 million, and \$4 million went to the Fire Sciences Academy in Elk, NV. While these many have been local priorities for these communities, it is difficult to argue that they are needed for our national defense.

In its report on its fiscal 2001 Defense appropriations bill, the Senate Appropriations Committee wrote: "The committee understands that medical studies indicate the potential benefits of cranberry juice and other cranberry products in maintaining health. The committee urges the Secretary of Defense to take steps to increase the department's use of cranberry products in the diet of on-base personnel and troops in the field. Such purchases should prioritize cranberry products with high cranberry content such as fresh cranberries, cranberry sauces and jellies and concentrate and juice with over 25 percent cranberry content."

Most Americans do not support earmarking Federal funds, especially for

such dubious purposes that serve parochial interests at the expense of our national defense. A recent Wall Street Journal/NBC News poll, in fact, found that of all the issues facing our nation, curtailing earmarks was identified as "the single most important thing for Congress to accomplish this year."

The number of earmarks in Defense appropriations laws has grown from about 587 in fiscal year 1994 to about 2,847 in fiscal year 2006, according to a recent report by the Congressional Research Service, CRS. The amount of money earmarked has increased over the same period, from about \$4.2 billion to \$9.4 billion. The amount earmarked as a percentage of the total in the Defense appropriations bill has correspondingly increased from about 1.8 percent in 1994 to approximately 2.4 percent in 2006.

While we can determine the total number of earmarks and the actual pricetag of each, we have no way of calculating the hidden cost of earmarking, which includes staff time and administration expenses.

Specifically the amendment accepted today requires the Department of Defense to report annually: The total annual cost of earmarking in Defense appropriations bills; the purpose and location of each earmark; an analysis of the usefulness of each earmark in advancing the goals of the Department of Defense. This will provide Members of Congress a more complete view of the cost effectiveness of each project and if such projects warranted continued funding.

This annual report will provide Congress and the public a more complete understanding of the total cost of "pork" to the Department of Defense.

The earmark grading system will, likewise, provide needed information to lawmakers and the public about projects inserted into 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 hopefully return some integrity to the appropriations process that has been undermined by recent investigations into earmarking.

My second amendment, No. 4371, accepted by the Senate today seeks to end the practice of Defense contractors being rewarded for poor performance. The Department of Defense has been improperly paying awards and incentives to contractors that do not fulfill the terms and conditions of their contracts. These are intended to be paid only for outstanding performances on contracts but are routinely paid out without regard to performance.

In a recent study conducted by the Government Accountability Office, GAO, DOD paid out at least \$3 billion in fees over 4 years, the vast majority of which were not earned and were improperly awarded. This of course, was just a small fraction of the overall

total of award fees given out to contractors every year.

My amendment seeks to end this process and require performance as a prerequisite for award fee bonuses. My amendment specifically requires that a contractor cannot receive an award fee unless the contractor has met the basic requirements of the contract.

This amendment has the potential to save the Federal Government billions of wasted tax dollars every year and improve contractor performance.

The third amendment, No. 4491, as modified, will require DOD's Defense Travel System, DTS, to transform its "cost plus" contract to a fee-for-use-of-service system similar to the private sector travel reservation systems currently available in the marketplace.

DTS was initiated in 1998 and intended to make travel arrangements for the military service branches and defense agencies. It was supposed to be fully deployed by 2002. However, that date has been pushed back to September 2006—a delay of over 4 years—and has cost the American taxpayer \$474 million—a staggering \$200 million more than it was originally projected to cost.

DTS has a long record of failure. In July 2002, the DOD inspector general released a report on DTS which highlighted numerous concerns with the program and stated that DTS was being "substantially developed without the requisite requirements, cost, performance, and schedule documents and analyses needed as the foundation for assessing the effectiveness of the system and its return on investment." Following on that IG report, DOD's office for Program Assessment and Evaluation prepared a report recommending termination of the program.

In January 2006, GAO reported that "DTS's development and implementation have been problematic . . . thus it is not surprising that critical flaws have been identified, resulting in significant slippages between the planned and actual deployment dates of the system" and that selected requirements for display of flights and airfares found that system testing was "ineffective in ensuring that the promised capability was delivered as intended."

This means that not only is DTS not performing, the current system is incapable of testing properly in order to determine what is required in order to meet DOD's plan.

Further, DOD could not prove that DOD travelers even had access to the flights that were available for travel. There is no doubt such a flaw would have produced higher travel costs.

Compounding this problem is the fact that some DOD agencies continue to use the existing legacy travel systems at locations where DTS is already deployed. This means that all of the proclaimed savings that DTS was supposed to reap are nowhere to be found—because DOD continues to use legacy systems to do the same thing.

As originally envisioned, DTS was supposed to be a pay-for-use-of-service

system in which the DTS was paid by the government based only on the extent to which the system was used—thereby creating an incentive for DTS to be a cost effective travel reservation system for the Department of Defense.

This amendment requires the Department of Defense to honor the original intentions of the DTS contract. Within a year of enactment of this bill, DTS will be required to utilize a fee-for-use-of-service system. The funds raised through fees charged will be used by DTS to pay for its operational and maintenance costs as the system is slated to be fully developed and deployed by September 2006. DTS will be required to: (1) levy a one-time, fixed price service fee per DOD consumer using the system, and (2) charge an additional fixed fee for each transaction.

Together these three amendments ensure greater transparency and accountability of Federal funds and ensure taxpayers and our men and women in service are guaranteed that the funds we are spending on the defense of our Nation are better spent.

I would like to thank Chairman WARNER and his staff and look forward to continuing to work with them on these issues as this bill goes to conference.

Mrs. LINCOLN. Mr. President, today I offered an amendment on behalf of the brave men and women of our National Guard and Reserve who have sacrificed so greatly for our freedom. This amendment would allow members of the Selected Reserve who have been activated for extended durations to utilize some of the educational benefits they have earned once they separate from service.

Since World War II, providing educational benefits to returning servicemembers has served an invaluable role in stimulating recruitment and retention for our armed services. In assisting veterans readjusting to civilian life, these educational benefits have also enhanced our Nation's competitiveness through the development of a more highly educated and productive workforce.

When the Montgomery GI bill was signed into law in 1984, members of the Selected Reserve—members of the National Guard and Reserve on active status or performing initial Active Duty training—were seldom mobilized. Consequently, standard Montgomery GI Bill benefits reflected that reality. That is not the same reality today.

More than 500,000 members of the National Guard and Reserve have been called up since the terrible events of September 11, 2001, and more than 70,000 have pulled two or more tours of duty. In my State of Arkansas, nearly 3,400 of our National Guard's 39th Infantry Brigade were called to serve in Operation Iraqi Freedom. These citizen soldiers served with distinction and did so in some of the worst conditions imaginable. While their families and their communities have welcomed them home with open arms, our Nation should do the same by ensuring they

receive the benefits and services they need as they transition back to their civilian lives.

The rising price of higher education, increases in the interest rates on student loans, and the limited earnings ability of those who return from the service with only high school credentials make educational benefits a primary means of helping members of the Selected Reserve make that transition. In addressing this issue, Congress took a step in the right direction in October 2004 with creation of the Reserve Education Assistance Program. This program provided enhanced Montgomery GI bill benefits for members of the Selected Reserve who were activated since September 11, 2001, and mobilized for more than 90 days in response to a contingency operation—a war or national emergency as declared by the President or Congress.

