

Iraqis to help them to sustain this newfound freedom by helping the strengthen their armies.

The stories of success from our soldiers and sailors in Iraq need to be told. Our soldiers need to know that their bravery and hard work in Iraq is not in vain.

This new chance for freedom in this part of the world is due entirely to the sacrifice of our soldiers and sailors, and their families.

I say to our servicemen and women and your families—Our nation owes you our gratitude, and we honor you for bestowing the immeasurable gift of freedom. We thank each and every one of you.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank the Senator from Pennsylvania for talking about what our people with boots on, on the ground in Iraq, are saying and what they are seeing.

I think it is important that we talk to them about the feelings in America because some people might get a misimpression if they listened to people who actually put forward the idea that we would cut and run from something that was started for all the right reasons—to protect Americans.

The President, knowing what happened on 9/11, was determined that he was not going to have another terrorist attack on America with weapons of mass destruction. That is why we went into the Middle East. We took on Saddam Hussein, who was known to have, from many different sources, weapons of mass destruction.

So we are there, and our troops are doing a great job. We are building the confidence in Iraq. You can see it from the people who are voting with their feet. They are walking to the polls and voting. Even under threat of death, they are working to establish a democracy. They are defying the terrorists. They know what the terrorists are doing to their country, and they are fighting back. And we are going to stand and fight with them, as we promised we would do.

I want to talk about this picture. It says more than any words ever could. Michael Yon is a former Green Beret who has been out of the service for years. He is also a gifted photographer and writer. He was embedded in Iraq for 9 months earlier this year. He learned about the area, the people, the unit in which he was embedded, and the situation in Iraq. His photographs capture an honest and inspiring message about our soldiers' service in Iraq, the mindset of the terrorists we are fighting, and what this war is all about.

I would like to read Michael's own words describing what happened on Saturday, May 14, 2005, in Mosul, just before he took this heartbreaking picture:

Major Mark Bieger found this little girl after the car bomb that attacked our guys while kids were crowding around. The sol-

diers have been angry and sad for two days. They are angry because the terrorists could just as easily have waited a block or two and attacked the patrol away from the kids. Instead, the suicide bomber drove his car and hit the Stryker when about twenty children were jumping up and down and waving at the soldiers.

Major Bieger, I had seen him help rescue some of our guys a week earlier during another big attack, took some of our soldiers and rushed this little girl to our hospital. He wanted her to have American surgeons and not go to the Iraqi hospital. She didn't make it. I snapped this picture when Major Bieger ran to take her away.

The soldiers went back to the neighborhood the next day to ask what they could do. The people were very warming and welcomed us into their homes, and kids were actually running up to say hello and to ask soldiers to shake hands.

Eventually, some insurgents must have realized we were back and started shooting at us. The American soldiers and Iraqi police started engaging the enemy and there was a running gun battle. I saw at least one Iraqi police who was shot, but he looked okay and actually smiled at me despite the bullet hole in his leg. I smiled back.

One thing seems certain: The people in that neighborhood share our feelings about the terrorists. We are going to go back there, and if any terrorists come out, the soldiers hope to find them. Everybody is still very angry that the insurgents attacked us when the kids were around. Their day will come.

Mr. President, it is stories like this one that reaffirm why Americans are so proud of our troops and proud of the Iraqi people for embracing democracy and supporting our efforts to defeat terrorism. U.S. troops are not seen as occupiers, as some in our country would have you believe. Our soldiers are standing beside Iraqi forces, and their sacrifice to win the war on terror will never be diminished.

We are fighting an enemy who is willing to make a point of killing innocent children. There will be no freedom if we cut and run. We know why we are there, and we will complete the mission.

This story shows so much about how our troops feel. And if any person in this country talks to troops who have returned from Iraq, they will tell you similar stories about the feelings of the Iraqi people. Iraqis often are under threat of death if they are talking to American soldiers or trying to do something productive that would move their country forward, such as voting on a constitution, which they did in droves. They are standing firm despite the threats.

Our troops are going through the process of teaching the Iraqi police and the Iraqi soldiers how to help themselves, how to work the equipment, and how to counter insurgents who would wait until children are in the picture before choosing to blow themselves up.

This is an enemy that we must not let stay on this Earth. We must eradicate it wherever it is. And we must make sure that it does not come to America because if this enemy would wait until children are surrounding our soldiers to do their heinous crimes, what would they do if they came back

to America to attack our people? How heinous would their crimes be here?

Our President is trying to make sure they do not have that opportunity, that they will not be able to perpetrate their horrible and indecent acts against the people of America on our soil. Our President is taking every step to assure that Americans are secure.

So I think it is time for us to stop the partisan bickering. No one in their right mind would suggest that this is a time for America to turn and run. So let's try to work together to make sure we are doing everything possible to help the Iraqi people get on their feet, hold their elections, and begin the process of self-government.

Nothing will eradicate terrorism more quickly than showing that democracy and self-governance can work. That is what our President is leading our country and our troops in the field to provide: Safety and security for the Iraqi people so they can govern themselves. The Iraqi people are moving forward with a constitution they have written and they have voted for, which will be followed by more elections of a parliament and leaders who will take this constitution and make the laws that will give freedom to every Iraqi. Freedom is something which they have not known—many of them—in their lifetimes. It is a worthy cause because it will also assure the security of the American people in future generations.

Mr. President, I yield the floor.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2006

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 1042, which the clerk will report.

The journal clerk read as follows:

A bill (S. 1042) to authorize appropriations for fiscal year 2006 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:

Chambliss amendment No. 2433, 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.

Ensign amendment No. 2443, to restate United States policy on the use of riot control agents by members of the Armed Forces.

The PRESIDING OFFICER. The Senator from Michigan.

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

The PRESIDING OFFICER. The clerk will call the roll.

The journal clerk proceeded to call the roll.

Mr. INHOFE. 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. INHOFE. Mr. President, may I ask what the regular order is right now, what the pending amendment is?

The PRESIDING OFFICER. The pending amendment is the Ensign amendment No. 2443.

AMENDMENT NO. 2440

Mr. INHOFE. Mr. President, I ask unanimous consent to set aside the Ensign amendment, and I send to the desk my amendment No. 2440 and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The journal clerk read as follows:

The Senator from Oklahoma [Mr. INHOFE], for himself and Mr. FRIST, proposes an amendment numbered 2440.

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

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

The amendment is as follows:

(Purpose: To ensure by law the ability of the military service academies to include the offering of a voluntary, nondenominational prayer as an element of their activities)

At the end of subtitle G of title X of division A, add the following:

**SEC. 1073. PRAYER AT MILITARY SERVICE ACADEMY ACTIVITIES.**

(a) IN GENERAL.—The superintendent of a service academy may have in effect such policy as the superintendent considers appropriate with respect to the offering of a voluntary, nondenominational prayer at an otherwise authorized activity of the academy, subject to such limitations as the Secretary of Defense may prescribe.

(b) SERVICE ACADEMIES.—For purposes of this section, the term “service academy” means any of the following:

- (1) The United States Military Academy.
- (2) The United States Naval Academy.
- (3) The United States Air Force Academy.

Mr. INHOFE. Mr. President, even though the Founding Fathers were very clear and spoke of “Nature’s God” and of the “Creator” in the Declaration of Independence, the Federal courts are increasingly trying to drive every vestige of faith from public life.

On April 30, 2003, came an example from the Fourth Circuit Court of Appeals.

As the Boston Globe reported it:

Judges bar prayer at public colleges. In a precedent-setting ruling against prayer at a State college, a Federal appeals court has barred the Virginia Military Institute from writing and reciting a prayer before cadets eat their evening meals.

VMI and then the Citadel down in South Carolina have scrapped their prayers since that Federal court ruling, though Justice Stevens declared:

There is no injunction presently barring VMI from reinstituting the supper prayer.

The Naval Academy in Annapolis has also been reviewing its policy. The ACLU, the American Civil Liberties Union of Maryland, is calling on the academy to review its practices of leading the students in prayer.

Jeff Jacoby is a columnist for the Boston Globe who wrote in 1996:

Have you heard about the Virginia politician who wanted references to God injected

into the Declaration of Independence? Or about the activist from Massachusetts who urged making the Fourth of July a quasi-religious holiday? These proposals were made 220 years ago. Today they would be swiftly denounced by the ACLU, the Democratic Congressional Campaign Committee, and a slew of editorial pages.

It was just last year that the Ninth Circuit Court of Appeals ruled to have “under God” taken from our Pledge of Allegiance.

We go around, as I do in my State of Oklahoma, spending a lot of time talking to people. I know what we do up here is significant. We pass laws. We have a lot of rules and regulations coming out of the White House, out of the various committees, including the one I chair, the Environment and Public Works Committee, but when you are on the street, it is the legislating from the bench that bothers people more than anything else. And certainly taking “under God” out of our Pledge of Allegiance is right at the top of that list.

Now, I agree with my friend in the other body, Congressman WALTER JONES, who has led this fight in the House of Representatives, when he asks the question:

How much longer will we stand by and allow others to ignore the very God upon whom our Nation was founded?

I also agree with the position of the Concerned Women for America that:

Prayer is essential to the protection of our families, our communities and our nation. We believe that the men and women who put themselves in harm’s way have the right to give public thanks to God and ask for His blessings. But some are trying to take this right away.

Ronald Ray and Linda Jeffrey of Concerned Women for America recap:

On July 11, 2005 the Marine Corps Times announced the Anti-Defamation League’s reissued call to cease the traditional noon-meal prayer at the Naval Academy, and the Academy’s refusal to surrender. The ADL’s demands echo the April of 2003 complaint by the ACLU, which could not find a plaintiff to pursue a lawsuit.

This is kind of interesting. The ACLU was trying to find one cadet at the Naval Academy to act as a plaintiff. They couldn’t find one.

Take a good look at this painting by Arnold Friberg of “The Prayer at Valley Forge.” Since the time of George Washington and the founding of our country, there is unbroken historic precedent of leader-led prayer sustaining American fighting men on the battlefield through every American war. In his Farewell Address, George Washington said:

I consider it an indispensable duty to close this last solemn act of my official life by commending the interests of our dearest country to the protection of Almighty God and those who have the superintendence of them into his holy keeping.

On the 4th of July, John Adams of Massachusetts said:

It ought to be commemorated as the day of deliverance, by solemn acts of devotion to God Almighty.

The centrality of prayer for the protection of those in peril upon the sea

and acknowledgment of divine providence is an official tenet of preparation of the American military. America’s dependence upon prayer exhibits itself before, and in the Declaration of Independence, and in the Inaugural Address of every President. Congress opens each day with a prayer. The tradition of prayer continued on June 6, 1944, when President Roosevelt led the entire Nation in prayer during his radio address, lifting up our assault forces and the families of those who would give the supreme sacrifice in the D-Day invasion. The President did that before the invasion.

During World War II, GEN George Patton led the famous prayer for favorable weather during the crucial 1944 Battle of the Bulge, and the weather dramatically improved. Patton issued 3,200 training letters to officers and chaplains in the Third Army to “urge, instruct, and indoctrinate every fighting man to pray as well as to fight.” That is George Patton.

In one of the largest social science research projects in history, the Social Science Research Council reported after World War II that soldiers selected prayer most frequently as their source of combat motivation. From 1774 until today, more than 67 Armed Forces prayer books have been widely and efficiently distributed to our fighting forces during war, from the American war for independence to the war on terror we are fighting today.

A sampling of just two prayer books distributed during World War II and the Korean war contain recommended prayers from 34 senior uniformed military authorities, including Bradley, Eisenhower, MacArthur, Marshall, and Patton.

Former Chairman of the Joint Chiefs, Admiral Thomas Moorer, concludes:

Prayer for the common good and acknowledgment of Divine Providence is a central, official and historic tenet of the combat leadership preparation for the American Military, particularly officer training and particularly in times of national peril or war.

Our Constitution demands the freedom to worship freely, and our future leaders, our men and women in military academies across the country, may soon be denied that freedom for which many have died to ensure that freedom for all of us.

Last year, 2004, the Supreme Court decided not to hear the ACLU challenge to cadet-led prayers at Virginia Military Institute. VMI, that is where it all started. That decision allowed the Fourth Circuit Court of Appeals decision to stand which prohibited VMI from sponsoring a daily supper prayer. Right after that, the Citadel followed their lead.

Supreme Court Justice Stevens pointed out in his decision for the majority not to hear the case that, in contrast, the Sixth and Seventh Circuit Courts have rejected challenges to nondenominational prayer at the college level, reasoning that “college-age students are not particularly susceptible

to pressure from peers towards conformity.'

It is important to acknowledge here that the Sixth and Seventh Circuits, as well as the Fourth Circuit, all agree that there is not a problem in our colleges and universities. The VMI prayer was voluntary. Stevens states that there is no "direct conflict among Circuits," relying on the factual differences between the cases in the different circuit courts.

Justice Scalia writes, however, that "the basis for the distinguishing—that this was a separate prayer at a state military college, whereas other cases involved graduation prayers at state nonmilitary colleges—is, to put it mildly, a frail one."

Scalia continues:

In fact, it might be said that the former is more, rather than less, likely to be constitutional since group prayer before military mess is more traditional than group prayer at ordinary state colleges.

That is the state of the law today. Currently, they are not praying at VMI and at the Citadel. There is some problem at the Naval Academy.

Frustrated by the failure to find anyone in the Naval Academy to serve as a plaintiff, the ACLU now asks the Armed Services Committee of the Congress to take action. My amendment is designed to send an unsubtle signal to any court that entertains an ACLU suit against the military academies. It will stand as an indication of congressional intent on the matter. That is important. A lot of times congressional intent is not. However, when it is stated, when a decision is being made on a matter like this, it is significant. It is that intent that we want to have as an amendment to the bill today.

Judges inclined to back mealtime prayer will be able to point to this legislation as an argument for judicial deference to the will of Congress and the executive branch.

My amendment's language was in the House-passed version of last year's National Defense Authorization Act for fiscal year 2005. This year I want to see a recorded vote in the Senate to make clear exactly who agrees with this provision and who does not and to show the strength of support for this provision. While debating this National Defense Authorization Act, and hereafter, let us honor our heroes and those who have returned home and those who sacrificed their lives by standing against those liberals who would seek to challenge their God-given right to pray to a living Lord.

What I would like to do is yield the floor. First, I ask unanimous consent that Senator ALLARD be added as a cosponsor of the amendment.