Although increasing benefits was a step in the right direction, it did not address the lack of a readjustment or transition component to these educational benefits. As a result, Active-Duty servicemembers have up to 10 years after their separation of service to utilize their MGIB benefits, while members of the Selected Reserve must forfeit all of the educational benefits they have earned once they separate from the Selected Reserve. Montgomery GI bill benefits continue to be the only benefit that those who have served Selected Reserve activated duty in the war on terrorism may not access when they eventually separate or retire.

For example, a young man enlists in the Arkansas National Guard for a 6-year commitment after graduating from high school in 2001. He is mobilized in June 2005 and will return home from Iraq in September 2006, a 15-month mobilization. He plans to complete his service in June 2007 and use the Montgomery GI bill benefits he earned during his mobilization to attend the University of Arkansas. Under current law, he would forfeit all of these benefits once he leaves the Guard. I believe our young men and women who have fulfilled their service obligations deserve better than that.

Specifically, my amendment would allow members of the Selected Reserve to have portability of their chapter 1607 Montgomery GI bill benefits for up to 10 years from their last date of service. To clarify, this amendment applies only to their chapter 1607 benefits—those they have earned through activated service—and not their standard Selected Reserve educational benefits, chapter 1606 benefits.

Some have raised concerns that this amendment would have an effect on retention because it would provide a post-service portability of benefits. I disagree. There are many valid personal and family reasons that influence a volunteer's decision to serve. Military analysts have consistently noted that reenlistment bonuses in lump-sum cash payments have been effective in

meeting or exceeding reenlistment goals in the Active and Reserve Forces, not the educational benefits that are deferred over time.

Further, there is a built-in incentive to continue serving in the Selected Reserve because reenlistment or extension in the Guard and Reserve enables the servicemember to retain their standard Selected Reserve Montgomery GI bill benefits under chapter 1606 with the potential to acquire more chapter 1607 benefits through successive activations. If they reenlist, they would also remain eligible for any other educational “kickers” such as Federal tuition assistance and state Guard or Reserve educational benefits.

Young high school graduates thinking about furthering their educations and whether to join the Guard or Reserve should know that they will earn Montgomery GI bill benefits by joining the Reserves and even more if they are called up. When it is time to reenlist, they can keep all earned educational benefits by staying in or can take with them into civilian life the benefits they earned when they were called up to defend our Nation.

As the daughter of a Korean war veteran, I was taught from an early age about the sacrifices our troops have to make to keep our Nation free and have been grateful for the service of so many of our brave men and women from the State of Arkansas and across the Nation. On behalf of them and their families, I will continue to fight to ensure they are provided with the benefits, pay, and health care that they have earned. I urge my colleagues to support this amendment. It is the least we can do for those whom we owe so much and to reassure future generations that a grateful nation will not forget them when their military service is complete.

Mr. NELSON of Florida. Mr. President, the National Defense Authorization Act for Fiscal Year 2007 includes a provision that would repeal section 5062(2), title 10, United States Code that requires the Navy to keep a minimum of 12 operational aircraft carriers in the fleet. As many of my colleagues know, I oppose this repeal. I am convinced that as a nation at war, we should not increase our strategic risk by reducing our ability to place U.S. naval aviation anywhere and at any time as may be required to respond to crises around the world.

Although this bill would repeal the 12-carrier minimum requirement, the Armed Services Committee was clear that we should not allow our carrier fleet to fall dangerously lower than 11 ships. I believe strongly that the size and capability of our carrier fleet is a matter of highest national concern. Once mothballed, scrapped, or a combat loss, a carrier is extremely difficult and expensive to replace. The Nation needs 12 carriers for worldwide presence and crisis response. Congress should support a funding program to ensure that we achieve and sustain that level as soon as practical.

As concerned as I am about reducing the size of our carrier fleet, I am equally concerned about the risk of failing to adequately disperse them. Stationing all our Atlantic coast carriers in a single port only compounds the challenges we will face with a smaller fleet. I am not alone in that assessment. The former Chief of Naval Operations, ADM Vernon Clark, told the Armed Services Committee in February 2005 that in his view, “overcentralization of the [carrier] port structure is not a good strategic move . . . the Navy should have two carrier-capable home ports on each coast.” Admiral Clark went on to say, “. . . it is my belief that it would be a serious strategic mistake to have all of those key assets of our Navy tied up in one port.”

As recently as March this year, Deputy Secretary of Defense and former Secretary of the Navy, Gordon England, testified to this committee that the Navy needed to disperse its Atlantic coast carriers saying, “My judgment is that [dispersion] is still the situation . . . a nuclear carrier should be in Florida to replace the [USS *John F. Kennedy*] to get some dispersion.” Secretary England explained that, “the concern there was always weapons of mass destruction. Even though carriers were at sea, the maintenance facilities, et cetera, are all still there and the crews . . . so having some dispersion would be of value to the Department of the Navy.”

At the same hearing, Vice Chairman of the Joint Chiefs of Staff, ADM Edmund Giambastiani, shared his own judgment that we should disperse our carriers. He illustrated his sense of risk to the Nation’s east coast carriers when he recalled his own visit to Norfolk one Christmas, “where we had five aircraft carriers all sitting next to one another, and that is not something we’d like to routinely do.”

I am opposed to cutting our Nation’s aircraft carrier fleet as a matter of strategic necessity during time of war. The risk, in my view, is unacceptable. As a matter of protecting our smaller carrier force, I am convinced that the Nation must establish a second Atlantic coast nuclear carrier base as quickly as possible. An environmental impact study in 1997 found Naval Station Mayport, FL, current home of the USS *John F. Kennedy*, suitable to permanently station a nuclear aircraft carrier. The Navy should complete its update of that study as quickly as possible. Additionally, in order not to lose any time once the study is complete, the Navy should include funding in its fiscal year 2008 Future Years Defense Program to begin building the maintenance and support facilities necessary to stationing a nuclear aircraft carrier at Naval Station Mayport. Availability of these funds should naturally be contingent upon but timed in the budget’s outyears to coincide with the completion of an updated environmental impact study. I look forward to working with my colleagues on both these vital issues.

Mr. AKAKA. Mr. President, at the outset, I have and I will continue to support our military personnel in Iraq and Afghanistan. They deserve no less than our complete backing.

I recently returned from visiting Iraq, where I had the honor of meeting with our troops and visiting with Iraqi officials. I left with a deep admiration for the spirit of our fighting men and women who continue to give their all under very difficult circumstances. I was also impressed by the willingness of many Iraqis to put themselves in harm’s way as they dedicate their lives to the future of their Nation. However, I continue to harbor grave concerns over the current situation in Iraq and the President’s strategy for fighting the Iraq conflict.

So far, more than 2,500 Americans have died and 18,000 have been wounded. We owe it to both our honored dead and wounded to ensure that their sacrifices were not in vain and that we successfully accomplish our mission in Iraq and Afghanistan. However, as I have said from the beginning of this conflict, we need a clear understanding of what the mission is, what is needed to accomplish the mission, and the true accounting of the cost of the mission.

It is time for the President to tell Congress, the American public, and most importantly, the families of our fallen heroes and the men and women in the Armed Forces what is his exit plan. Instead, we only get vague assertions such as in the President’s address to the Nation a year ago at Fort Bragg in which he said: “. . . our strategy can be summed up this way: As the Iraqi’s stand up, we will stand down.” What this country needs now is a detailed exit strategy that puts the Iraqi Government and its people on the path to controlling their own destiny.

It is not clear why we went to war, what we are trying to achieve, and how we will measure success. There are many of us who believe that we went into Iraq for the wrong reason: because the President and his advisers miscalculated or misrepresented the threat. And now that we are there, the President continues to come up with new reasons for staying. Before the war, President Bush said we needed to remove Saddam Hussein’s weapons of mass destruction. It turned out there were none. Faced with the absence of weapons of mass destruction, the administration has argued that our presence in Iraq is necessary to protect the United States from acts of global terrorism and to ensure that Iraq successfully transforms into a stable democracy.

As Brian Jenkins of the RAND Corporation, one of the country’s most noted terrorism experts, has written, “Taking the fight to terrorists abroad—as America did by invading Afghanistan and by continuing efforts against terrorists worldwide—makes sense. But Iraq is a separate and special case, because many of the combatants killed or captured by American

and allied forces in Iraq are insurgents created by opposition to the U.S. invasion itself." It is my understanding that terrorist cells have become even more decentralized since the war in Iraq, spreading to many corners of the globe. Islamic extremists in Iraq are reportedly training Taliban and al-Qaida fighters. Furthermore, Brigadier General Robert Caslen says that 30 new terrorist groups have been created since 9/11, and "we are not killing them faster than they are being created." Even Defense Secretary Rumsfeld admits that the United States is not winning the battle of ideas over the terrorists.

A week ago, President Bush justified our presence in Iraq by stating that our mission now "is to develop a country that can govern itself, sustain itself, and defend itself, and a country that is an ally in the war on terror. While I support building a strong democracy in Iraq, I am still very concerned that the number of troops stationed there stands in the way of the Iraqi people developing their own nation.

If we remain in Iraq without a clear exit strategy, I believe that the situation there will worsen. Iraq is a country that is becoming more polarized along ethnic and sectarian lines. The December elections for a new National Assembly were dominated by the religious-based political parties.

Furthermore, the Iraqi public's perception of the economy is becoming increasingly pessimistic. The social situation in Iraq is just as disheartening. As a recent Pentagon report notes, we have spent almost \$1 billion in electricity projects and are planning an additional \$1.1 billion, but the gap between demand and supply is growing.

The price for not having a clear exit strategy is being borne by the American taxpayer and future generations of Americans who will truly pay the cost of this war. So far, the United States has spent about \$40 billion for Iraqi reconstruction and much of that has been wasted. For example, instead of building 142 health centers in Iraq, only 20 clinics have been completed at a cost of \$200 million. In addition, former Deputy Secretary of Defense Paul Wolfowitz confidently promised the Congress a week after the war had started that ". . . we're dealing with a country that can really finance its own reconstruction, and relatively soon." His economic projections were exceptionally faulty. Americans are paying inflated prices for Iraqi reconstruction projects that are only partially complete, instead of Iraqi oil revenues paying for Iraqi reconstruction.

The President's policy gives the Iraqis veto power over when American troops withdraw. Whether our troops remain there, should not be subject to an Iraqi veto. Making the departure of U.S. troops dependent on the Iraqis places the health and welfare of our brave men and women at the mercy of Iraqi decisions.

When I spoke with Iraq's National Security Adviser, Dr. Mowaffak

Rubaie, he shared his view that the removal of foreign troops will legitimize Iraq's Government in the eyes of its people. In my view, a phased withdrawal of American troops will encourage the Iraqi Government and military to take responsibility for their future. In addition I support maintaining sufficient security forces to continue training the Iraqi military, sufficient security forces to protect the continued American civilian presence, and sufficient security forces to attack al-Qaida terrorist networks. The result will be a strengthened, not weakened, Iraqi Government and military.

I agree with the President when he said that "success in Iraq depends upon the Iraqis. If the Iraqis don't have the will to succeed, they're not going to succeed. We can have all the will we want, I can have all the confidence in the ability for us to bring people to justice, but if they choose not to . . . make the hard decisions and to implement a plan, they're not going to make it."

We must empower the Iraqis to defend and govern themselves. For that reason, phased withdrawal is the only road to success.

Mr. President, some say that asking this administration to provide a plan detailing the eventual withdrawal of our troops from Iraq demonstrates a lack of courage. To me, it takes courage to do what is right for our Nation and for Iraq. What is right for our Nation is to establish an exit strategy to bring our troops home to their families. What is right for Iraq is to empower them to control their own destiny.

Mr. PRYOR. Mr. President, I wish to speak about an amendment I offered to the 2007 Defense authorization bill that would be very beneficial to the members of our Reserve Component. The amendment would award them 15 days of paid leave at the end of their deployment, provided they have been deployed more than 6 months and have been deployed in a combat zone. The members of the Reserves and National Guard face a different situation and different challenges when they return from combat than do those on active duty because they return to civilian life and civilian jobs almost immediately. In many cases I believe it happens too soon, primarily for financial reasons.

The need to return to their jobs as soon as possible means Reservists and Guardsmen have little or no time to make what can be a difficult adjustment. Combat experiences may never be forgotten, especially by those who are not professional soldiers, but a chance to begin to do so, to talk to people if that seems appropriate, would be very helpful. Post Traumatic Stress Disorder is a very real disability. We must do whatever we can to help our citizen soldiers avoid it. And to help those who get it despite our efforts.

The experiences of our combat soldiers are stressful at best, debilitating

at worst. I believe 2 weeks to readjust, to spend time with their families, and to make whatever preparations are necessary would be tremendously helpful and very well deserved. These men and women have left their families and their jobs to serve our country overseas for extended periods at great personal sacrifice. Two weeks of paid leave would relieve the financial pressure to return to work immediately. I believe not only the soldiers would benefit, but so would the employers and coworkers. They would at long last regain an employee who has had time to adjust and is ready to become a productive worker again. So the benefits would not go solely to the soldiers and their families.

This is an important amendment, one that would help soldiers, their families, and their communities around the nation. I believe it deserves to be included in the Defense authorization bill, and I ask my colleagues for their support.

Mr. BIDEN. Mr. President, last Thursday, we passed by a 99-to-1 vote an emergency spending bill to support our troops in Iraq and Afghanistan and provide relief to the victims of Hurricane Katrina. Unfortunately, behind closed conference doors, a key provision of both the House and Senate versions was stripped out—an amendment, introduced by Representative BARBARA LEE and myself, that would bar any funds from being used to establish permanent U.S. military bases in Iraq or to control Iraq's oil.

I voted to support our troops, though I was surprised that my amendment was removed in conference after not a single Senator spoke against it during the floor debate. By removing the "no permanent bases" amendment, we make life more difficult for our men and women in uniform and undercut our Nation's broader effort against terrorism. So I am happy that my amendment has now been accepted as part of the Defense authorization bill.

It is straightforward, clear, and simple: It affirms that the United States will not seek to establish permanent military bases in Iraq and has no intention of controlling Iraqi oil. I will repeat what I said 6 weeks ago: While it may be obvious to Americans that we don't intend to stay in Iraq indefinitely, such conspiracy theories are accepted as fact by most Iraqis. In an opinion poll conducted by the University of Maryland in January, 80 percent of Iraqis—and 92 percent of the Sunni Arabs—believe we have plans to establish permanent military bases. The same poll found that an astounding 88 percent of Sunni Arabs approve of attacks on American forces.

Why do Iraqis believe we want permanent bases? Why do they think we would subject ourselves to the enormous ongoing costs of Iraq in blood and treasure? Do they think we want their sand? No, they think we want their oil. To my mind, the connection between these two public opinion findings is incontrovertible.

Before you dismiss these as simple conspiracy theories, remember what Iraqis have been through in the past three decades: three wars and a tyrannical regime that turned brother against brother and made paranoia a way of life. And there is a longer history, too: 400 years of British and Ottoman occupation have led to a deeply ingrained suspicion of a foreign military presence.