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

Mr. INHOFE. I understand Senator WARNER, our distinguished chairman, wants to speak, as well as Senator BROWNBACK.

I yield the floor and retain the remainder of my time.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I commend our colleague. This is a very significant and important step that he has taken. I ask unanimous consent to be added as a cosponsor on the amendment.

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

Mr. WARNER. The Senator from Kansas asked for a moment or two to speak. I shall yield the floor at this point and then follow with my remarks. I first ask the Presiding Officer with regard to the time remaining for the proponents of the amendment.

The PRESIDING OFFICER. The proponents have 17 minutes 15 seconds remaining.

Mr. WARNER. I thank the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I thank my colleagues from Oklahoma and from Virginia for allowing me to speak on this important amendment. This morning, I started my day in the Senate as the Presiding Officer. I started it standing next to Chaplain Black, who is a Navy chaplain. He gave the opening prayer for the Senate. We have had an opening prayer for many years. I found it inspiring, encouraging. I found it uplifting and important that we open this body with a prayer. We do so on a daily basis. As I sat as Presiding Officer, I looked at the door opposite me. Right above it, on our mantelpiece, we have "In God We Trust," as we have on our coinage and in our beliefs and hearts. To many Americans, we are one Nation under God, indivisible, with liberty and justice for all.

It is with this in mind that I rise in support of the amendment of the Senator from Oklahoma, No. 2440, that protects the ability of superintendents of military service academies to set appropriate policies for the offering of voluntary nondenominational prayers at authorized events. This is basic. It is important. It is the protection of the practice of religious liberties at our military institutions.

Prayer in military environments, as well as in public settings generally, has come into question in recent years. This amendment has specific relation to the 2004 Supreme Court decision not to hear a case regarding the challenge by the American Civil Liberties Union to mealtime prayers at Virginia Military Institute.

This follows on a series of cases for 40 years now of an attempt by the hard left in America to have a naked public square, to have no recognition of a divine authority, to have no recognition of seeking a divine authority or guidance, but a naked, sterile public square. That was not contemplated in our Constitution. It called for a separation of church and state, but not the removal of church from state which is what this seeks to perpetuate.

The mealtime prayer at Virginia Military Institute was a respected and

time-honored practice, a military institution that has played a critical role in training U.S. military leaders for over 160 years. Sadly, the majority decision of the Supreme Court not to hear the case allowed a decision by the Fourth Circuit Court of Appeals to stand which prohibited VMI from sponsoring a daily supper prayer.

However, other circuit courts have rejected challenges to nondenominational prayer at the college level. And we should, too; we should allow this prayer to take place. We shouldn't have a naked public square. We should have a robust one that lifts up faith and lifts up the seeking of those to a higher moral authority.

Freedom of religion as protected in the U.S. Constitution does not require the removal of all religion from public settings. Such secularity is not what our Founding Fathers envisioned when they established religious liberty as one of the basic tenets of the Republic. I support the Senator from Oklahoma in his effort to clarify to the judicial branch and the military Congress's understanding of this fundamental constitutional right with regard to military academies. This is important. It is one of those things, as we try to stop this onslaught of the removal of religious liberty, which is what the move is about and what the Senator from Oklahoma is trying to prevent, the removal of religious liberties, to allow the robust practice of religion, nondenominational, nonsectarian, yet seeking that God in whom we trust.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, before the distinguished Senator from Kansas leaves the floor, I want to speak to him about another matter. I ask unanimous consent to go off this amendment for a brief period and charge the time to me from the bill time so I may have a colloquy with my good friend and colleague from Kansas.

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

Mr. WARNER. The Senator has submitted to me an amendment which is in our allocation of 12 amendments regarding the notification that you deem important with military families, should they seek to access a military hospital for the performance of an abortion by a young person in that family. Am I generally correct about that?

Mr. BROWNBACK. That is correct.

Mr. WARNER. In studying the amendment over the night—now it is not the pending amendment, but I want to bring these issues to the attention of the Senator, in fairness. The Senator, though, appreciates that so many of these families, particularly those abroad, are often separated because a spouse, male or female, as the case may be, the serving member in uniform, could be detached from the family homesite and sent into other areas of the globe for periods of time to

perform missions. For example, there is a number of families resident in Europe whose spouses are then part of cadres of individuals going into the Iraq situation, some into the Afghan situation. That poses some difficulty, as I see it, in trying to work out a communication between family members, which communication is relative to life and death, and very important.

I am concerned that we are reaching down to a very small number of individuals, i.e., the military families, and could be imposing upon them, should this amendment be adopted and become law, a difficult situation. I am of an open mind, but I am concerned about having that type of legislation on this bill.

Mr. BROWNBAC. If I could respond to my colleague—

Mr. WARNER. And then if the Senator would address also the issue of the U.S. Federal district court being a participant in this situation.

Mr. BROWNBAC. This is a simple parental notification bill which we brought up last time on the Department of Defense authorization bill and agreed to take it on last year because of desires to move the bill forward. We have worked on it a great deal. What it is about is if a child, a dependent of military personnel, seeks an abortion, they have to get parental notification, which most Americans support. Most Americans believe if their child is seeking a medical procedure of any type, they should have parental notification take place.

Mr. WARNER. Mr. President, if I could interject at this time, personally, my own philosophy is in agreement with the objective. My only concern as manager of the authorization bill of the Department of Defense is that I cannot let my personal beliefs override my judgment as to how best to treat these families of our military.

Mr. BROWNBAC. I understand that my colleague from Virginia and I, too, have major military bases in our States. Fort Riley is growing in size as an army unit. It is a place that has troops all the time in Iraq and Afghanistan, so I see this on a personal basis in my State. But I also see on a personal basis, if you are deployed there and you have a minor child who is seeking an abortion, that you as the father or mother want to be notified about that, and we provide this to be done telephonically so a person does not have to be present. The court itself would have to establish witness or evidentiary standards if they want somebody to be present to be able to determine that this person is there, is the actual one who is seeking this.

We also provide a system in here that a guardian is appointed if needed, and that can be done by the district court without the approval of the parents, but they have to go through that procedure to be able to get this done.

We have worked to try to make this work with personnel. I think it is going to happen in a limited number of set-

tings, but it will happen. It is a Federal issue because it is Federal property, Federal employees, and it is something I think we should do for military personnel so they are in charge of their child's upbringing, and particularly on something such as this of a significant medical procedure of an abortion. So we try to take into consideration the very legitimate concerns of the Senator in putting this forward.

Mr. WARNER. Mr. President, again, I strongly support the principle and the goals the Senator is seeking, but I have to be mindful of the practicalities of military life. It is so different than the families who are in our several States, wherever they may be, and that, of course, brings up another question. Suppose this particular military family's members are residents of a State, which State thus far has not addressed this issue. This State has no requirement for the parental consent in that State, yet they are now being subjected to a Federal law which, of course, would have supremacy over the State law. But is that not an invasive practice in the States rights?

Mr. BROWNBAC. Again, it is a legitimate question the chairman asks in these troubling areas. We don't seem to have difficulty with this in any other medical procedure a minor child would ask for, that they have to get their parents' notification. If a child literally in many places has even very minor surgery, they have to get parental notification. And yet because of the social difficulty and how much we wrestle with the issue of abortion, they don't there, and they are using Federal facilities to do this. I think this is wholly appropriate given the use of Federal facilities.

Remember, too, what we are protecting here is the right of the parent toward their minor child. If the minor child has a very difficult relationship with their parents, they can actually take it separately to the court and not have the parent get approval to do this. If I were a military person, I would want something such as this, that I am in charge of my minor child's upbringing, and particularly when it comes to surgery and something that is so important and difficult as an abortion. This is for the personnel.

Mr. WARNER. Mr. President, I engaged my colleague to set forth my concerns to other Members who are trying to evaluate their positions on this amendment, should it come forward, and I anticipate at the appropriate time the Senator will be introducing it. I question is there any precedent in Federal law for requiring parental notification, for example, in Medicare, Medicaid, or Federal employee health programs?

I have to move on to this amendment, but it is a series of very important fundamental questions that has to be addressed in the context of the Senator's amendment, despite my own personal view that I associate myself with the Senator about the parental con-

sent. Consistently I have voted for that here, but I have an overriding responsibility for the men and women in the military, and this is very unique.

So I put this aside at this time, Mr. President, and return to the Inhofe amendment. I thank my colleague.

Mr. BROWNBAC. If I could respond to the last question. No, not Federal employees involved in Medicare and Medicaid, the other situation. We are talking about Federal employees on Federal military facilities. We are trying to protect the parents' rights in this, which the chairman did not dispute, but others may dispute, and we still need to provide another procedure for the child to go outside the parents' rights. I think this is important, and we have tried to make it workable within the military system.

I thank the Senator.

Mr. WARNER. I thank my colleague. We are going to move swiftly today, and issues could be brought up with very short time limitations on debate. That has allowed me the opportunity to express my serious concerns that I will have to address in the context of this amendment as the day progresses.

I ask unanimous consent we go back to the amendment by the Senator from Oklahoma, Mr. INHOFE.

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

AMENDMENT NO. 2440

Mr. WARNER. Mr. President, I want to again thank my colleague from Oklahoma. I think it is a very important amendment.

Mr. President, this is an issue that must be carefully balanced, the constitutional guarantee of free exercise of religion and the constitutional prohibition against the establishment of religion. But it is a longstanding tradition at these academies, and I think the amendment is carefully drafted to strike a balance in those two important considerations.

Moreover, this amendment deals with the particular circumstances and environment that exist at our service academies, those honored institutions with long and storied traditions that have the mission of training our next generation of military leaders. A part of that mission is now and always has been the development of moral character and the appropriate respect for religious beliefs and needs of others who are entrusted with their leadership.

I must draw a little bit on my modest experience in service on active duty in periods of two wars. I can tell you my own observation of the importance of religion to individuals, particularly those serving overseas, and the hardships they endured either from family separation or combat situations or other difficult problems. It is a very deep feeling these many individuals have about their respective religious traditions and family traditions in religion, and it has often been a matter of life and death to some individuals. Clinging to those strong beliefs has

pulled them through difficult situations.

I also stop to think about our academies. I have had the privilege over the years to visit all of them. I think particularly of the Naval Academy and its magnificent chapel. People come from all over the world to see the chapel at the U.S. Naval Academy. Just this year I was privileged to be the keynote speaker at the dedication of a new small entrance at the Naval Academy where those of the Jewish faith can go and quietly exercise their religion and share their prayers. I encourage anyone in that area to go and look at these two edifices. To me they symbolize the importance of religion in our military life.

I commend the Senator from Oklahoma.

I have been informed by the distinguished ranking member that there could be an amendment in the second degree and that individual who would bring it forth is due here in about 20 or 30 minute is my understanding, at which time I hope we could finish addressing this amendment such that the Senate could vote presumably on the second-degree amendment and then the underlying amendment prior to the noon period, although we will not stop consideration of the bill at the time but would continue. But I hope that amendment could be agreed to.

I see the distinguished ranking member.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I appreciate the chairman's comment. I do hope and believe that Senator REED will in about half an hour be able to address the issue. I can't commit to a vote, however, as indicated by the chairman. I believe there is some scheduling issue on this side which may preclude a vote at the time hoped for by the chairman. But let me work that issue the best I can as to when the vote would come on this amendment.

I believe Senator CRAIG may have an amendment—

Mr. WARNER. Mr. President, before we depart, I hope the Senator could share with me and the Republican leadership, with the understandable impediments our two leaders have, with regard to votes and scheduling them. We want to try to—

Mr. LEVIN. I hope we could stack votes at some point, including a vote on the Inhofe amendment with a second-degree possibility and also—

Mr. WARNER. And the Ensign amendment.

Mr. LEVIN. And the Ensign amendment as well. I have talked to Senator CRAIG and you have apparently.

Mr. WARNER. I have. It is such that you and Senator CRAIG can discuss that amendment.

Mr. CRAIG. Mr. President, may I inquire as to the order appropriate that we would discuss and bring up this amendment?

Mr. President, I ask unanimous consent that the pending amendment be

laid aside to consider amendment No. 2437.

Mr. INHOFE. Reserving the right to object, let me ask the author of the request what the intention is because I want to continue with my discussion. About how much time does the Senator want to take for consideration of the amendment?

Mr. CRAIG. I think less than 2 minutes could solve this issue and we could return to the Senator's amendment.

Mr. INHOFE. I have no objection.

I ask unanimous consent that Senator CORNYN be added as a cosponsor of my amendment.

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

Mr. WARNER. Mr. President, we have a technical problem we have to address with regard to the UC request; that is, we are operating this bill under a UC, 12 amendments each side. This is not 1 of the 12.

Mr. CRAIG. That is correct.

Mr. WARNER. Therefore, I think we could go on the bill time for the purpose of discussing the Senator's amendment in the hopes what differences remain could be reconciled so this amendment could be included as part of the managers' agreed-upon package.

Mr. President, let the record reflect we are not calling this amendment up within the context of the UC which controls the overall procedure of this bill but that the two Senators are simply having a colloquy, which is fine.

Mr. CRAIG. Mr. President, that is, of course, the order. I thank the chairman for correcting us in that because we are operating on the broader bill, the underlying bill, under a UC.

This amendment was brought forth with the hope that both sides could accept it. Our side has accepted it. I worked with the ranking member, Senator LEVIN, to resolve a couple of issues in it that I think can be accepted. In that case, I hope it will appear in the managers' amendment.

We would include in the amendment—and we are discussing those who are eligible to be buried in military cemeteries. We have a prohibition now against those with a Federal capital offense lying at rest in our military cemeteries. We found this summer that an individual who had been convicted of murder in two instances in Maryland, serving his life sentence in a Maryland prison, died and was buried in Arlington. We want to correct that by saying that Federal or State law, where the final decision—he is found guilty even under appeal—it has to be a final decision in that instance, and that under extraordinary circumstances, even though he might be convicted, a Governor or a President would commute the sentence. That would be the exception.

I would be willing to agree to those two items to be included in the amendment if that is acceptable to all parties, and we would so craft it that way.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I thank the Senator from Idaho. The two changes we have proposed to the amendment make it clear that the conviction of a capital offense, as referred to, could either be State or Federal, would have to be a final conviction so there is no appeal pending or a pending court challenge. And it provides for the possibility of a commutation of that sentence by a Governor or the President.

With those two changes, it will be acceptable to us, and we can agree it will be part of a managers' package. There was no intent that this be 1 of the 12.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, may I inquire of the proponent of the amendment, I heard him use the term "military cemeteries." There are State and Federal cemeteries. This amendment is directed at Federal cemeteries?