These views extend well beyond Iraq. In a 2004 Pew Charitable Trust survey, majorities in all four Muslim states surveyed—Turkey, Pakistan, Jordan, and Morocco—believed that control of Mideast oil was an important factor in our invasion of Iraq. Our enemies understand the boon these misconceptions provide to their recruiting efforts and use them as a rallying cry in their calls-to-arms. Last year, in a letter intercepted by the U.S. military, Ayman al-Zawahiri, the deputy leader of al-Qaida, wrote to the recently killed Jordanian terrorist Abu Musab al-Zarqawi: “The Muslim masses . . . do not rally except against an outside occupying enemy.”

Our military and diplomatic leaders understand that countering this vicious propaganda requires clear signals about our intentions in Iraq. And they have done just this: GEN George Casey, the ground force commander in Iraq, told the Committee on Armed Services last September: “Increased coalition presence feeds the notion of occupation.” At the same hearing, GEN John Abizaid, the commander of all U.S. troops in the Middle East, told Congress: “We must make clear to the people of the region we have no designs on their territory or resources.” In March, the American Ambassador to Iraq, Zalmay Khalilzad, told an Iraqi television station that the United States has “no goal in establishing permanent bases in Iraq.”

Unfortunately, this clarity has been clouded by mixed messages from the senior-most decision-makers in the Bush administration: To my knowledge, President Bush has never explicitly stated that we will not establish permanent bases in Iraq. And both the Secretary of Defense and the Secretary of State have left the door open to do just that. On February 17, 2005, Secretary Rumsfeld told the Committee on Armed Services: “We have no intention, at the present time, of putting permanent bases in Iraq.” “At the present time” is not exactly an unequivocal statement.

On February 15, 2006, at the Senate Foreign Relations Committee hearing, Senator KERRY asked Secretary Rice: “Is it, in fact, the policy of the administration not to have permanent bases in Iraq?” Rather than answering the simple one word, “Yes,” Secretary Rice said during a 400-word exchange on the question: “I don’t want to in this forum try to prejudice everything that might happen way into the future.” Just last Thursday, columnist Helen Thomas asked the White House Press

Secretary to unambiguously declare that the United States will not seek permanent bases in Iraq. Again, the Press Secretary could not unequivocally declare this to be the case.

These mixed messages are confusing to the American people and the Iraqi people alike. They feed conspiracy theories and cede rhetorical space to our enemies. They make it that much more difficult to win the battle for the hearts and minds of 1.2 billion Muslims in the world. Our success in that battle will determine our success in the struggle between freedom and radical fundamentalism. Against this backdrop, I believe that it is incumbent upon us to speak where the administration has not.

My amendment will have no detrimental effect on the military operations of our Armed Forces in Iraq or their ability to provide security for Iraqi oil infrastructure. United Nations Council Resolution 1546 recognizes that the American and coalition forces are present in Iraq at the invitation of the Iraqi Government and that their operations are essential to Iraq’s political, economic, and social well-being. In his first speech to the Iraqi Parliament last month, Prime Minister Nuri al-Maliki endorsed that resolution. We are anxious for the day when Iraqis can take control of their own destiny, but the Iraqis are suspicious of our intentions and are growing increasingly impatient.

This amendment may not in itself change a lot of minds on the ground or in the region, but it can mark the beginning of a sustained effort to demonstrate through words and deeds that we have no intention of controlling Iraq’s oil or staying there forever. I believe it is our duty to do so.

Mr. REID. Mr. President, I thank the chairman and the ranking member of the Armed Services Committee for working with my office and Senator ENSIGN’s office on scaling back the new exceptions to the Berry amendment—the Buy American rules—that were ultimately included in this legislation. The changes to narrow the language as originally proposed go a long way toward addressing the concerns of the U.S. specialty metals industry, including titanium production in Nevada. So again I thank the chairman and ranking member for working with us on these changes.

Still, I have concerns about provisions in this bill that were adopted as part of amendment 4286 on June 15 that weaken the Buy American provisions of the Berry amendment. I know this is not the intention of the Senate or the committee, but I am concerned that we may be opening a door to the use of foreign specialty metals in production of U.S. military equipment that is very dangerous, and we may have started down the proverbial slippery slope.

Right now, due in no small part to the policy of the Berry amendment, the United States has the most sophisticated titanium and specialty metals

sector in the world. The Berry amendment policy is good national policy because these are materials that a modern military must have, and so we need to maintain a robust domestic manufacturing capability to meet our national security needs.

My starting point, then, and I know the Senators agree, is that we need strong Buy American provisions for purchases of specialty metals from the Defense Department. There have been some complaints about administrability—some of which are legitimate but some of which unfortunately I think may be driven by opponents of Buy American rules in and outside the administration.

I think the legitimate concerns can and should be addressed with some minor tweaking and appropriately limited waivers. If material of the right quality or grade is not available in the United States, the Pentagon could exercise its existing waiver authority. We could pass legislation that could improve that authority. If lax enforcement has led to a buildup in foreign inventories, we could create a temporary “get well period.” If a few off-the-shelf items should not be included under the Berry amendment, let’s figure out what they are and exempt them.

But I worry we have gone much further than that. The Senate’s bill introduces a number of new concepts that I am not sure we fully understand individually, and I am very concerned we do not understand how all of these different concepts will interact together.

Let me be clear about one thing. Outside of the U.S. companies, there is only one other worldwide producer of aerospace-quality titanium. In other words, one titanium company in the whole world will get the new U.S. defense business from weakening the Buy American provisions of the Berry amendment. That company is a Russian company called VSMPO. It was built by the Government of the Soviet Union, later privatized, and recently the Government of Russia has indicated that it intends to take a controlling share of the company.

That is right, the Kremlin intends to take a large ownership position in this company. This is the same Kremlin that used access to energy supplies to try to bully the Ukraine as an intimidation tactic. I have a series of newspaper articles on VSMPO and its relation to the Russian Government and I will ask unanimous consent that they be printed in the RECORD.

The administration has talked about needing to change the Berry amendment and has said that it wants greater “commercial and military integration.” But, I am concerned that if it is not appropriately narrow, changes to the Berry amendment will create greater “Kremlin-Defense integration.” So if this new language would have the result of increasing U.S. dependence on Russian titanium producers, I think it would be terrible military and defense policy.

I hope that as the bill moves forward, we will have an opportunity to take a closer look at these provisions and narrow them even further. Perhaps some concepts we will determine deserve to be dropped altogether.

I ask unanimous consent that the articles 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:

KREMLIN CAPITALISM

RUSSIAN CAR MAKER COMES UNDER SWAY OF OLD PAL OF PUTIN

A TIGHT CIRCLE IN GOVERNMENT IS DRAWING KEY INDUSTRIES INTO THE STATE'S ORBIT
FRICTIONS WITH PARTNER GM

(By Guy Chazan)

MOSCOW.—Last December, the head of Russia's state arms-trading agency emerged from the shadows as one of the country's most powerful businessmen. Aided by 300 heavy armed police, he took control of Russia's largest auto maker.

His agency had no experience running a car company, nor did it own any shares of this one, OAO Avtovaz, producer of the ubiquitous Lada. But the chief arms trader, Sergei Chemezov, had one invaluable asset: He is an old friend of Russia's president, Vladimir Putin.

Mr. Chemezov says he has known Mr. Putin since the two were KGB agents in the 1980s. He acknowledges that his ties give him a leg up in business. "It means we can get a lot of issues resolved fast," he says.

Since being tapped in 2004 to run the arms-export business, Mr. Chemezov has been using his unique access to turn the state agency, called Rosoboronexport, into a conglomerate with interests ranging from oil-drilling gear to cars. Its newest target is one of the world's largest titanium producers, a critical supplier for Airbus and Boeing Co.

Rosoboronexport is one of several fast-growing companies headed by friends of Mr. Putin that embody his particular brand of state capitalism. Across Russian industry, private capital is in retreat as state-controlled entities ride a wave of consolidation and confiscation to dominate oil, gas, aviation, engineering and other sectors Mr. Putin deems strategic.

It's a process with strange echoes of the past. In the 1990s, a generation of aggressive young businessmen used connections to snap up assets at rigged privatization auctions. Now, some of Mr. Putin's closest associates are taking advantage of their proximity to the Kremlin to build up similarly huge, although nominally state-owned business empires.

Their growth worries the few outspoken advocates of market-oriented policies left in the top ranks of the Putin government. We do not have enough ways and means to keep track of state-controlled firms, many of them monopolies, as they grab market assets," said Economics Minister German Gref at a conference in April.

Long noted for graft and inefficiency, Russian state-owned behemoths increasingly have become tools of government policy. In January, gas monopoly OAO Gazprom briefly shut off the fuel to neighboring Ukraine in a price dispute that was widely denounced as a move to punish the pro-West government in Kiev. The Kremlin rejects those accusations and says big state-owned companies will be subject to the discipline of the market, often with some shares available to foreign investors. (The government is planning an initial public offering of state oil company OAA Rosneft this summer.)

But at Avtovaz, Rosoboronexport's takeover wasn't good news for General Motors Corp.'s \$340 million joint venture with the Russian auto giant. The change in management brought to a head simmering tensions at the operation. Now there are signs the entire deal, the largest foreign investment in Russia's auto sector, could unravel.

Until recently, Rosoboronexport was barely known, an operation with a few hundred employees headquartered on a quiet Moscow boulevard. It was, and remains, one of Russia's most opaque companies: Its business activities are largely a state secret. With Mr. Chemezov at the helm, however its profile began to grow.

According to Mr. Chemezov, he and Mr. Putin met when both were KGB intelligence officers in Dresden, East Germany—a claim the Kremlin won't comment on but one published in a government-controlled magazine. Mr. Chemezov says the two lived in the same apartment block and their families socialized. They kept in touch after their return to Russia. In 1996, when Mr. Putin got a job as a mid-level Kremlin bureaucrat, he made Mr. Chemezov his deputy.

In 1999 Mr. Chemezov moved to the arms industry. It was a time of corruption and chaos. The advent of capitalism had left defense factories starved for cash. Desperate to survive, the mostly state-owned firms competed with one another for foreign contracts, often with the help of dubious middlemen.

After Mr. Putin became Russian president the following year, he took control of the trade. He formed Rosoboronexport as a state monopoly to squeeze out freelance arms salesmen and root out graft, staffing it with old comrades. Mr. Chemezov became its deputy head and then, in 2004, its chief.

Russian weapons exports boomed. They totaled \$6 billion last year, up 70% since 1999. Rosoboronexport, which takes a 3.8% commission on all sales, prospered.

The agency expanded its horizons. Last year, it merged all of Russia's helicopter makers, some of them privately owned, into one of its subsidiaries. Now it is involved in a similar effort to consolidate Russia's struggling airplane manufacturers under state control.

Chemezov's influence grew as the Kremlin picked him to represent the state on the boards of a string of large defense firms. But his most ambitious gambit yet involved Avtovaz. The auto story developed fast last fall, ignited by a meeting in the Kremlin between President Putin and the long-serving CEO of the publicly held car company.

DOWN ON ITS LUCK

Avtovaz was built in the late 1960s in Togliatti, a drab Volga River city named after an Italian Communist. In the 1990s the city was torn apart by mafia wars, as rival gangs vying for control of the auto works staged shootouts at the factory gates. The company was broke. Big profits, however, were being raked up by trading firms—some linked to Avtovaz management—that supplied auto parts and sold the company's finished cars.

More recently, Avtovaz has struggled to hold market share as some in Russia's growing middle class switch from clunky Ladas to foreign-brand cars. By mid-2005, corporate raiders, some alleged to have criminal connections, were tightening their grip on the big auto maker. They bought up parts suppliers and dealerships, installing loyal managers and acquiring shares.

Mr. Chemezov says that when President Putin met last fall with Avtovaz's chief, 64-year-old Vladimir Kadannikov, the veteran auto executive said he wanted to retire. Mr. Kadannikov declined to be interviewed. People close to him say he didn't have much

choice in his decision to leave. A Kremlin spokesman said Mr. Putin doesn't fire the managers of private companies.

After consulting with aides, Mr. Putin gave Rosoboronexport the task of cleaning up Avtovaz, Mr. Chemezov says.

Moving in was a simple operation. Avtovaz's managers control the auto maker through an arcane system of cross-shareholdings. By replacing the bosses, Rosoboronexport could take charge of the company without having to buy any shares.

First, though, the old management team had to be persuaded to leave peacefully. After Mr. Kadannikov resigned in October, a team of police investigators and prosecutors was airlifted in to begin the process. "To impose order . . . the state had to bring in 300 policemen from outside," says Mr. Chemezov. "Over the next few months, we had to replace virtually the entire police force, both in Togliatti and in the factory itself!" Soon, three of Avtovaz's senior accountants found themselves facing charges of theft and tax evasion. The charges were dropped a few weeks later.

On Dec. 22, a tight police cordon encircled Avtovaz's high-rise headquarters in Togliatti as shareholders gathered to elect a new board. Within half an hour, they had voted for the new, state-approved slate. Most had never even seen the candidates before. No alternatives were on the ballot.

AUTO GIANT

President Putin defended the takeover. "Let's face it, the enterprise is in a bad way," he told reporters in January. "And if a state structure goes in as crisis manager to try to improve the situation, then that's no bad thing."

The new bosses are pushing for \$4.5 billion in state money to roll out new models and build a new factory to make 450,000 cars a year. Some in the government want Avtovaz to go further, absorbing other, smaller Russian car makers to form a national auto giant. Mr. Chemezov has a personal notion of how to restore the car company's onetime glory. He has just announced it will build a Jeep-type vehicle for the army, to be called the Kalashnikov.

On the whole, workers appear to have welcomed the change at the top. "With the new lot, at least there's hope they'll get rid of the mafia. They're the only ones who can," says Pyotr Zolotaryov, head of Edintsvo, Avtovaz's independent trade union.

Rosoboronexport moved quickly to get control over Avtovaz's lucrative sales operations. One of the first steps was to put the company's Moscow office in the hands of the brother of Avtovaz's new chairman.

Then the new regime shifted a big chunk of Avtovaz's financial flows, including some of its hard-currency accounts, to a preferred bank. Called Novikombank, it is tiny but has close links to Russia's defense industry. For years, one of its main shareholders was Russia's Association of Foreign Intelligence Veterans, and in the late 1990s it was run by Mr. Chemezov's Rosoboronexport predecessor, another old KGB hand.

A SPAT WITH GM

Rosoboronexport soon was in a spat with Avtovaz's American joint-venture partner, General Motors. GM had seen relations cool with the previous management team. But it was stunned in February when the new bosses at Avtovaz suddenly stopped supplying parts to the companies' five-year-old joint venture, closing down its production line for 10 days. "There was no discussion at all about a shutdown," says Warren Browne, head of GM in Russia. "They took that decision unilaterally."