Mr. CRAIG. It is the only one over which we have jurisdiction; that is correct.

Mr. LEVIN. As I understand it, national cemeteries, Federal cemeteries are governed by the amendment. With those changes, we will not object to the amendment. In fact, I think there will be good support for it. Senator MIKULSKI, as I understand, is a supporter of it.

One other comment, Mr. President. It is my understanding that both the veterans organizations and the Veterans' Affairs Committee support this amendment; is that accurate?

Mr. CRAIG. Mr. President, that is correct. Full disclosure here: There is always concern when you restrict access for purposes of burial, but because we have already established that in Federal law and this appeared to be a loophole, which it was, and an individual, as I so stated, who was convicted of murder in two instances in Maryland was buried this summer in Arlington Cemetery, they understand that clearly, they appreciate that correction. And I am very specific in my discussions with the Senator from Michigan that we are talking about capital offenses—not all felonies, capital offenses of this kind.

I thank both of my colleagues for helping us work out this issue. I hope this could be included in the managers' amendment.

Mr. LEVIN. Mr. President, if the Senator will yield further, we have had a discussion, and I received the assurance from Senator CRAIG, which I very much welcome, that it is not his intent that this lead to a broadening of this prohibition to include all felonies, but it is his intent, both in the amendment and his personal view, that this should be limited to the capital offense as identified in the amendment.

Mr. CRAIG. That is correct.

Mr. LEVIN. I thank the Senator.

Mr. WARNER. Mr. President, I would like to join Senator CRAIG as a cosponsor on this amendment.

This is an example which other Senators may wish to access as to how the

two managers are willing to work in open colloquy on areas where there are amendments outside the framework of the 12 on each side which could possibly be reconciled, and a part of that reconciliation process would be the need for an open colloquy. This is a format the Senator from Michigan and I are pleased to entertain where there are other amendments that a colloquy in open session would be helpful in trying to reach a reconciliation.

Mr. CRAIG. Mr. President, I thank the chairman of the full committee and the ranking member for their accommodations.

Mr. LEVIN. Mr. President, we thank the Senator from Idaho for bringing this to the attention of the Senate and for making this correction.

Mr. WARNER. Mr. President, it is also important, with my colleague on the floor, that we are bound by this UC, 12 amendments on each side, and as we bring up amendments, I carefully designate, as the Senator from Michigan does, that they are within the 12 each side has.

Mr. LEVIN. If the chairman will yield on that point because I wish to affirm and confirm what he has just said, that these colloquies, which are necessary for clearance of amendments, are very useful. We are used to this, all of us in the Senate, engaging in these kinds of colloquies, and there is no intent, for instance, in this last colloquy, that amendment be listed as 1 of the 12 amendments on the Republican side.

Mr. WARNER. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. There is 8 minutes 55 seconds remaining.

Mr. INHOFE. Mr. President, I don't know of anyone who is going to be wanting time to speak against this amendment. I inquire of the ranking member if he knows of anyone who is going to be speaking in opposition to this amendment?

Mr. LEVIN. Mr. President, I do believe there is at least one Member on this side who will be offering or considering a second-degree amendment.

Mr. INHOFE. Or another first-degree amendment. That is fine. In opposition to this amendment, though.

Mr. LEVIN. The second-degree amendment—however one wants to characterize it—I do understand there is a second-degree amendment possible.

Mr. INHOFE. I understand there is 8 minutes remaining; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. LEVIN. So we do not mislead our friend from Oklahoma, there may very well be Senators of whom I am not aware who would want to speak in opposition.

Mr. INHOFE. In that there is no one on the floor right now, if it is all right with the chairman and ranking member, I will conclude my remarks.

Mr. President, I have always enjoyed one-sentence amendments because one can't misinterpret one sentence. I had one the other day that had to do with the appropriations process. I did one in 1994 that ended up being a major, significant reform in the other body.

I will read this so people don't misunderstand it:

The superintendent of a service academy may have in effect such policy as the superintendent considers appropriate with respect to the offering of a voluntary, nondenominational prayer at an otherwise authorized activity of the academy. . . .

Some people asked a question about denominational prayer. Let me share with you—and I think I can read it in this period of time—an entire piece by John Adams. John Adams was the first Vice President of the United States and the second President of the United States. This is what he said on this subject:

When the Congress met, Mr. Cushing made a motion that it should be opened with prayer. It was opposed by Mr. Jay of New York and Mr. Rutledge of South Carolina, because we were divided in religious sentiments, some Episcopalians, some Quakers, some Anabaptists, some Congregationalists, so that we could not join in same set of worship. Mr. Samuel Adams rose and said, that he was no bigot, and could hear a prayer of any gentleman of piety and virtue, and at the same time a friend to his country. He was a stranger in Philadelphia, but had heard that Mr. Duche deserved that character and therefore he moved that Mr. Duche, an Episcopalian clergyman, might be desired to read prayer to Congress to-morrow morning. The motion was carried in the affirmative.

Accordingly he . . . read several prayers in the established form, and then read . . . the 35th Psalm. You must remember this was the next morning after we had heard the rumor of the horrible cannonade of Boston. It seemed as if Heaven had ordained that Psalm to be read that morning.

After this, Mr. Duche, unexpectedly to everybody, struck out into extemporary prayer, which filled the bosom of every man present.

Here was a scene worthy of a painter's art. It was in Carpenter's Hall, in Philadelphia. . . . Washington was kneeling there, and Henry, and Randolph, and Rutledge, and Lee, and Jay; and by them stood, bowed in reverence, the Puritan patriots of New England, who, at that moment had reason to believe that armed soldiery was wasting their humbled households. It was believed that Boston had been bombarded and destroyed. They prayed fervently for America, for Congress.

. . . I think that is very significant.

I read an article the other day that was very interesting. It was an article by a military historian who said that the Revolutionary War could not have been won. He goes back and talks about the same thing that John Adams was talking about, about this tremendous army, the greatest military force on the face of this Earth marching up to Lexington and Concord. Our soldiers at that time were not really soldiers; they were hunters and trappers, and they were armed with just basic and crude equipment. We remember the story that most of them couldn't read or write.

So in training, I say to my friend from Texas, they put a tuft of hay in one boot and a tuft of straw in another boot, and they marched to a cadence of "hay foot straw foot." As they stood there and heard the ground shaking as the greatest army on the face of this Earth approached Lexington and Concord, they knew by resisting they were signing their own death warrant. They knew when they heard the shot heard round the world they were going to win in spite of these odds, not even knowing that a tall redhead stood in the House of Burgesses and made a speech for them and for us today, when he asked: How could this frail group of patriots defeat the largest army on the face of this Earth? He made a very famous speech, but there are three sentences people have forgotten. They are:

Sir, we are not weak if we make a proper use of those means which the God of nature has placed in our power. Three millions of people armed in the holy cause of liberty, and in such a country as that which we possess, are invincible by any force which our enemy can send against us. Besides, sir, we shall not fight our battles alone. There is a just God who presides over the destinies of nations, and who will raise up friends to fight our battles for us.

And they fired the shot heard round the world, and we won.

We were a nation under God, and we depended upon God to win that fight and every fight since then. That is why I think it is so important today, as a part of this reauthorization bill, that we reaffirm our ability to train our people at our academies to look to Almighty God in the way they deem appropriate, in a way to use that power to defend America in their careers.

I retain the remainder of my time, Mr. President. I understand there is 3 minutes remaining.

The PRESIDING OFFICER. There is 2 minutes remaining.

Mr. WARNER. Mr. President, the distinguished Senator from Texas inquired of the managers if he could address an issue that is tangential to our national security. I ask unanimous consent that he be allowed to speak as in morning business, thereby not taking time off the bill, and that would be for not to exceed 10 minutes.

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

The Senator from Texas is recognized for 10 minutes.

#### UNITED STATES-INDIA RELATIONS

Mr. CORNYN. Mr. President, I thank the distinguished chairman of the Senate Armed Services Committee and the distinguished ranking member for this accommodation. This is an important matter that does relate directly to our national security and that has to do with the remarkable progress that United States-India relations have made over the last several years and the path that lies ahead.

As my colleagues know, Prime Minister Singh visited Washington in July for a historic state visit. This event marked a critical milestone in our improving relationship, but the Congress



needs to help ensure that this relationship reaches its full potential. President Bush has made it a fundamental foreign policy objective to move United States-India relations to a new level and plans to visit India in the near future.

India is the world's largest democracy, and our two great nations share many common values and common beliefs. It is only appropriate, then, that the United States and India become true strategic partners as we move into the 21st century. Fortunately, the days of the Cold War when the United States and India were at odds are long past. Today, the United States and India share a common vision for the future as we battle terrorism together and the proliferation of weapons of mass destruction, HIV/AIDS, and a host of other challenges that face our world.

The United States is fortunate to have many Indian Americans who have helped bring our two nations closer together. There are 2 million people of Indian origin in the United States, approximately, many of whom are now U.S. citizens. There are about 200,000 Indian Americans in my State of Texas alone. Nearly 80,000 Indian students are studying in our Nation's colleges and universities. Their contributions to our Nation and our relationship have been remarkably positive.

I will spend just a moment talking about an important agreement that was reached last July between President Bush and Prime Minister Singh that will require congressional approval to implement. This agreement, known as the Civil Nuclear Cooperation Initiative, will help India with its energy needs and help bring India into the mainstream of international nuclear nonproliferation efforts, both of which are worthwhile goals.

While it is true that the agreement on civil nuclear cooperation is a significant departure from previous U.S. policy, still it represents a positive step as we grow in our strategic relationship with the nation of India. For more than 30 years, the United States and India have disagreed over India's decision not to sign the Nuclear Non-Proliferation Treaty. As such, the United States has not cooperated with India on the issue of civilian nuclear power.

In short, we have been at a stalemate, which has neither served our nonproliferation goals nor helped India's need for energy resources. Fortunately, a civil nuclear cooperation agreement will allow us to move forward in a way that serves both the interests of the United States and the interests of India.

In order to implement this agreement, Congress will need to approve. The fundamental question before Congress will be why should we allow civilian nuclear cooperation with India when they refuse to sign the Nuclear Non-Proliferation Treaty? And will we not be somehow undermining our own nonproliferation efforts?

The fact is, this agreement will enhance our nonproliferation efforts. It is correct that India is not a signatory to the NPT. They have decided, for their own national security reasons, that they will not become a party to the treaty, and no amount of international pressure, persuasion, or cajoling will convince them to do otherwise. This is a reality which we face, but the status quo for another 30 years is not acceptable either.

Recognizing this reality, we must ask ourselves what we can do to promote nonproliferation efforts with India and bring them within the international nonproliferation regime. The civil nuclear cooperation agreement provides the answer. Despite not signing the NPT, the Nuclear Non-Proliferation Treaty, India has an excellent nonproliferation record. They understand the danger of the proliferation of weapons of mass destruction, and that is why India has agreed to adhere to key international nonproliferation efforts on top of their own stringent export control regime.

This is a significant step forward, which has been welcomed by the International Atomic Energy Agency Director, Mohamed El-Baradei, who understands that India will not come into the NPT through the normal route. This agreement brings India's growing civilian nuclear capabilities within international export control regimes. India will now assume the same nonproliferation responsibilities that other nations have with civil nuclear energy. Specifically, India has agreed to identify and separate civilian and military nuclear facilities and programs and file with the IAEA a declaration with regard to its civilian facilities. It has agreed to place voluntarily its civilian nuclear facilities under IAEA safeguards. It has agreed to sign and adhere to an additional protocol with respect to civilian nuclear facilities. And it has agreed to continue its unilateral moratorium on nuclear testing.

Furthermore, it has agreed to work with the United States for the conclusion of a multilateral fissile material cutoff treaty. It has agreed to refrain from the transfer of enrichment and reprocessing technologies to states that do not have them and support efforts to limit their spread.

Finally, India has agreed to secure nuclear materials and technology through comprehensive export control legislation and adherence to the Missile Technology Control and Nuclear Suppliers Group.

Each of these commitments represents a positive step forward. India, which is no stranger to international terrorism itself, is motivated by its own security needs to fight proliferation of nuclear weapons. The same is true of the United States. Both nations, as well, are dependent on oil imports to satisfy the needs of their economies and to create jobs for their people. Both nations, therefore, see in

civilian nuclear energy cooperation an opportunity to satisfy these growing energy needs without environmental hazards of relying solely on fossil fuels. In short, this agreement is important to our growing international strategic partnership and for India's domestic energy needs.

Although the administration's negotiations with the Indians are ongoing regarding the implementation of these commitments, I am confident that we are on the right track. I look forward to the role that Congress will play in this important process.

I yield the floor and 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. REED. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. REED. Mr. President, I believe we are on the Inhofe amendment pending before the Senate?

The PRESIDING OFFICER. That is correct.

#### AMENDMENT NO. 2440

Mr. REED. Mr. President, I rise to address some of the issues that have been presented by the amendment of Senator INHOFE. I do so with some perspective on issues of prayer at service academies. I spent 4 years as a cadet at West Point, 2 years as a faculty member at West Point, and today I am the chairman of the board of visitors at West Point. I am the first to recognize the importance of prayer, not only in the life of the service academies but in the life of people everywhere.

Over the course of 200-plus years of history, prayer has become an important aspect of life, not only at West Point but at Annapolis and other institutions.

Interestingly enough, when I was a cadet, there was a much more significant structure of religious participation. We were actually ordered to go to chapel, ordered to participate in activities. That was struck down in 1972 as an unconstitutional infringement.

This is a very difficult issue because it does implicate serious constitutional concerns, as well as the desire to maintain the traditions and the customs of the military and the service academies. Interestingly enough, my perspective now, after about 30 years, is that the faith communities at West Point are even more vital and vibrant today than years ago when cadets literally were ordered to participate in religious activities. In fact, last summer, as part of the operations of the board of visitors, I asked that the chaplains come together on an informal basis, and we talked about religious participation at West Point. What I heard from the chaplains is that it is alive and well, that it is something important to the individual lives of cadets and to the community at West Point. That is why

I think, as we try to legislate these activities from the perspective of the U.S. Congress, we might be inviting more problems than we are solving.