Avtovaz had long grumbled that the joint venture wasn't paying enough for the parts

Avtovaz supplied. After tough negotiations, the sides worked out a compromise that raised the price, though not by the 60% that Avtovaz had demanded. But that deal expires at the end of this year, and beyond that, the venture's prospects look murky. "There's still a lot of distrust on both sides," says a banker familiar with the project. "I think one will buy the other out."

That would be a big blow for a pioneering project that in its time put GM way ahead of competitors in one of the world's fastest-growing car markets. GM took the risky step of putting its Chevrolet logo on a Russian-designed car, a strategy that initially paid off as Chevrolet became Russia's top-selling foreign brand in 2004. After this year's tiff, GM says it remains committed to the joint venture. "It's debt-free, it's got cash flow and it achieved a profit a year before we expected it to," says Mr. Browne.

Avtovaz's new bosses are less effusive. "When it started, the venture was a breakthrough, but times change," says Vladimir Artyakov, Avtovaz's new chairman. "It got stuck in its original format . . . and began to limp. It no longer really fits into Avtovaz's strategy." Asked if Avtovaz might seek to buy out GM, he said, "Why not?"

GM appears to be looking at other alternatives. It has taken out an option on land in St. Petersburg for a possible assembly plant there, which it would own with no local partners.

METALS RACE

Mr. Chemezov is also on the lookout for other business. He's in talks to have his Rosoboronexport buy a stake in publicly held OAO VSMPO-Avisma one of the world's main producers of titanium. It would become part of a big new state company producing metals and alloys for the Russian defense industry.

VSMPO has just signed a \$1.4 billion contract to sell the lightweight metal to Airbus through 2015. It's also a key supplier to Boeing. Rosoboronexport says it wants to make sure not all of the country's store of the metal ends up abroad. VSMPO "is a strategic enterprise," Mr. Chemezov says. "It supplies all our defense plants with titanium. And naturally we want it to be . . . under state control."

He denies that plan would amount to nationalization, although he acknowledges that the price Rosoboronexport is offering is only about half the titanium maker's current share price.

As Mr. Chemezov's influence expands, the line separating his different roles—civil servant and entrepreneur—is increasingly blurred. "You know, we're not really the state, we're businessmen," he says of Rosoboronexport. "Call it state commerce."

RUSSIAN STATE TO BUY STAKE IN VSMPO

(By Arkady Ostrovskiy, Moscow)

The owners of VSMPO-Avisma, the world's largest titanium producer, have succumbed to advances from the Russian authorities to sell a stake to Rosoboronexport, the state arms trading monopoly, which is fast emerging as one of the most powerful players in the Russian economy.

While talks between Rosoboronexport and VSMPO-Avisma shareholders are still going on, a decision in principle to sell some of their shares to the state has been made, the shareholders said.

The company is controlled by Vladislav Tetyukhin and Vyacheslav Bresht, who have transformed the former Soviet military plant into a highly profitable and globally competitive business. VSMPO supplies Airbus and Boeing with most of their titanium, increasingly used in aircraft construction because of its toughness and lightness.

Both Mr. Tetyukhin and Mr. Bresht have previously resisted attempts by Rosoboronexport to take control over the plant.

Mr. Bresht said yesterday: "I am ready to sell my shares to the state." He declined to comment on the reasons for his decision. Mr. Tetyukhin, said: "The state will definitely become a shareholder in VSMPO-Avisma." He said it was a question of time, the size of the stake, and the price.

Observers said the shareholders' decision to give up control over the company was the latest illustration of the Kremlin squeezing out private owners from what it deemed to be strategic industries.

It was also a sign of the growing power of Rosoboronexport, which was set up to trade arms but has a licence for a wide range of commercial activities.

Last year it seized control of Avtovaz, the country's largest carmaker, which it is now trying to revive.

It has also consolidated control over Russia's helicopter makers and is believed to be interested in buying large shipbuilding companies.

It emerged this week that Rosoboronexport, which has the status of a state department, wants to transform itself into a state-owned corporation, which would give its managers more freedom.

VSMPO-Avisma last month struck a \$1.4bn deal to supply between 60 and 70 per cent of all titanium consumed by Airbus.

Russia recently consolidated civil and military aircraft manufacturers into a single holding company, which could become a customer of VSMPO.

Rosoboronexport wants at least 25 per cent of VSMPO, but a source close to the talks said the agency was interested in gaining control.

KREMLIN MOVES TO TAKE CONTROL OF KEY MINERAL TITANIUM

YEKATERINBURG, RUSSIA.—The huge new Airbus A380 cannot take off without it, nor can Boeing's 787 Dreamliner—titanium has become an essential component in modern aircraft.

The Urals contain much of the world's reserves of this metal, and the Russian company VSMPO-Avisma, as the world's largest producer, has closed lucrative contracts with aerospace sector in the West. The fact has not gone unnoticed in Moscow. After recovering control of oil and gas, the Kremlin is now looking at retaking control of the metal industry.

Aircraft manufacturers in Europe and North America are concerned. They fear the Russian state could exert influence in the way it has recently in energy politics.

But at VSMPO-Avisma the concern is that circles around President Vladimir Putin are less concerned about national strategy than about personal gain.

With every billion dollars that flows into the Russian state coffers as a result of the continuing high energy prices, the Kremlin's confidence in its economic policy grows.

A few months ago Putin announced the formation of a state holding company for the decaying Russian aircraft construction sector. It is to fall under the arms exporter Rosoboronexport.

Rosoboronexport head Sergey Jemesov, a close Putin associate, made clear to the titanium producer while on a visit to the Urals that the state would not tolerate an independent concern in a key strategic area of this kind.

VSMPO-Avisma, which produced around 30,000 tons in 2005, also supplies titanium for submarines, rockets and nuclear power stations. VSMPO-Avisma general director and

major shareholder Vladislav V. Tetyukhin believes it only a matter of months before the company is sold to the state.

"We are currently in talks about deadlines, price and the extent of the future state holding," the 73-year-old businessman says. He does not appear happy at the prospect.

Speaking at the company's headquarters in Verknyaya Saida near Yekaterinburg, Tetyukhin says that neither the clients, such as Boeing and Airbus, nor the company's employees need be concerned about the future.

But there are other voices being raised. A manager says she fears a state takeover. "We have never seen the state managing a business effectively," she says, pointing to reports of poor management at the huge gas production company Gazprom, which has effectively been renationalized over recent years.

A colleague who works in public relations agrees. "Putin's immediate circle are merely aiming at personal gain. Once the president stands down in 2008, our concern will soon be converted to cash," he believes. Western aircraft manufacturers could also find that renationalization could have unfortunate consequences for them.

There are fears that Rosoboronexport could make deliveries of the strong and light metal dependent on Western countries buying Russian aircraft in return.

The current owners of VSMPO-Avisma have made the responsibilities clear to Rosoboronexport. "If the new managers make just one mistake, they will pay heavily for it," says one of the main shareholders, who puts the value of the concern at 2 billion euros.

VSMPO-Avisma is unusual among Russian commodity producers, as it does not export the raw materials but actually processes them. With an annual turnover of 400 million dollars, the company supplies around a third of world titanium demand. Almost 75 per cent of its production goes to exports.

In an attempt to allay the concerns of the company's staff, Tetyukhin says it is not yet clear whether the Kremlin will take a majority shareholding. He has backed on principle a minority holding by the state in the company which was built up under the Soviet Union and then privatized during the tumultuous 1990s.

But Putin may not be satisfied with this.

The alarm bells started ringing when the tax authorities began taking a keen interest in VSMPO-Avisma and the prosecution services began making ominous visits.