As I look at the amendment of Senator INHOFE, it speaks of voluntary, nondenominational prayer at otherwise authorized activities of the academy, subject to the limitations of the Secretary of Defense, more or less. The real problem in the context of military activities is, what is voluntary? There is a strong sense that there is not much that is voluntary in the military. Anyone who has served on active duty understands that even in some cases volunteering isn't voluntary. I know I had a first sergeant in the 82nd Airborne Division who would walk in and pick three people and inform them they had just volunteered. That is a cultural aspect and a legal aspect of military service. So even though this speaks to voluntary, nondenominational prayer, the real issue in the context of the military is, Is it voluntary?

That issue is now being debated. One of the reasons prompting this particular legislative amendment is the fact that the Naval Academy has been questioned about a prayer at their luncheon meal. Whether it is nondenominational is not the point. The question is whether it is voluntary. I do not think we are going to escape that analysis and that issue by passing this legislation. In fact, my fear is by passing this legislation we are going to essentially invite litigation about a whole series of religious expressions at service academies, not just prayer in the mess hall at lunch but prayer at graduation ceremonies, at promotion ceremonies—all of that.

Frankly, on a practical basis, this legislation is not necessary. First, the superintendents already have the authority to prescribe what is happening at the academies—either explicitly or implicitly the current religious expression at the academies is being authorized by the superintendents.

Also, I think, given the fact that they are doing this and it seems to be working fairly well, this legislation does not give them any more authority than they have already. As I suggested previously, it raises, certainly, the profile, so it might engender the kind of controversies that will lead to seriously questioning and perhaps cutting back existing religious expression at these service academies. So I do not think, as a matter of either policy or of good sense, this legislation is in order or necessary.

In addition, what is happening at the academies now is not so much the sole issue of the propriety of prayer or religious expression at different authorized activities. There is another big issue out there that we have to recognize. It comes from the recent activities at the Air Force Academy, where there have been serious reports about proselytization, of superior officers using their rank and position to try to proselytize cadets, to try to insert in the activities

of the academy a pronounced and sectarian religious approach. I think we are all familiar with many of the stories from the Air Force Academy.

As a result, the Secretary of Defense has issued interim guidance with respect to proselytization and other religious activities. I would note that the language of Senator INHOFE recognizes the right of the Secretary of Defense to do that. In fact, I would assume it lends further support and credence to the guidance that he is developing and will issue because, as the language says, "subject to such limitations as the Secretary of Defense may prescribe."

I think what we are seeing, in terms of this legislation, is several results which might be unintended by those who are supporting it. First, I think rather than clarifying and settling the issue of religious expression at the service academies, it will prompt further discussion, debate, and perhaps even litigation. Second, it does specifically recognize that there is an ongoing process by the Secretary of Defense to redefine appropriate modes of religious expression at the academies. And, as I read it, it does give sanction to those activities—in fact, legal sanction to those activities.

So for many reasons I think the legislation is not the most appropriate way to deal with this issue. Ultimately, my sense is that these issues, because they are dominated by constitutional concerns, will be settled in court, not by legislative enactment. There is nothing we could do legislatively to correct such constitutional faults. I think to try to do that misconstrues what we are about and what we could practically do.

As a result, I hope this legislation could be withdrawn, but I suspect that is not the case. So I think we should make some changes in the legislation in that at least reflects the fact that all of us are bound by the Constitution of the United States.

Again, I have been involved with these academies since I was 17 years old. I have seen personally the important role that prayer and religion play in the lives of cadets, soldiers, and officers. I recognize and cherish the customs of these academies, and these traditions. I think it is unfortunate that we may unwittingly be starting a dynamic that will seriously erode these customs and traditions, and I think perhaps to the detriment of the academies and to the military service and to the young men and women who proudly wear the uniform of our Armed Forces. So I hope we can avoid that.

But I think, also, we have to recognize that we are all governed, particularly when it comes to issues of prayer in the public space, by the Constitution of the United States, and that there is nothing, as I said before, that we can do that can insulate activities within the military from the Constitution. There is nothing we should do. I think whatever language we adopt today has

to more explicitly reflect that clear, and I think obvious, fact.

As I mentioned before, the Secretary of Defense is dealing today with the issue of religious activities at the Air Force Academy. He has also indicated that, if his interim guidelines are practical, workable, and appropriate in his view, that he intends to extend those to the other service academies, effectively doing what this legislation is proposing to do. I think we should give the Secretary of Defense a chance to do that. I think he is working in a way that is evenhanded, appropriate, recognizing that soldiers are bound by the Constitution. That is their duty. That is their obligation.

I say if we march down this road, I think we are raising serious issues that are going to complicate the facts even more than they are today. So I hope we could wait. I hope we could wait until these guidelines have been fully vetted by the Secretary and he has made a decision with respect to their propriety, their appropriateness. Indeed, once again, as the amendment suggests, ultimately whatever the superintendents of the academies do will be subject to the guidance of the Secretary of Defense. Frankly, that guidance today, if you look at it, is drawing mixed reviews from both the proponents of the separation of church and state and those who want a much more aggressive posture when it comes to religious expression in public places. Maybe that is a good sign. Maybe the Secretary has struck that balance between the constitutional demands of separation of church and state and the individual's desires and needs to express themselves to the Divine.

I hope we could forbear on this one. If not, then I think we have to make some changes in the text to reflect the overarching constitutional imperatives that are at the heart of this debate.

I retain the remainder of my time and yield the floor.

Mr. INHOFE. If the Senator will yield, I inquire of the Senator, he has used some of the time in opposition speaking to this amendment. Is the Senator's desire to have another amendment on the same subject to be introduced separately from this?

Mr. REED. My preference would be to try to amend the Senator's amendment.

Mr. INHOFE. Mr. President, we have a problem.

Mr. REED. Mr. President, I yielded to the Senator. Would he like to use his time? I retain the remainder of my time.

Mr. INHOFE. Mr. President, I understand I only have a couple of minutes left, so let me very quickly say right now: There is a problem. In the Air Force all they have is a 20-second period of silence. I don't call that a prayer. At West Point they do not even have a period of silence. They say you can pray, but everyone else is talking. This is not a prayer. I think a problem is there.



I think the argument that this might raise the profile is not a valid argument. I have heard it before. In 2003 the ACLU requested specifically that the prayers stop. In 2005 the Anti-Defamation League did the same thing. The attack is there.

This is a very simple, one-sentence solution to the problem. At the appropriate time, in fact, right now, I urge the adoption of this amendment and ask for the yeas and nays.

The PRESIDING OFFICER (Ms. MURKOWSKI). Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. INHOFE. It is not my intent to proceed until we start several votes at a later time, I say to my good friend from Rhode Island.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. Madam President, we need to inquire as to the issues of the proponent of the amendment, as to the allocation of time. What is his desire on that?

Mr. INHOFE. I would say to the chairman, I think the allocation of time has already taken place. I have used my time. I have not yielded back the remainder of my time. I probably only have 30 or 40 seconds left. It is my desire to get a vote on this amendment, if the distinguished Senator from Rhode Island has an amendment that we get a vote on his amendment, and whatever the allocation of time is at that point, we will exercise that.

Mr. WARNER. Madam President, that sounds like a reasonable request. Can the Senator from Rhode Island advise the Senate?

Mr. REED. Let me understand. Is it in order now for me to propose a second-degree amendment which would then require just a short explanation and debate, and then we can move to a vote on the second-degree amendment, and then on the underlying amendment?

Mr. WARNER. That would be the desire of the manager.

I wish to inquire of the proponent. Does he agree to the course of action?

Mr. INHOFE. Would the Senator please repeat that course of action?

Mr. REED. We are agreeing, as I understand it, that as soon as the Senator yields his remaining time, it would be in order for me to offer a second-degree amendment. I will do so. I will speak briefly on the second-degree amendment, and I think it would be in order to either entertain additional debate by the Senator from Oklahoma and others or to set a time for a vote.

Mr. INHOFE. My preference would be to go ahead and have this as a first-degree amendment, offering the amendment of the Senator from Rhode Island as a first-degree amendment, and if he desires to have a vote on his first, I would have no objection.

Would that satisfy the Senator from Rhode Island?

Mr. REED. I think the most efficient course is simply to allow my second-de-

gree amendment, allowing Members to vote essentially on my amendment first, then voice vote the amendment of the Senator from Oklahoma—if it succeeds, then the underlying amendment. That was my preference.

Mr. INHOFE. There would be side-by-side amendments.

Mr. REED. No. My preference is that we entertain a second-degree amendment and vote, and if the second-degree amendment is agreed to, then the underlying amendment would be voted on. There would be a series of votes. Mine would be voted on first.

Mr. INHOFE. I object to that course. 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. INHOFE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. INHOFE. Madam President, I have read the suggested change that the distinguished Senator from Rhode Island has to my amendment. If it is his intention not to offer another amendment on this subject matter but merely to amend mine, I will accept that. I would yield the remainder of my time, and we would have one vote to take care of it.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REED. Madam 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. REED. Madam President, the Senator from Oklahoma has offered to modify his amendment the way I suggested and then, having modified the amendment, schedule votes. I have no objection to that.

Mr. INHOFE. Madam President, that seems very acceptable to me.

I will read the modification on page 2 of the amendment. On line 2, insert the following: "the United States Constitution and . . ." I have no objection to that.

#### AMENDMENT NO. 2440, AS MODIFIED

I send this amendment to the desk and ask unanimous consent that it be so modified.

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

The amendment (No. 2440), as modified, is as follows:

(Purpose: To ensure by law the ability of the military service academies to include the offering of a voluntary, nondenominational prayer as an element of their activities)

At the end of subtitle G of title X of division A, add the following:

#### SEC. 1073. PRAYER AT MILITARY SERVICE ACADEMY ACTIVITIES.

(a) IN GENERAL.—The superintendent of a service academy may have in effect such pol-

icy as the superintendent considers appropriate with respect to the offering of a voluntary, nondenominational prayer at an otherwise authorized activity of the academy, subject to the United States Constitution and such limitations as the Secretary of Defense may prescribe.

(b) SERVICE ACADEMIES.—For purposes of this section, the term "service academy" means any of the following:

- (1) The United States Military Academy.
- (2) The United States Naval Academy.
- (3) The United States Air Force Academy.

Mr. WARNER. Madam President, I thank my two colleagues.

Have the yeas and nays been ordered?

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

Mr. WARNER. I thank the Presiding Officer.

I am about to propound a unanimous consent request which I understand is cleared on both sides.

I ask unanimous consent that at 2:45 today, the Senate proceed to a vote in relation to the Inhofe amendment No. 2440, as modified, to be followed by a vote in relation to the Ensign Amendment, No. 2443; provided that there be 6 minutes for debate equally divided in the usual form prior to the first vote and 6 minutes equally divided for debate prior to the second vote, with no second degrees in order to either amendment prior to the vote.

Mr. DAYTON. Madam President, reserving the right to object.

Mr. WARNER. I think we are cleared.

Mr. DAYTON. We need to discuss the amount of time on the Ensign amendment.

Mr. WARNER. I think everything has been cleared.

Mr. DAYTON. No objection.

Mr. ENSIGN. Madam President, prior to having the 6 minutes prior to the vote but between now and the time that votes will occur, will there also be time to debate my amendment?

Mr. WARNER. Madam President, I presume there will be an opportunity. We are making progress. But there are junctures at which time Senators can address various aspects of the bill, including the distinguished Senator from Nevada.

Mr. ENSIGN. Madam President, may I ask unanimous consent it be modified so that at least 15 minutes between now and the vote would be reserved for debate on the Ensign amendment?

Mr. WARNER. Madam President, I am willing to accede to that. Would that time be equally divided?

Mr. ENSIGN. Yes.

Mr. WARNER. Fifteen minutes between now and 2:45 be reserved for a debate on the Ensign amendment, 15 minutes equally divided.

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

Mr. WARNER. I ask the Presiding Officer if that is in place, as modified with the 15 minutes?

The PRESIDING OFFICER. That is correct.

Mr. WARNER. I thank the Chair.

#### AMENDMENT NO. 1563, AS FURTHER MODIFIED

I ask unanimous consent that the previously agreed to amendment No.

1563 be further modified. I send that modification to the desk. There was a technical error in the preamble. There is no change in the substance of the amendment.

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

The amendment (No. 1563), as further modified, is as follows:

On page 357, after line 20, insert:

**PART II—NAVY CONVEYANCES**

**SEC. 2851. LEASE OR LICENSE OF UNITED STATES NAVY MUSEUM FACILITIES AT WASHINGTON NAVY YARD, DISTRICT OF COLUMBIA.**

(a) LEASE OR LICENSE AUTHORIZED.—

(1) IN GENERAL.—The Secretary of the Navy may lease or license to the Naval Historical Foundation (in this section referred to as the "Foundation") facilities located at Washington Navy Yard, Washington, District of Columbia, that house the United States Navy Museum (in this section referred to as the "Museum") for the purpose of carrying out the following activities:

(A) Generation of revenue for the Museum through the rental of facilities to the public, commercial and non-profit entities, State and local governments, and other Federal agencies.

(B) Administrative activities in support of the Museum.

(2) LIMITATION.—Any activities carried out at the facilities leased or licensed under paragraph (1) must be consistent with the operations of the Museum.

(b) CONSIDERATION.—The amount of consideration paid in a year by the Foundation to the United States for the lease or license of facilities under subsection (a) may not exceed the actual cost, as determined by the Secretary, of the annual operation and maintenance of the facilities.

(c) USE OF PROCEEDS.—

(1) DEPOSIT OF PROCEEDS.—The Secretary shall deposit any amounts received under subsection (b) for the lease or license of facilities under subsection (a) into the account for appropriations available for the operation and maintenance of the Museum.

(2) AVAILABILITY OF AMOUNTS.—The Secretary may use any amounts deposited under paragraph (1) to cover the costs associated with the operation and maintenance of the Museum and its exhibits.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the lease or lease of facilities under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

**PART III—AIR FORCE CONVEYANCES**

Mr. WARNER. Madam President, we are making progress on this bill. I thank all Senators for their cooperation. It is my hope that in the intervening period between now and the hour of 2:45, subject to the unanimous consent of 15 minutes, that other Senators can come to the Chamber and address the managers regarding the timing of the remaining amendments under the unanimous consent providing 12 amendments on each side.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DAYTON. Madam President, I ask unanimous consent that Senators BURNS, THOMAS, ENZI, DORGAN, and HATCH be listed as original cosponsors of amendment No. 2448, which was agreed to yesterday by unanimous consent.

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

Mr. DAYTON. I thank the Chair.

I yield the floor, and 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. LEVIN. I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 2433

Mr. LEVIN. Mr. President, relative to the amendment of the Senator from Nevada, I had one question. Section 1 of Executive Order 11850 states the following:

The Secretary of Defense shall take all necessary measures to ensure that the use by the Armed Forces of the United States of any riot control agents and chemical herbicides in war is prohibited unless such use has Presidential approval in advance.

Is there anything in the Senator's amendment which purports or is intended to modify or change in any way that executive order?

Mr. ENSIGN. Madam President, I say to my friend from Michigan, our amendment seeks to clarify and to reinforce the Executive Order No. 11850, including section 1, as well as the examples in (a), (b), (c), and (d), used as examples where the riot control agents are able to be used.

It is very clear that our military is allowed to use riot control agents based on this Executive order in these particular examples as a defensive mode to save civilian lives, for example.

We are trying to clarify for our military and ask the Defense Department to lay out clear guidelines and clear training so the average person on the ground knows exactly when they can and when they cannot use these riot control agents.

Mr. LEVIN. I agree with that purpose. I want to be absolutely certain that all parts of the Executive order, including the specific requirement of section 1, continue and are not purported in any way to be changed by the Senator's amendment.

Mr. ENSIGN. The Senator is correct; we are not trying to change any part of the Executive order. All we are trying to do is to clarify it so the average soldier, marine on the ground knows exactly when they can and when they cannot use it.

We are calling on the Defense Department to clarify for them so this very valuable tool to save lives, both civilian and military, can be employed for a defensive purpose.

Mr. LEVIN. I believe that is a very useful purpose. I support that purpose. I support the Senator's amendment with that assurance. I don't know whether the Senator requested a roll-call, but if so we will support that roll-call.

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

The PRESIDING OFFICER. They have not been ordered.

Mr. ENSIGN. 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. ENSIGN. I yield the floor.

AMENDMENT NO. 2473 TO AMENDMENT NO. 2433

Mr. DURBIN. Madam President, there is a pending amendment offered by Senator CHAMBLISS numbered 2433 which I am going to seek to amend.

With the permission of the Presiding Officer, I would speak to that issue at this moment. We are working with the Parliamentarian on the exact number of this amendment we will be offering. There is no agreement at this time. If I might, I want a few minutes to speak to the amendment I am offering, if that would meet with the approval of the Senator from Nevada.

Mr. ENSIGN. I have spoken to the manager of the bill, and he would like to accommodate the ability of the Senator to have the secondary amendment offered before all time is yielded back. When the Senator is ready—I have spoken to the chairman and he is willing to work on that.

Mr. DURBIN. For the information of my colleagues, the amendment we are going to offer to the Chambliss amendment is designated as 2473.

Madam President, most Senators are probably unaware of the real differences between the military retirement system for Reserve components compared to Active components of our military forces. A person who joins the active-duty military and has 20 years has the option to retire at that point and draw half their pay. A young person at age 18, with 20 years in service—age 38, still relatively young, moves on to a new career, new source of income—still receives half of their military pay.

For a member of the Guard and Reserve, it is different. As you might expect, retirement pay from a part-time career is lower than at the end of a full-time active-duty career. It makes sense.

The major difference, however, lies in the length of time the reservist retiree must wait to start to receive retirement pay. Under the current system, a person who completes 20 years in the Reserve component becomes eligible to receive retired pay but cannot begin to draw the pay until they reach the age of 60. In the Reserves, a young person age 18 can enlist, complete 20 years of dedicated service to our country, and at the end of 20 years reach the age of 38 and retire. But that person has to wait 22 years before receiving the first penny of retirement pay.

That is entirely too long. Many have recognized the system needs to be changed. The Military Officers Association, Reserve Officers Association, National Guard Association, Enlisted Association, the National Guard, all have called for Reserve retirement age to be

reduced from age 60 to 55. There have been several Senate proposals to accomplish it.

I offered this bill in the last Congress. Senators Corzine and Graham introduced bills in the current Congress. I am a cosponsor of both bills. All are worthy approaches to accomplish our goal.

Unfortunately, the plan that has been offered in the form of the amendment by the Senator from Georgia, Senator CHAMBLISS, falls short of being a good age 55 Reserve retirement proposal. In fact, I have some concerns and I offer an alternative approach. The Chambliss amendment offered a modest reduction in the retirement age and then only offers it to about half the members of the Guard and Reserve. Under the Chambliss amendment, half of all reservists still draw no retirement pay until the age of 60. It rewards only those who are called up. There is little or no incentive to stay. This amendment lowers the retirement age for those called up for an extended period in support of major military operations and then only reduces the retirement age by 3 months for every 3 months the member spends on duty.

At this point, more than 450,000 reservists have been mobilized since September 11, 2001. Over 330,000 have been deployed overseas. But we must remember, there are roughly 860,000 members in the select Reserve. That is, members of the National Guard and Reserve who dedicate a minimum in service in the Reserve of 1 weekend each month plus 2 weeks each year to maintain military readiness. So while roughly half of our reservists have been called up for duty, about half of them have not. They have continued to perform every weekend, gone to their annual training periods.

For this segment of our dedicated force, I am afraid the Chambliss amendment does nothing at all. A retirement system should create an incentive to serve. The Chambliss amendment rewards mobilization but does nothing to create the incentive for further service. It simply provides a future benefit to those who get called up. We want to honor the members of the Guard and Reserve who are selected in order to go overseas. Yes, we want to reward service that takes members of the Guard and Reserve away from their families and careers for a year and puts them in harm's way. But we must ask ourselves if such a modest adjustment in the retirement pay eligibility age is the best way to do it.

With recruiting targets being missed by our Reserve components and retention holding steady, but under severe pressures, what we need to do is to revise the retirement system so that it is both fairer to members of the Guard and Reserve and a more powerful incentive to continued service. We should make changes to the system which reward long and continued service, not just volunteering—or being involuntarily selected—for a mobilization.

We can do better for our men and women in uniform.

The amendment I offer is a substitute approach. Under my amendment, members of the National Guard and Reserve are encouraged to stay in the force by offering them a 1-year reduction in the retirement age for every year of service beyond 20 years. That is an incentive to stay in the force. A reservist can begin to draw retirement pay as early as age 55, but in order to do so, they would need to serve an additional 5 years.

By providing a way for reservists to draw retirement pay at age 55 rather than being forced to wait until age 60, this amendment brings the retirement age for reservists down to the Federal civil service retirement age, as was intended when the reservist retirement age was set 50 years ago. Our reservists make tremendous sacrifices. They risk their lives in combat zones. And, in far too many instances, they give their lives for our country. At the very least, they should have the same retirement age as Federal civil servants.

By replacing the current, inflexible approach with a sliding scale that provides earlier receipt of retirement pay in exchange for more years of service, we can create a powerful system of incentives to retain our personnel and maintain a strong Reserve.

This is the approach my amendment takes.

Many of my Republican and Democratic colleagues who, like me, are cosponsors of S. 337, the Guard and Reserve Retention Act, introduced earlier this year by my friend and distinguished colleague, the Senator from South Carolina, will no doubt recognize this concept. The mechanisms are very similar.

I invite my colleagues from both sides of the aisle to join me in making a meaningful reform of the Reserve retirement age—one that encourages long and continued services, not simply rewarding after mobilization; one which will incentivize all of the force to stay in service longer, not just the half—roughly, 50 percent—who are tapped for a callup.

The amendment is endorsed by some significant groups: the National Guard Association of the United States, the Military Officers Association of the United States, the Reserve Officers Association, the Enlisted Association of the National Guard of the United States.

I ask my colleagues, as you consider the Chambliss amendment and my modification to that amendment, keep in mind the organizations that represent the men and women in uniform in the Reserve, who are literally serving our country and risking their lives, believe the approach I am suggesting is preferable. I hope my colleagues will feel the same.

Madam President, I ask unanimous consent that the letter from Stephen Koper, retired brigadier general from the U.S. Air Force, who serves as presi-

dent of the National Guard Association of the United States, be printed in the RECORD.

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

NATIONAL GUARD ASSOCIATION OF  
THE UNITED STATES, INC.,

Washington, DC, November 8, 2005.

Senator RICHARD DURBIN  
*Dirksen Senate Office Building, Washington, DC.*

DEAR SENATOR DURBIN: I am writing on behalf of the members of the National Guard Association of the United States (NGAUS) in support of your amendment to reduce the age at which reserve component members receive their retirement pension.

An active component member retiring at 20 years of service may receive a pension immediately upon retirement. A reserve component member serving the same amount of years cannot. Reducing the age from 60 to 55 will be a big step in mitigating this disparity. A more equitable retirement program will aid greatly in recruiting and retaining members in the National Guard. When the age limit for receipt of retired pay by National Guard members was set decades ago, the National Guard was not relied upon the way it is today.

The objective of NGAUS is to support the reduction of the age for retirement eligibility from its current level.

I look forward to working together in support of a strong and viable National Guard. Again, on behalf of the members of NGAUS, thank you for all your hard work on our behalf.

Sincerely,

STEPHEN M. KOPER,  
*Brigadier General, USAF, (Ret.), President.*

THE PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, if there is no one prepared at this time to speak on the Durbin amendment, I ask unanimous consent that the Senator from Wisconsin be permitted to speak as in morning business for 5 minutes.

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

The Senator from Wisconsin.

(The remarks of Mr. KOHL pertaining to the introduction of S. 1979 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

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

THE PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. LEVIN. Madam President, I ask unanimous consent that Senator DORGAN be allowed to proceed as in morning business for 5 minutes, and that then Senator DORGAN be recognized to offer an amendment relative to—I think he is calling it a Truman-like commission. I have talked to Senator ENSIGN, and that is agreeable with the majority.

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

The Senator from North Dakota.

(The remarks of Mr. DORGAN are printed in today's RECORD under "Morning Business.")

AMENDMENT NO. 2476

(Purpose: To establish a special committee of the Senate to investigate the awarding and carrying out of contracts to conduct activities in Afghanistan and Iraq and to fight the war on terrorism)

(Mr. THUNE assumed the chair.)

Mr. DORGAN. Mr. President, I have an amendment to offer, an amendment I have shared with both sides. It is, in fact, an amendment that we have previously debated. It deals with the subject of contracting abuses, especially contracting abuses in the reconstruction in Iraq—the money that is paid by American taxpayers, through our Government, to major contractors that are given no-bid contracts, spending billions of dollars, and the stories about contracting abuse are horrifying. Yet nothing seems to happen.

I have described previously something that happened in the 1940s. Harry Truman was in the Senate. Harry Truman was a Democrat. A member of his party was in the White House, Franklin Delano Roosevelt. He couldn't have been very happy about Harry Truman because Truman came to the floor of Senate and said: I have substantial evidence of wrongdoing, of contracting, of military waste with respect to defense contracts and defense spending. I think it needs to be investigated.

They began holding a series of hearings. He finally was able to get a committee together called the Truman Committee. They began a series of hearings. It lasted a number of years. At a time when a member of his own political party was President, it was probably embarrassing for everybody that Harry Truman was leading the charge while FDR was in the White House. But they uncovered a substantial amount of abuse and waste and fraud. Good for them. The memory of the Truman Committee lives on today as an example of what should be done with respect to oversight by the Congress.

We spend a dramatic amount of taxpayer money. The question is, Is it spent wisely? If it is not, when it is wasted or stolen or subject to cheating of the taxpayers, shouldn't somebody know it? Shouldn't somebody see it and do something about it? That is the issue.

I have held a number of hearings as chairman of the Policy Committee on this subject, only because no one else is holding any substantial hearings on it. We will have a couple people come to the floor and say: We have held a good number of hearings. That is not true. Very few if any hearings have been held on this issue.

I wish to go through a few examples of the hearings that we have held, along with some of the headlines. I wish to say this before I get into this too far: Some of this deals with a company called Halliburton. The minute

you mention the company Halliburton on the floor of the Senate, they say: Aha, this is a criticism of Vice President CHENEY because he used to be president of Halliburton. It is not about Vice President CHENEY. Vice President CHENEY is not now president of Halliburton. He left that job when he became Vice President. This is not about him.

All of these actions have occurred after Vice President CHENEY left the Halliburton Corporation. But this is about Halliburton and some other companies—Halliburton being the largest—that have gotten big, fat, multibillion-dollar contracts, no-bid, sole-source contracts, and, with all of the evidence in front of us, have been charging American taxpayers for services they have not delivered or overcharging the taxpayers for other services.

We need to aggressively root out that waste, fraud, and abuse. Let me give some examples. The committee that I chair, the Policy Committee, had a hearing. We heard from a man named Rory Mayberry. Rory Mayberry is the former food production manager for KBR, which is a Halliburton subsidiary. Halliburton has gotten billions of dollars to deliver all sorts of things to our troops in Iraq, including feeding the troops.

Here is what Mr. Mayberry, who was the food service supervisor, told us:

Food items were being brought in to our military base that were outdated or expired by as much as a year and we were told by the food service managers, feed them anyway, use them anyway. So the food was fed to the troops, expired food with expired date stamps. For trucks that were hit by convoy fire and bombings we were told to go into the trucks, remove the food items and use them after removing the bullets and any shrapnel from the bad food that was hit. And we were told then to remove the bullets and turn them over to the managers of the food service operation as souvenirs.

We had hearings at which Bunnatine Greenhouse testified. Bunny Greenhouse was the top civilian official at the Corps of Engineers. She rose to the very top, the highest civilian official in the Corps of Engineers. That is the area of the Pentagon where they actually do the contracts for these firms. In that position, she was responsible for reviewing all contracts worth more than \$10 million. After she objected to special treatment given Halliburton on a number of occasions, including an occasion where the company was brought into the meeting at which the contract was being discussed, the specs developed, and who it was going to be awarded to, after objecting to all that, she was forced to either resign or face demotion.

This is a woman who was the highest civilian official in the Corps of Engineers, given stellar performance reviews always, an outstanding employee. But then she started raising questions with the good old boy network about giving billions of dollars of sole-source contracts under the buddy system. She said:

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

That is pretty strong.

Now let me go through a couple of headlines. Boston Globe, June of this year: Internal Pentagon audits have flagged about \$1.4 billion in expenses submitted by Halliburton for services the firm is providing in Iraq. Charges include \$45 for a case of soda, \$100 per bag for laundry service, and several months preparing at least 10,000 daily meals that the troops didn't need and ultimately went to—by the way, in this meal issue, there is another complaint. The other complaint is they were charging for 42,000 meals a day and preparing 14,000 meals a day. That meant they were charging the taxpayers for 28,000 meals they were not serving the troops.