Tetyukhin sees the threat to his company as not yet serious, but the example of Yukos has shown how quickly that situation can change. Precisely these agencies—tax officials and the prosecutors' office—acted as the long arm of the Kremlin in destroying what was the largest Russian oil concern and then selling it to the state-owned competition.

BACK IN BUSINESS—HOW PUTIN'S ALLIES ARE TURNING RUSSIA INTO A CORPORATE STATE

(By Neil Buckley and Arkady Ostrovsky)

Leaders of Russian industry, lined up under company banners to greet President Vladimir Putin in St. Petersburg last week, looked like soldiers standing to attention for their commanding officer. Some had flown hundreds of miles for a place in the parade.

A month before world leaders fly into the city for the summit of the Group of Eight industrialised nations, the investment forum in Mr. Putin's home city was designed to showcase Russia's economic resurgence. As top executives oozed a confidence born of \$70-a-barrel oil and the economic recovery it has generated, the message was clear: Russia is back—and is aggressively eager to use its

natural resources as tools to regain its influence in the world.

Its renewed assertiveness could scarcely have been imagined eight years ago when, still in the throes of its post-Soviet transformation, the country defaulted on \$40bn (\$22bn, €32bn) of debt and plunged into financial crisis.

But the forum also displayed the new economic order in Russia. Pride of place was given to the state-controlled giants: Gazprom, the natural gas producer that has a market worth of \$225bn—bigger than Walmart or Royal Dutch Shell; Rosneft, the oil company about to launch a \$10bn initial public offering; and Russian Railways, also planning IPOs of some of its units.

Directors of these companies are intimately linked to the president. Alexei Miller, the Gazprom chief executive, worked with Mr. Putin in the St Petersburg mayor's office in the 1990s. So, too, did Dmitry Medvedev, who combines his job as first deputy prime minister with chairing Gazprom, and Igor Sechin, who is the president's deputy chief of staff as well as Rosneft chairman. Dmitry Yakunin, chief executive of Russian Railways, also forged a bond with Mr. Putin in the same period.

All are part of a network of Putin associates, either from his spell in Russia's second city or former fellow officers in the KGB secret police, who have quietly come to dominate state-controlled businesses—and who often double up as government ministers or senior Kremlin officials. Together, they form the quasiboard of what might be called Russia Inc., comprising the country's most lucrative assets not just in oil and gas but also nuclear power, diamonds, metals, arms, aviation and transport.

The dominant force in Russia is no longer the oligarchs of Boris Yeltsin's presidency, who hustled their way to wealth in murky post-Soviet privatisations, then parlayed their riches into political power. Mr. Putin's associates have formed a new marriage of economic and political power. Add in the state's resumption of control of most mass media and, says Boris Nemtsov, the liberal former deputy prime minister, this group has all the resources that defined the old oligarchy.

"The 1990s oligarchs have ceased to be oligarchs and just become businessmen again," says Mr. Nemtsov. "Now we have a chekist oligarchy," he says, using Russian slang for a secret policeman.

When Mr. Putin succeeded Mr. Yeltsin in March 2000, his goal was to reassert Kremlin control over a chaotic, cash-strapped state dominated by big businessmen powerful enough to shape legislation to their own advantage. Through a 1995 "loans for shares" scheme, in which some oligarchs lent money for the budget in return for stakes in the most coveted unprivatised businesses, and by funding Mr. Yeltsin's 1996 presidential election victory, they established a hold over the then president.

By helping Mr. Putin to power, they expected to hold similar sway over him. But, by making high-profile examples of some Yeltsin-era oligarchs, Mr. Putin radically clipped the wings of the rest. Two, Boris Berezovsky and Vladimir Gusinsky, fled abroad in 2000 facing fraud charges after clashing with the president.

When Mikhail Khodorkovsky, owner of Yukos, was arrested three years later on fraud charges and his oil company was hit with a \$28bn back tax bill, it seemed to be part of the same process. Mr. Khodorkovsky had shown political ambitions and was financing opposition parties. It did not just open a new chapter in the wielding of Kremlin power but began a process of redistribution of assets that has been dogging Russia's economy ever since.

The president has not "liquidated the oligarchs as a class", as he once pledged—three of the big seven from the 1990s are still in business. Alongside the state companies in St. Petersburg last week were leaders of private companies including Lukoil, the energy group, and Rusal, the aluminium giant.

But Mr. Putin has made private businessmen loyal and pliant. The Yukos case taught them that they held their assets at the Kremlin's pleasure and became involved in politics at their peril. Asked if he has had any recent contacts with Mikhail Kasyanov, the former prime minister turned anti-Kremlin presidential candidate, one 1990s oligarch grimaces.

"Are you crazy? Seeing Kasyanov today would be like meeting the head of the CIA in the 1970s," he says.

As the Yeltsin-era oligarchs have declined, the "state" oligarchs have emerged. One reason is Mr. Putin's propensity for using trusted acquaintances or former KGB colleagues in every aspect of his attempt to re-establish state power. He packed the presidential administration and government with them—and increasingly in his second term has given the same people supervisory roles in state business.

The second is the still largely unacknowledged policy of using state businesses to reestablish Kremlin control of strategic assets. Sometimes, as with Rosneft's purchase of the main production arm of Yukos in 2004, or Gazprom's acquisition of Sibneft from the UK-based Roman Abramovich, this has amounted to a renationalisation of assets privatised in the loans-for-shares scheme. In other cases, state-controlled assets are being regrouped into national champions in airlines, aviation or nuclear power (see diagram).

Andrei Illarionov, Mr. Putin's former economic adviser turned Kremlin critic, says Russia's ruling apparatus has turned into a kind of corporation. "The main incentive for a corporation member is the prospect of being placed in charge of a state-controlled company; the size of that company's financial flows is the most accurate indicator of that person's place in the corporate hierarchy," he says.

On the other hand, Mr. Medvedev—a leading contender to succeed Mr. Putin—tells the *Financial Times*: "I don't believe we're seeing any significant increase in the state's participation in business.

"True, in a number of cases . . . state-controlled companies increased their presence. Above all we're talking about the energy sector. But . . . we're not talking about nationalisation but about buying appropriate assets on the market."

Dmitry Peskov, a spokesman for Mr. Putin, says he "categorically does not agree" that a new oligarchy has formed in Russia—although he makes no bones about the fact that many senior officials and associates of the president hold positions in state companies. The officials, he says, rightly represent the state's interests. "These people are not businessmen; they don't have operational control of the company."

As for managers such as Gazprom's Mr. Miller or Russian Railways' Mr. Yakunin, he—like other senior officials—says it is not unusual in Europe or North America for big companies to be run by people who happen to know the country's leader. "Gas and railways are life-and-death industries for a country the size of Russia," says Mr. Peskov. "Whether Mr. Yakunin is a friend of the president is of minor importance. What is important is whether he is a good manager."

But FT research has found Russian officialdom and business to be extraordinarily intertwined. Of its presidential administration, 11 members chaired six state companies

and had 12 further state directorships; 15 senior government officials held six chairmanships and 24 other board seats. In no other G8 country do ministers or senior aides to the head of state or government sit on government companies' boards.

The state has also become a big player in mergers and acquisitions. Two transactions—its move to increase its stake in Gazprom from 38 to 51 per cent and Gazprom's purchase of Sibneft—totalled \$20.21bn, or half the \$40.5bn value of all Russian M&A deals last year, according to KPMG. Figures from the European Bank for Reconstruction and Development show the public sector's share of the economy rose from 30 per cent to 35 per cent last year.