"Ex-Halliburton Workers Allege Rampant Waste: They say the firm makes no efforts to control costs, overspending taxpayers' money in Iraq and Kuwait." One former employee: "They didn't want to control costs at all. Their motto was don't worry about cost. It's a cost plus contract."

The supervisor described an arrangement in which Halliburton provided 10 percent of additional payment on its phone calls to a Kuwaiti company for providing cellular phones although nothing in the contract between Halliburton and the company called for the payments.

They just added 10 percent.

Well, I won't go through it at great length, but \$7,500 a month to rent ordinary cars and trucks; \$85,000 new trucks left on the side of the road because they had a flat tire, to be trashed and torched. Yes, the taxpayer paid for them. How about a fuel pump that was plugged. Leave the truck on the side of the road. It gets torched. It is all over. The taxpayer pays for it. It is all cost plus.

"Millions in U.S. Property Lost in Iraq, Report Says; Halliburton Claims Figures Only 'projections'."

"Halliburton Unable to Prove \$1.8 Billion in Work, Pentagon Says."

"Halliburton Faces Criminal Investigation," Houston Chronicle. "Pentagon Proving Alleged Overcharges for Iraq Fuel."

"Uncle Sam Looks Into Meal Bills; Halliburton Refunds \$27 million as a Result."

You would think with all of this you would have committees in the Congress saying: Wait a second, we are going to pull back the curtain. We are going to have tough investigations to evaluate what is happening, what is happening to the American taxpayer, what is happening with contracts that are given without any competition, sole-source, no-bid contracts.

Mr. ENSIGN. Mr. President, will the Senator yield for a comment?

Mr. DORGAN. Of course.

Mr. ENSIGN. I want to inform the Senator from North Dakota that, hopefully, when we come back for a couple

days in December, as the chairman of the Readiness Subcommittee, I plan on holding hearings on exactly this. I plan on pulling that curtain back. I plan on getting into the investigation in the same way as Harry Truman. If it happens to be it is embarrassing to the administration, we are going to find out the truth on this—just like Harry Truman went after those cost-plus contracts in those days. It is not only the soul-source aspect, it is also the fact they are cost-plus contracts.

We are going to do a thorough investigation through the subcommittee, and I am committing to the Senator that the things he is talking about right now will be fully investigated by our committee, and we are going to uphold our oversight responsibility of this administration.

Mr. DORGAN. Mr. President, that gives me some hope, and I hope as a result of that the Senator would support my amendment as well. The fact is, we have not had many oversight hearings. We have now been in this conflict for several years, and a substantial amount of money has been spent. A very substantial amount of it has been wasted, regrettably.

But I think anything that any committee or subcommittee does to shine a spotlight on this makes some sense. I must say, however, as my colleague knows, there is substantial brushback from the administration. They do not want anything to do with this. And I understand why. But the fact is, what happened here was wrong. A top contracting official gets demoted because she blows the whistle on bad practices, and the taxpayer takes a bath to the tune, I think, of billions of dollars.

So whatever subcommittee or committee wants to dig into this, I think that would be great, and I certainly will commend my colleague if he convenes these hearings. But I would say this: I think there are substantial pressures on many of our committees and subcommittees by the administration not to move too far. We had an example of that on the issue of intelligence recently, and I won't explore that more, but there has been a lot of foot dragging in a lot of areas.

The point of this on behalf of myself, Senator DURBIN, Senator LAUTENBERG, Senator BOXER, and others, the point of it is to establish what we know works, and what we know works is the Truman committee. Yes, it is an old model, but it is a model that really did work—nonpartisan, bipartisan. Take a hard look at what is going on. Don't care where the chips fall, investigate it all. If somebody is cheating the American taxpayer, hold them accountable for it. I mean how do you miss 28,000 meals, overbilling somebody by 28,000 meals a day? I come from a town of 300 people, so we had a small restaurant. You can understand somebody missing a cheeseburger or two but 28,000 meals a day? That is cheating. And it ought not take twice to learn the lesson. Do business with companies that cheat. Cut them off. Shut it down.

I am not going into this at great length, but I can give the example of companies that in the same week that they were paying multimillion dollar penalties for cheating and defrauding the Government, in that same week they were signing new contracts for new business with this Government. Are we that lamebrained that we can't understand when somebody cheats you once you don't need a second chance?

In my hometown, again, a town of 300 people, you wouldn't need to learn that lesson twice. You do business with somebody who cheats you, you don't do business with them again. Not in this town. It is a slap on the wrist, a pat on the back. Atta boy. That is not the way it ought to work.

I could spend a lot of time on this. I will not do it now, but I could spend a lot of time talking about the abuses—the taxpayer pays to air-condition a building under reconstruction in Iraq. Well, that contract that goes to a subcontract, that goes to a local subcontract and pretty soon it is all done. We pay it. It is like an ice cube; it melts in your hand like money does as it goes through to—guess what—pay for air-conditioning, and it is a ceiling fan in a room in Iraq some place. Cheating? You bet it is.

I want to show you a picture of two million dollars. Incidentally, this guy wearing the striped shirt, he worked in this area. These are hundred-dollar bills wrapped in Saran Wrap. What would they be doing with a pile of bills wrapped in Saran Wrap? He testified: I was over there with the Coalition Provisional Authority, which is really us, as you know.

He says: We were telling people that when you come to pick up the cash for your contracts and so on, understand it is going to be in cash, so bring a bag. We deal in cash. He said we actually threw these around as footballs from time to time in the office, hundred-dollar bills wrapped in Saran Wrap.

I don't know how that would feel. But you can look at what it looked like, how they appeared. He said: Bring a bag. We deal in cash. He said: It was like the Old West.

I have spoken at some length about this with a company called Custer Battle. A couple guys show up in Iraq, and they decide: We are going to be contractors. Pretty soon they are contractors. Pretty soon they have millions of dollars, millions of dollars in contracting, and then they start setting up offshore subsidiaries and selling to them, cheating the Federal Government. A couple of their employees decide that is not right and they are going to disclose it. Then their lives are threatened.

There is so much going on that it is just almost unbelievable to me.

The inspector general for the Coalition Provisional Authority issued a report about the use of funds that actually belong to the Iraqis. It came from the oil revenues which was under our control then. There were 8,206 guards

at one Iraqi ministry, 8,206 guards at one of the ministries. And that is what we were paying for through this \$9 billion. It turns out, in paying 8,206 security people, there were only 602 of them. But 8,206 were paid. Where did the money go? If we could have dyed all that money purple and walked around to see who had purple pants pockets, we could have figured it out. This is a massive cheating and abuse scandal.

This is like a Rip Van Winkle operation. We sort of doze through it all, don't offend anybody, upset anybody.

I am delighted to hear my colleague is going to hold some hearings in December, but I am telling you this is a cesspool of trouble, digging into this.

The guy who used to buy towels for our troops, from K.B.R. Halliburton, bought hand towels—you know, the little hand towels. He told us how he ordered the hand towels. Need some thousands and thousands and thousands of hand towels for the troops? Well, you just order them, don't you? Oh, no, no. His supervisor said you don't just order hand towels, you order hand towels embroidered with the company's logo on it so it can double the price. You think when the troops are washing their hands and face they are going to want just a plain towel? No, they are going to want one with our company logo on it, so order the more expensive one.

The sky is the limit. It is all cost plus. Don't worry. Be happy. We are all making money—except the taxpayer is taking a bath.

I have raised this issue now for about 2 years on the floor of the Senate, to dead silence.

There was a silence back in the forties when Harry Truman raised it. They empowered a committee to take a look and they discovered billions of dollars of waste, fraud, and abuse. The taxpayer was taking a bath and the Congress did something about it. The question is, Will it now?

We haven't received one answer from the Pentagon about all these issues. We haven't received one single answer. This has all been transmitted to the Pentagon, all of the testimony from five or six hearings. It is just unbelievable.

By the way, do you want 50,000 pounds of nails? I know where 25 tons of nails are. They are laying in the sand in Iraq, 25 tons of nails, 50,000 pounds ordered for reconstruction of Iraq. But they are the wrong size, and it does not matter, I guess, so they throw them on the ground and they reorder. It is just the taxpayers' money. It is all cost plus. Order 50,000 pounds of nails the wrong size. Don't sweat it. We are all going to get paid.

What a mess. So the point is, Congress has the responsibility. Congress has a responsibility to legislate, and Congress has a responsibility for something called oversight—oversight with respect to the funds that the Congress appropriates. These funds, after all, come in from the American taxpayers

and then are used to be expended on various operations, various projects, in this case reconstruction in Iraq or contractors that are contracting to provide assistance to the troops in Iraq. Some of that assistance to the troops manifests itself in food that is expired, manifests itself in charging for food that wasn't delivered.

Now, Mr. President, I was tempted to go through the whole list of those who have testified. I shall not do that in deference to my colleague who is on the floor ready to speak. But I think the point is made. The Congress can continue to decide, No, we don't want to do anything about this, and vote against this amendment. They have done it previously. But it is pretty hard, it seems to me, to look in the mirror and think you have done a good job for the people in this country, the taxpayers who pay the taxes, if you don't believe this deserves your special attention and you don't believe that Congress has failed in its responsibility of oversight. If you don't believe that, then you should vote against my amendment. But if you understand the responsibility for oversight and understand there has been virtually nothing done except for the hearings I chair in the Policy Committee and with those hearings have uncovered dramatic examples of massive waste, fraud, and abuse, if you believe that is a real serious problem, then you ought to support this amendment.

I hope every Senator will ask questions of the Pentagon about Bunnatine Greenhouse, the highest ranking civilian in the Pentagon with outstanding performance reviews, outstanding reviews all along the way until she began to say: You can't do this. You are violating the regulations of the Pentagon in the way you are proceeding with respect to no-bid contracts, no-bid, sole-source, cost-plus contracts, the minute she started telling those at the top of the Corps of Engineers who wanted to award these kinds of contracts to say: Look, you are violating the very rules that exist. The minute she started doing that, her career took a dramatic turn for the worse. At that point, she was told you are either going to be fired or demoted.

If the Congress does not care about that, then it does not care about anything. If those who have the courage to speak up and tell the truth, as they see it, are told the consequences for that will be their career, then this Congress doesn't care much about those who have the courage to stand up and speak out when it is necessary. There has been a deafening silence, with the exception of a few Members of Congress, on that point as well.

This woman fights on alone. Why? Because not enough people here seem to care, not even to care to ask the basic question of those who run the Pentagon. Mr. President, I send the amendment to the desk on behalf of myself, Senator DURBIN, Senator LAUTENBERG, and Senator BOXER, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows: The Senator from North Dakota [Mr. DORGAN], for himself, Mr. DURBIN, Ms. BOXER, and Mr. LAUTENBERG, proposes an amendment numbered 2476.

Mr. DORGAN. 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 printed in today's RECORD under "Text of Amendments.")

Mr. DORGAN. Mr. President, I inquire, how much of the 30 minutes allowed to the proponent of the amendment has been used?

The PRESIDING OFFICER. Twenty-two minutes.

Mr. DORGAN. Mr. President, I reserve the remainder of my time. Senator DURBIN, I know, wishes to speak on this amendment. I reserve the remainder of the time on this 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. CHAMBLISS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 2433

Mr. CHAMBLISS. Mr. President, I rise in support of the Chambliss amendment and in opposition to the amendment filed by my friend from Illinois, Senator DURBIN. I am pleased that the Durbin amendment has been filed because it is good to see others share my idea that the retirement system for our Guard and Reserve soldiers needs to be updated to meet the new role these soldiers are playing as part of our Nation's military.

By way of introduction, let me say I think it is a very good thing we are debating this issue at this time in the Senate today because not only is this an important issue we need to talk about as policymakers in the Congress, but today we have a majority of the men and women serving in the theater in Iraq who are members of the Guard and Reserve. It is critically important that as we utilize these soldiers, we provide them with benefits that compare to the active-duty soldiers.

I would like to compare the military personnel system to a finely tuned machine because that is what it is. The Department of Defense and the individual military services have staffs that devote significant time and energy to determining how to recruit, retain, promote, separate, and retire people in their respective services. The Department recommends incentives, which we in Congress consider and authorize, which shape this process of recruiting and retention according to the needs of the services. It is a fact that any change in the military personnel system will change the process and the

incentives in question and could change them in ways that are detrimental to the military services.

I have crafted my amendment, the underlying amendment, with these factors in mind. However, in my assessment, the Durbin amendment has not received the same scrutiny along these lines and will, indeed, shape the personnel system in unintended ways that are detrimental to the military which we simply cannot afford from a cost perspective.

The effect of this amendment will be to create an imbalance in the personnel system which will likely result in an increase in end strength and result in people in the higher ranks of the enlisted and officer corps clogging the system and not allowing the people beneath them the opportunity for promotion. This amendment also rewards and retains people who, generally speaking, are already being retained at the required rate. In my assessment, this amendment solves a problem that does not exist.

The Durbin amendment simply rewards longevity of service. It does not reward those members of the Reserve components who disrupt their lives in support of a contingency operation, and does not provide an incentive or reward for soldiers deployed in harm's way in defense of their country.

Both amendments target soldiers who have sacrificed, but my amendment targets the ones who have put their lives in harm's way, and we should be giving them a real incentive to stay in the military.

From a cost perspective, the Durbin amendment has a 1-year reward for as few as 22 days of Reserve duty. That is a 17-day reduction in the age a reservist could collect retirement for every 1 day of service, whereas my amendment is far more equitable. It is a one-for-one reduction.

The Durbin amendment scores at \$4.8 billion over 5 years. My amendment scores at \$320 million over 5 years. I agree that cost should not be the sole determining factor, but we are in a real budget world today where we are struggling to find dollars to buy weapons systems and to provide for these quality-of-life issues for our men and women. I had an amendment last year that was too expensive. We have come back this year with a much more realistic amendment that is affordable and, in my opinion, is more rewarding to those who deserve it at this point in the life of our military. The scoring of Senator DURBIN's amendment is roughly 8 times, almost 10 times as expensive as my amendment.

In summary, while length of service is one area which I do believe we should incentivize for our Guard and Reserve soldiers, it is not the only behavior or even the primary behavior we need to reward. Rather, it is our reservists who have truly sacrificed, who have left their homes, their jobs, and their families and put themselves in harm's way who need to be rewarded



and incentivized to stay in the Reserve. That is exactly what my amendment does and does it in a fair and cost-effective way. We incentivize voluntarism, not just incentivize longevity of service.