Just like the rise of the 1990s-era oligarchs, the increasing role of state business and its directors has important implications. It does not represent a return to Soviet-era central planning. The Kremlin has embraced the market—as demonstrated by the planned Rosneft IPO and its move to lift restrictions on foreign investors buying the 49 per cent of Gazprom shares not owned by the state. But the new model is a much more directed capitalism.

Take aviation. As Chris Weafer, chief strategist at Alfa Bank (owned by Mikhail Fridman, another 1990s oligarch), points out, in order to recreate a national carrier, Aeroflot is being reunited with several regional airlines carved out of it in the 1990s. Instead of replacing its aging fleet with Boeings or Airbuses, it may buy aircraft from United Aircraft Corporation, the national aviation giant now being formed. UAC may, in turn, buy parts from VSMPO-Avisma, a privately owned world leader in titanium that also seems set to fall under state control. Throw in the possibility that windfall oil revenues sitting in Russia's \$60bn "stabilisation fund" could rebuild crumbling airports and the vision of state capitalism takes shape.

There are risks in such an approach. Around the world, public ownership has generally been less effective than private. Instead of focusing on areas where Russia has real global advantages, the state might focus on propping up ailing dinosaurs.

State companies can also seek to use a compliant judiciary and tax police to put pressure on targets. One leading businessman says some bureaucrats see themselves as "Robin Hoods" taking assets from private "fat cats." "This is worse than in the mid-1990s, when businessmen paid courts to make particular decisions," he says. "At that time, everyone knew that what they were doing was bad. Now, judges think that by giving preference to state interests in a dispute, they are doing the right thing." There is also the danger of well-connected state managers winning favours for their businesses in a way that distorts competition. The leading Russian businessman warns that the state's growing role "kills initiative."

"A businessman who can't rely on state orders comes up with something the market needs," this businessman says. "But if the state starts handing out orders and money, people start thinking in terms of lobbying their interest in this or that government project. This requires not entrepreneurial skills but lobbying skills."

State companies may simply attempt to cherry-pick attractive private assets. One example is the pursuit of VSMPO-Avisma, the privately held titanium company, by Rosoboronexport, a state arms export agency headed by Sergei Chemezov, another long-time Putin friend. The same group last year took control of Avtovaz, the Lada car maker, and is emerging as a prime mover in the new state capitalism.

The Russian Union of Industrialists and Entrepreneurs, a lobby group, has raised the

alarm about the government's failure to protect property rights. In April it published research that concluded Russia's economic model had been most favourable for investment in 2002 and 2003, before state capitalism started to emerge. Had the climate been maintained, it added, a real investment boom would have boosted industrial output and the economy could have grown at nearly twice last year's 6.4 per cent. Even ministers have weighed in. German Gref, the liberal economy minister, recently warned that the sheer number of deals meant the government could not "keep track of state-controlled firms . . . as they grab market assets."

But is this asset grab the result of ideology—that state control is best—or attempts by officials to line their pockets? Mr. Putin himself has denied that senior officials running state businesses are enriching themselves. Supporters say he put trusted allies into state companies partly to clamp down on corruption—notably Mr. Miller, who has reclaimed \$1 bn of Gazprom assets spirited out of the company's control by Yeltsin-era management.

Yegor Gaidar, the former prime minister who masterminded Russia's post-communist economic reforms, says state control tends to breed corruption. "When you are the owner, you don't cheat the company," he says. "But when it isn't your money but the state's money, being a manager you suddenly find you have a lot of good friends and relatives who could benefit from this money."

Some observers say the process could go further: state managers could become owners through flotations or partial privatisations that would give them the chance to buy shares.

Most analysts agree Mr. Putin was right to break the influence of the 1990s-era oligarchs, which was distorting competition and deforming the development of Russian capitalism. Yet rather than separating political and business interests in a stable system governed by the rule of law, he has created a new class of politically connected business people.

Russia risks becoming locked in a vicious circle of property redistribution and mutating oligarchies. To ensure they do not lose their own assets, those who have gained under Mr. Putin will be prepared to use every resource at their disposal to ensure the election of his chosen successor in 2008.

Mr. WARNER. Mr. President, I understand under the order we now proceed to the final passage of the authorization bill.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The question occurs on passage of the bill as amended.

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

The PRESIDING OFFICER. They have not.

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

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

The bill having been read the third time, the question is, Shall the bill pass? The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Sen-

ator from Wyoming (Mr. ENZI) and the Senator from New Hampshire (Mr. SUNUNU).

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

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

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

[Rollcall Vote No. 186 Leg.]

YEAS—96

Akaka	Dodd	Martinez
Alexander	Dole	McCain
Allard	Domenici	McConnell
Allen	Dorgan	Menendez
Baucus	Durbin	Mikulski
Bayh	Ensign	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	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	Talent
Cornyn	Lautenberg	Thomas
Craig	Leahy	Thune
Crapo	Levin	Vitter
Dayton	Lincoln	Voinovich
DeMint	Lott	Warner
DeWine	Lugar	Wyden

NOT VOTING—4

Enzi	Rockefeller
Lieberman	Sununu

The bill (S. 2766), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

Mr. WARNER. 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. WARNER. Mr. President, once again I thank colleagues for the unanimous vote, 96 to 0, sending a strong message to the men and women of the Armed Forces.

Mr. LEVIN. We will have more to say on this after the next vote. While everyone is here, I thank our chairman. This is the sixth bill he has brought to the Senate of the United States as chairman. It gets better every time. It gets smoother every time. That is owed to this great Senator from Virginia. We will have more to say about that when we bring the conference report back. A lot of Members need to leave. I want everyone to know before they leave, this Senator is entitled to their thanks.

Mr. WARNER. I thank my distinguished colleague.

Mr. KERRY. First of all, I join in congratulating the managers of this bill.

Very quickly, Senator HAGEL and I had an amendment with respect to the

pay raise of the troops. The House has raised the pay level by 2.7 percent. In this bill, there is a 2.2-percent raise. Senator HAGEL and I sought to equal what the House did and raise it across the board, but it is our understanding that the committee has made the determination, in consultation with people in the services, the needs of the services, that there is a particular problem with respect to retention of noncommissioned officers. Instead of taking that .5 percent differential and spreading it throughout the services, it is the intention of the committee on the Senate side to try to address the retention issue and put that money into noncommissioned officers.

If that is the understanding, I think Senator HAGEL and I, for that reason, will pull back our amendment, and we agree to support the position of the Senate.

Mr. WARNER. Mr. President, the Senator from Massachusetts is correct.

The group that has consulted with the committee staff was the senior enlisted ranks. The problem rests in the senior enlisted ranks, the warrant officer ranks. That is where the targeted money was applied. We will look at it further in conference.

I thank the Senator.

Mr. KERRY. I thank the Senator.

EXECUTIVE SESSION

ANDREW J. GUILFORD TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to executive session to consider the following nomination, which the clerk will report.

The assistant legislative clerk read the nomination of Andrew J. Guilford, of California, to be United States District Judge for the Central District of California.

Mr. WARNER. 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. LEAHY. Mr. President, today the Senate will confirm two more lifetime appointments to our Federal courts. I am glad that we are voting on Andrew Guilford, who has been nominated to the District Court for the Central District of California and who has the support of his Democratic home State Senators, Mrs. BOXER and Mrs. FEINSTEIN. Frank Whitney, a nominee for the District Court for the Western District of North Carolina, has the support of his Republican home State Senators. Both nominations were reported unanimously by the Judiciary Committee.

I am pleased that the Republican leadership has scheduled debate and consideration of these nominations and am glad that the Republican leadership