I urge my colleagues to reject the Durbin amendment and to support the underlying amendment.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

#### AMENDMENT NO. 2473, AS MODIFIED

Mr. LEVIN. Mr. President, this has been cleared with the majority.

I call up the Durbin amendment No. 2473.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. DURBIN, for himself, Mr. CORZINE, and Ms. LANDRIEU, proposes an amendment numbered 2473, as modified.

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

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

The amendment is as follows:

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

#### SEC. \_\_\_\_ . ELIGIBILITY FOR RETIRED PAY FOR NON-REGULAR SERVICE.

(a) AGE AND SERVICE REQUIREMENTS.—Subsection (a) of section 12731 of title 10, United States Code, is amended to read as follows:

“(a)(1) Except as provided in subsection (c), a person is entitled, upon application, to retired pay computed under section 12739 of this title, if the person—

“(A) satisfies one of the combinations of requirements for minimum age and minimum number of years of service (computed under section 12732 of this title) that are specified in the table in paragraph (2);

“(B) performed the last six years of qualifying service while a member of any category named in section 12732(a)(1) of this title, but not while a member of a regular component, the Fleet Reserve, or the Fleet Marine Corps Reserve, except that in the case of a person who completed 20 years of service computed under section 12732 of this title before October 5, 1994, the number of years of qualifying service under this subparagraph shall be eight; and

“(C) is not entitled, under any other provision of law, to retired pay from an armed force or retainer pay as a member of the Fleet Reserve or the Fleet Marine Corps Reserve.

“(2) The combinations of minimum age and minimum years of service required of a person under subparagraph (A) of paragraph (1) for entitlement to retired pay as provided in such paragraph are as follows:

Age, in years, The minimum years of service is at least:	required for that age is:
55 .....	25
56 .....	24
57 .....	23
58 .....	22

59 .....	21
60 .....	20.”.

(b) 20-YEAR LETTER.—Subsection (d) of such section is amended by striking “the years of service required for eligibility for retired pay under this chapter” in the first sentence and inserting “20 years of service computed under section 12732 of this title.”.

(c) EFFECTIVE DATE.—This section and the amendments made by this subsection (a) shall take effect on the first day of the first month beginning on or after the date of the enactment of this Act and shall apply with respect to retired pay payable for that month and subsequent months.

Mr. LEVIN. I thank the Presiding Officer. 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. WARNER. 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. WARNER. Mr. President, in consultation with the distinguished Senator from Michigan and leadership, I propound this unanimous consent request, which I understand has been cleared on both sides. I ask unanimous consent that the 2:45 votes be delayed to begin at 3:20, and further that at 5:30 the Senate proceed to a vote in relation to the Chambliss amendment No. 2433, to be followed by a vote in relation to the Durbin amendment No. 2473, with the instructions modified to change it to a first degree, with no second degrees in order to either amendment prior to the vote; further, that there be 2 minutes equally divided between each of the stacked votes.

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

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

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

#### AMENDMENT NO. 2476

Mr. DURBIN. Mr. President, I joined with Senator DORGAN of North Dakota in offering amendment numbered 2476. It is an amendment on which we both worked. Over the years we have shared billing on it because we both believe it is essential. It is an amendment which calls for the creation of a Truman-like commission to make certain we are spending our defense dollars effectively, we are not wasting money, and that the money spent is for the security of America and the protection of our troops.

In a report on defense logistics issued in March of this year, the Government Accountability Office found that U.S. troops experienced shortages in seven of the nine items that the GAO reviewed. The report reads:

These shortages led in some cases to a decline in the operational capability of equipment and increased risk for troops.

The items included generators for assault vehicles, armored vehicle parts, lithium batteries, meals ready to eat, truck tires, body armor, armored vehicles, and add-on armor kits. The GAO Comptroller, David Walker, testified in a Senate subcommittee hearing that the Department of Defense doesn't have a system to be able to determine with any degree of reliability and specificity how we spend tens of millions of dollars.

Mr. Walker then went on to say:

Trying to figure out what appropriated funds were being spent on is like pulling teeth.

Shortchanging the taxpayers is not acceptable. Shortchanging our troops, especially when they are risking their lives for America, is absolutely inexcusable. We have been talking about personal and vehicle armor shortages for months.

I will never forget my first visit to Walter Reed to see the first injured veteran from Iraq, a member of the Ohio National Guard, who had lost his left leg below the knee. I asked him what happened. He said: It is those humvees. They don't have any armor plating on them.

This soldier told me he couldn't wait to get his new leg so he could get back in combat. That is the kind of fighting spirit which we love to see in the men and women who are serving this country. Shouldn't we have the same fighting spirit when it comes to providing them with the equipment they need so they can come home safely with their mission accomplished, truly accomplished? If we waste money with profiteers and those who try to gouge the Federal Government at the expense of our troops, we are not doing our soldiers any favor.

These shortages, especially of armor, have sent young men to Walter Reed for a long time, with missing arms and legs, and other serious injuries. I have met them. I don't know how we can face them and honestly say we have not tried to do everything within our power to make certain their fellow soldiers are protected. Our current system does not work.

In 1941, Senator Harry Truman, a Democrat from Missouri, introduced a resolution creating a special committee to investigate the national defense program. Who was the President at the time? Franklin Roosevelt, a Democrat from New York. We had a Democratic Senator calling for an investigation of the War Department of a Democratic President. Those were the days—and you have to search the history books to remember them—when there was real oversight in Congress, regardless of the party affiliation.

We find exactly the opposite today. The Republican majority in Congress refuses to accept the responsibility of oversight because they might embarrass the Republican administration in

the White House. This is not about protecting the President from embarrassment. This is about protecting our troops.

This Truman Commission cost very little money in those days, but it saved us billions of dollars. It is a valuable lesson for today. Then, as now, skyrocketing contract costs, rapid allocation of funds meant we were wasting money. Harry Truman stated when he came to this Senate, the same Chamber, almost 64 years ago:

I'm calling the attention of the Senate to these things because I believe most sincerely they need looking into. I consider public funds to be sacred funds and I think they ought to have every safeguard possible to prevent their misuse or being mishandled.

Senator Truman went on to say:

I think the Senate ought to create a special committee with authority to examine every contract.

The National Archives describes the Truman Committee:

The committee earned a high reputation for thoroughness and efficiency. After the end of the war the committee turned its analysis to wartime experiences in order to make recommendations that improved post-war and future national defense programs.

It was a real national service. We continue to offer this amendment on the Democratic side of the aisle and we cannot find a single Senator, or very few, I should say, on the Republican side even interested in talking about it. Why? Why wouldn't they be interested in making certain the taxpayers' dollars are well spent in the Department of Defense? Why wouldn't they want accountability when it comes to the equipment to protect our troops?

I joined with Senator DORGAN with this amendment to create a new Truman committee to oversee contracting awards in Iraq, Afghanistan, and the war on terrorism. We need this committee. As Goldman Sachs International Vice President Robert Hormats stated:

There is nothing more corrosive of support for a war anywhere in the world, the war against terrorism or dealing with the problems in Iraq, than the concern that taxpayer money is not being used well.

The simple fact is we need better oversight. We need this committee. We need to identify the weaknesses in our current system. We need the best practices to be followed by our Department of Defense.

We learned earlier this year that \$8.8 billion that was managed by the Coalition Provisional Authority in Iraq simply disappeared. We brought back Mr. Bremmer, the head of that Coalition Provisional Authority for the United States, and gave him a gold medal. I wish we had found the \$8.8 billion before we gave him a gold medal. Reports indicate that payrolls in Iraqi ministries under the control of that authority were inflated with thousands of ghost employees. The United States Inspector General for Iraqi reconstruction has said:

We believe the CPA management of Iraq's national budget process and oversight of

funds was burdened by severe inefficiencies and poor management.

The list goes on and on.

We owe our troops and our taxpayers better oversight of their money. This bipartisan special committee called for in the Dorgan-Durbin amendment will accomplish that.

So many Members come to the Senate today and say not one penny is going to be spent for Hurricane Katrina or to safeguard America against avian influenza unless we offset it. We are watchdogs when it comes to new programs. Why not be watchdogs for existing programs? If Congress is not exercising its power of oversight, for goodness sake, let us create a Truman-like commission that will. Let's ask the hard question and get the right answers. Let's protect our troops and protect the taxpayers.

I reserve the remainder of my time and urge my colleagues on both sides of the aisle to support the Dorgan-Durbin amendment numbered 2476.

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. LAUTENBERG. 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. LAUTENBERG. Mr. President, I ask unanimous consent that the pending amendments be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered. The pending amendments are set aside.

#### AMENDMENT NO. 2478

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG] proposes an amendment numbered 2478.

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

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

The amendment is as follows:

(Purpose: To prohibit individuals who knowingly engage in certain violations relating to the handling of classified information from holding a security clearance)

On page 286, strike lines 1 through 3, and insert the following:

#### SEC. 1072. IMPROVEMENTS OF INTERNAL SECURITY ACT OF 1950.

(a) PROHIBITION ON HOLDING OF SECURITY CLEARANCE AFTER CERTAIN VIOLATIONS ON HANDLING OF CLASSIFIED INFORMATION.—

(1) PROHIBITION.—Section 4 of the Internal Security Act of 1950 (50 U.S.C. 783) is amended by adding at the end the following new subsection:

“(f) No person who knowingly violates a law or regulation regarding the handling of classified information in a manner that could have a significant adverse impact on the national security of the United States,

including the knowing disclosure of the identity of a covert agent of the Central Intelligence Agency to a person not authorized to receive such information, shall be permitted to hold a security clearance for access to classified information.”.

(2) APPLICABILITY.—Subsection (f) of section 4 of the Internal Security Act of 1950, as added by paragraph (1), shall apply to any individual holding a security clearance on or after the date of the enactment of this Act with respect to any knowing violation of law or regulation described in such subsection, regardless of whether such violation occurs before, on, or after that date.

(b) CLARIFICATION OF AUTHORITY TO ISSUE SECURITY REGULATIONS AND ORDERS.—

Mr. LAUTENBERG. Mr. President, the amendment I offer today is something I believe is urgently needed because of security concerns raised constantly these days, particularly as a result of a recent indictment we are all aware of. The amendment is relatively simple, straightforward. It clarifies part of the intelligence law to be clear that those who compromise classified information cannot hold a clearance. The indictment describes conduct by a White House official that must not be tolerated. Certainly, an irresponsible and reckless official should not be allowed to continue to hold a clearance to see top-secret information.

The person at issue is identified in the recent indictment I spoke of earlier as “Official A.” According to the Washington Post, White House staff have confirmed that Official A is Mr. Karl Rove. He is the deputy chief of staff to the President. The indictment says this official gave classified information to a journalist. Any official who does such a thing should certainly not continue to hold a clearance.

It is quite clear what President Bush's intent was when he said he wanted to clear the air about any leakage of classified information. I think we should follow his pledge or remind him of his pledge to remove anyone involved with leaking information. We know the information given to the journalist Robert Novak was, indeed, published, and a CIA operative was exposed.

The actions taken by the White House staff have damaged our national security. Thusly, an indictment has come about. It has destroyed an operative's covert cover, compromised intelligence-gathering operations, and endangered the safety of other CIA employees and their contacts.

The amendment I offer today is similar to one that was offered earlier in the year by Senator REID in July. My amendment has one significant difference. It includes the words a “knowing” standard so that someone who unknowingly does it doesn't get included in our amendment. We wanted to narrow the field and say, if you talk about these things and know it, you ought to pay for it. The payment is fairly simple. My Republican colleagues reacted to the Reid amendment by talking about it as an open-ended standard. In deference to the concerns of our colleagues on the other side, I have added

a “knowing” standard—in other words, if you don’t know it, then that is one thing; if you do know it, it is quite something else—which is more than fair to someone who reveals our national security secrets.

I see my colleague and friend from Virginia on the other side. I am reminded when both of us wore a uniform some years ago, it was “loose lips sink ships.” The lights were darkened all along the coast. You couldn’t even tell your family where you were at the time. As a matter of fact, I was in an area in Belgium that was quite dangerous. I did find a place that sold a postcard that was written in the language of the area. It was Flemish. I sent it to my mother to give her an indication where I was. I kind of had to sneak by the censors.

We are at war. People are at war with us. Terrorists are liable to attack us at any time. They are certainly doing what they can to even injure or kill our service people who are abroad. We ought to make sure we are as diligent about covering our security as we can be. We should ask nothing less than total obedience to the rules. I am here with the consent and support of Senator REID of Nevada, Senator LEVIN, and others who believe we should do this. I hope my colleagues across the aisle can agree that if somebody gives information they shouldn’t, by golly, what we are saying is the penalty is that you should lose that security clearance and that person should be treated as the President suggests, removed from the security scene.

It is plain common sense. I urge my colleagues to support the amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. MARTINEZ). The Senator from Virginia.

Mr. WARNER. Mr. President, I say to my colleague, I recall that period very well. There were times when the Nation’s capital had blackouts. At that time my father was a doctor actively practicing medicine in this city, and he had to take the headlights on his car and put a black screen over the headlight with about a 1-inch slit so he could respond to emergency measures during the blackout. Where our home was at that time we had blackout curtains. We regularly went out to make sure there was no leakage of the light because at that time the city lights, if they had been on, silhouetted U.S. and other allied shipping such that they were the target of then German submarines off the coast. Indeed, it is hard to believe this, but the coastline from Florida all the way up to New England was strewn with the damage of ships that were torpedoed.

I remember well that period of time, and I remember the phrase. I am surprised you, as an Army man, used a Navy phrase that loose lips sank ships. But we have a very serious amendment here, deserving of equally serious attention. It has just been handed to us. I am sure the Senator would appreciate that we would need some time to study

this to determine exactly how we should respond.

I am reading the first paragraph: “No person who knowingly violates,” that would mean he would have to know that, A, his material is classified, and, B, that he has to have a knowledge of the law and regulation? Are those the two elements of that?

Mr. LAUTENBERG. Yes, the Senator is correct. And what we say is, if you do it, the least that ought to happen is you ought to learn enough of a lesson that we are going to remove any access to classified information if you do it knowingly.

Mr. WARNER. I understand what the consequences are. But I want to make certain the Senator was trying to draw this up in such a way that, no matter how misfortunate, if it is unintentioned, then that would not be a violation.

Mr. LAUTENBERG. Right.

Mr. WARNER. I find it difficult to believe anyone who has a security clearance would not understand the basic law and regulation prohibiting or controlling its use. You can almost impute to the person knowledge of the statute and law.

Mr. LAUTENBERG. We tried our best to clarify it and remove the concern that was exhibited when Senator REID offered it last July. This was added because colleagues on the other side made an observation that was sensible; that is, if someone does something unknowingly, you can’t punish them. But on the other hand, if someone has a job that includes security, I would have to say they would know this is a violation to betray any of the rules they are subjected to. But this clarifies it. There is no intention here to pull the wool over anybody’s eyes or anything such as that. It is to make sure we prevent any leakage as much as we can of security information. We are so sensitized to it that the country is at times locked up in concerns with these warnings being given out, and we ought to try to restrict that from happening as much as possible.

It can be careless. The Senator can well remember the time, a very unfortunate time, when an informant, someone working with the CIA in Latin America—Guatemala, I believe it was—was assassinated after their identity was revealed. We don’t want that to happen. We have our friends and relatives overseas now.

Mr. WARNER. Let me interrupt. I want to make certain that time used during the colloquy is divided equally, that when I speak, it is charged to my time, and the Senator from New Jersey, as he speaks, the time will be charged to him; is that agreeable?

Mr. LAUTENBERG. Certainly.

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

Mr. WARNER. The standard you have is “could have a significant adverse impact.” Do you have any criteria for “significant”? As you and I both know, having dealt in these areas for many

years, we often look at things that are classified and we say to ourselves: Why in the world would they be classifying this document? Unfortunately, the broad brush of classification sometimes is utilized on things that I don’t think need to be classified.

Mr. LAUTENBERG. I think current law describes that. We will use that as the standard. Again, there is no intention here to bypass the rules. It is to confirm clearly that if you talk about this, we are not saying you go to jail. We are not saying anything else. But you certainly should no longer have access to classified information.

Mr. WARNER. Would the Senator be able to supply for the record the references that he says would define further the word “significant”? You said it is defined in law. Could you cite those laws upon which you rely?

Mr. LAUTENBERG. Yes. We will certainly try to do that.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. I think I still have the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, again, this amendment has just been given to the majority side. We will, in due course, have further response to the Senator. At this time it becomes the pending amendment.

The PRESIDING OFFICER. It is the pending amendment.

Mr. WARNER. Fine. I thank my colleague.

I yield the floor.

Mr. LAUTENBERG. I thank the Senator. 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. 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, are we not at this point in time guided by the standing order we just entered?

The PRESIDING OFFICER. The Senator is correct. The question is on agreeing to the Inhofe amendment, as modified.

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

The PRESIDING OFFICER. They have been ordered.

Mr. WARNER. May we now proceed with the vote.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

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

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 312 Leg.]

## YEAS—99

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

## NOT VOTING—1

Corzine

The amendment (No. 2440), as modified, was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, it is my understanding that we have a second vote as ordered.

## AMENDMENT NO. 2443

The PRESIDING OFFICER. The next question is on the Ensign amendment.

There are 2 minutes equally divided. Who yields time?

Mr. ENSIGN. Mr. President, I ask that Senator ALLARD be added as cosponsor to my amendment.

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

Mr. ENSIGN. Mr. President, very simply, this amendment seeks to clarify what the policy of the United States has been since 1975, that our military would be able to use riot control agents—in this case tear gas—for defensive purposes. That has been the policy of the United States. But because of some interpretations, our military is not able to use tear gas. They do not take it with them, they do not train with it, and in many cases tear gas—just as police forces use it all over the world—would save civilian lives as well as lives of the members of our military.

This is absolutely a critical amendment to save lives of Americans and for those civilians who, when our military kills them—and unfortunately these things happen—it makes us look bad as a country.

This is a critical amendment that we need to adopt.

Mr. WARNER. Mr. President, I wish to indicate to my colleagues that I

have carefully studied this. I support the Ensign amendment. I defer to my colleague, Senator LEVIN.

Mr. LEVIN. Mr. President, the Senator from Nevada has assured the Senate that this amendment does not seek, in any way, to change current policy, including Executive Order 11850, relative to the use of riot control agents. I note that the President has provided the Presidential approval required by that Executive order for use of riot control agents in Iraq. We look forward to consulting with the administration. The amendment of the Senator from Nevada is an appropriate amendment. It could be very helpful, and we support the amendment.

Mr. WARNER. Mr. President, as I stated on the floor yesterday, I am able to support Senator ENSIGN's amendment because it now includes several important modifications that were requested by the administration. As a result of those modifications, the amendment more accurately reflects current U.S. policy and law regarding the use of riot control agents by members of the Armed Forces. I thank Senator ENSIGN for agreeing to those modifications. I will take into account the views and recommendations of the administration as we continue our work on this issue and the bill in conference.

The resolution of ratification for the Chemical Weapons Convention, CWC, passed by this body contained a condition requiring the President to certify that the United States is not restricted by the CWC in its use of riot control agents in certain specified circumstances. In addition, the condition required the President not to eliminate or alter Executive Order 11850, which prohibits the use of riot control agents in war "except in defensive military modes to save lives."

In response to questions from myself and Senator LEVIN on the floor yesterday and today, Senator ENSIGN confirmed that he does not seek through this amendment to amend, expand or reinterpret Executive Order 11850 in any way. It is on that understanding that I can support his amendment.

The Senator from Nevada has raised the question of whether the U.S. Armed Forces currently have sufficiently clear authority with respect to riot control agents. I have looked into this matter and consulted with representatives of the Department of Defense, including representatives of our commanders in the field.

They have informed me and my staff that, in their view, the use of riot control agents is a very complex matter. It is not clear that commanders in the field want to use "RCAs" widely. However, there are a number of cases where RCAs could be very useful to avoid unnecessary loss of life. I have been assured that, consistent with the Executive Order, U.S. Armed Forces have authority to use riot control agents. Furthermore, I am informed that DoD will examine whether any confusion exists about RCA use, and will take all steps

necessary to ensure that U.S. Armed Forces have the clear guidance that they need and deserve.

I am confident that the DoD and the administration will ensure that our men and women in uniform have every tool available to them consistent with U.S. and international law.

Mr. LUGAR. Mr. President, I rise today to share my views on the amendment offered by Senator ENSIGN regarding the use of riot control agents, RCAs, by members of our Armed Forces in war. As one of the principal proponents of Senate ratification of the CWC, along with my ranking member, Senator BIDEN, I feel it important to provide my views in relation to this amendment.

I will vote in favor this amendment, and I do so because I believe that it in no way modifies, changes, reinterprets, or otherwise revises the laws of the United States regarding the use of RCAs in war to save lives, nor in any way affects U.S. compliance with our international obligations. This amendment creates no new law, and changes no U.S. policy.

When the Senate approved a resolution of advice and consent to ratification of the Convention on the Prohibition of Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction—The Chemical Weapons Convention or CWC in 1997, it made the conditional on maintaining U.S. law in effect at that time. Condition 26(B) of that resolution of ratification stated:

The President shall take no measure, and prescribe no rule or regulation, which would alter or eliminate Executive Order 11850 of April 8, 1975.

Senator ENSIGN's amendment mentions both this Executive order and the Senate-approved condition.

Senator ENSIGN's amendment cannot modify that condition, and because it merely restates authority the President already has regarding the use of RCAs in war, I believe that voting for the amendment will not harm U.S. leadership in preventing the proliferation of chemical weapons nor will it reverse the will of the Senate at the time it approved the CWC. I look forward to working with Chairman WARNER, Senator LEVIN, and the administration as this provision is considered in conference with the House, and in efforts to improve it in that conference.

Mr. BIDEN. Mr. President, I will vote in favor of the Ensign amendment to this bill, relating to the use of riot control agents, and I want to make clear to my colleagues why a steadfast supporter of the Chemical Weapons Convention can do so in good conscience. Senator ENSIGN is concerned that current interpretation of U.S. policy and of U.S. obligations under international law might be hampering U.S. forces in Iraq. I gather that not everybody shares that belief, but I do not doubt that some people have this concern, and I appreciate Senator ENSIGN's desire to make sure that people in the

military fully understand what they can and cannot do when it comes to using riot control agents in Iraq.

What is important about the Ensign amendment, in my view, is that it will in no way modify either U.S. policy or U.S. international obligations regarding the use of riot control agents. The statement, in subsection (a) of the amendment that "riot control agents are not chemical weapons" is fully consistent with the Chemical Weapons Convention, in which "riot control agent" is defined as a chemical, not listed in any of the Convention's three lists of chemical weapons or their precursors, "which can produce rapidly in humans sensory irritation or disabling physical effects which disappear within a short time following termination of exposure." That definition is quite different from the definition of a "toxic chemical" in a chemical weapon, "which through its chemical action on life processes can cause death, temporary incapacitation or permanent harm to humans or animals." So the Ensign amendment is correct in that a riot control agent, as defined in the Chemical Weapons Convention, would not be a chemical weapon as defined in that convention.

Similarly, the Ensign amendment now before this body accurately reflects U.S. policy as established by President Gerald Ford in Executive Order 11850 of April 8, 1975. That Executive order, signed by a Republican President and implemented by six subsequent Presidents of both parties over the last 30 years, states: "The United States renounces, as a matter of national policy . . . first use of riot control agents in war except in defensive military modes to save lives. . . ." It goes on to give four examples of such defensive military modes, only two of which relate to combat zones:

"(b) . . . in situations in which civilians are used to mask or screen attacks and civilian casualties can be reduced or avoided"; and

"(c) . . . in rescue missions in remotely isolated areas, of downed aircrews and passengers, and escaping prisoners."

Executive Order 11850 then orders implementation, as follows:

"Sec. 1. The Secretary of Defense shall take all necessary measures to ensure that the use by the Armed Forces of the United States of any riot control agents and chemical herbicides in war is prohibited unless such use has Presidential approval, in advance.

"Sec. 2. The Secretary of Defense shall prescribe the rules and regulations he deems necessary to ensure that the national policy herein announced shall be observed by the Armed Forces of the United States."

As far as I can tell, Senator ENSIGN does not intend that anything in Executive Order 11850 be changed, nor that there be any change in the U.S. policy and obligation to fully obey the Chemical Weapons Convention, which binds each state party "not to use riot con-

trol agents as a method of warfare." It is standing U.S. policy that if somebody is using human shields, as occurred in Somalia in the early 1990s, our Armed Forces may use riot control agents "in defensive military modes to save lives" without violating our obligations as state party to the Chemical Weapons Convention.

In light of my view that the Ensign amendment will not change U.S. policy and will not call into question the requirement to comply with our international obligations under the Chemical Weapons Convention, I see no reason to oppose this amendment. I do urge, however, that the limited nature of this amendment be made more explicit in conference.

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

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

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

The result was announced—yeas 98, nays 1, as follows:

[Rollcall Vote No. 313 Leg.]

YEAS—98

Akaka	Dole	McCain
Alexander	Domenici	McConnell
Allard	Dorgan	Mikulski
Allen	Durbin	Murkowski
Baucus	Ensign	Murray
Bayh	Enzi	Nelson (FL)
Bennett	Feingold	Nelson (NE)
Biden	Feinstein	Obama
Bingaman	Frist	Pryor
Bond	Graham	Reed
Boxer	Grassley	Reid
Brownback	Gregg	Roberts
Bunning	Hagel	Rockefeller
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

Harkin

NOT VOTING—1

Corzine

The amendment (No. 2443) was agreed to.

Mr. WARNER. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, we remain on the bill, but a colleague has a unanimous consent.

Mr. SHELBY. Mr. President, I ask unanimous consent I be able to proceed as in morning business for 5 minutes.

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

Mr. WARNER. Is there not a pending amendment that must be laid aside first?

The PRESIDING OFFICER. The Senator is proceeding in morning business, and that will take care of it.

Mr. WARNER. I thank the Presiding Officer.

The Lautenberg amendment is the pending amendment on the Defense authorization bill.

The PRESIDING OFFICER. The Senator is correct.

The Senator from Alabama is recognized for 5 minutes.

(The remarks of Mr. SHELBY are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. 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. 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, the need for a quorum call at this time is because there are a number of Senators who had to depart Capitol Hill for a meeting. Therefore, it is beyond the control of either manager. We need to keep in reserve our time on the bill. So I ask unanimous consent that the time expended in the quorum call up to just a minute ago, when I withdrew it, as well as the time that will ensue in the following quorum call not be charged to either side.

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

Mr. WARNER. I thank the Presiding Officer and I thank the Parliamentarian.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. 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. 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.

AMENDMENT NO. 1526, AS FURTHER MODIFIED

Mr. WARNER. Mr. President, I ask unanimous consent that the previously agreed to amendment No. 1526 be modified. I send that modification to the desk. The amendment has been cleared by the other side and is merely a technical correction.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment, as further modified, is as follows:

On page 371, between lines 8 and 9, insert the following:

**SEC. 2887. SENSE OF THE SENATE REGARDING COMMUNITY IMPACT ASSISTANCE RELATED TO CONSTRUCTION OF NAVY LANDING FIELD, NORTH CAROLINA.**

It is the sense of the Senate that—

(1) the planned construction of an outlying landing field in North Carolina is vital to the national security interests of the United States; and

(2) the Department of Defense should work with other Federal agencies to provide community impact assistance to those communities directly impacted by the location of the outlying landing field, including, where appropriate—

- (A) economic development assistance;
- (B) impact aid program assistance;
- (C) the provision by cooperative agreement with the Navy of fire, rescue, water, and sewer services;
- (D) access by leasing arrangement to appropriate land for farming for farmers impacted by the location of the landing field;
- (E) direct relocation assistance; and
- (F) fair compensation to landowners for property purchased by the Navy.

AMENDMENT NO. 2483

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I send an amendment to the desk on behalf of Senator BAYH and myself.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN], for himself and Mr. BAYH, proposes an amendment numbered 2483.

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

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

The amendment is as follows:

(Purpose: To provide income replacement payments for certain Reserves experiencing extended and frequent mobilization for active duty service)

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

**SEC. \_\_\_\_ . INCOME REPLACEMENT PAYMENTS FOR RESERVES EXPERIENCING EXTENDED AND FREQUENT MOBILIZATION FOR ACTIVE DUTY SERVICE.**

(a) IN GENERAL.—Chapter 19 of title 37, United States Code, is amended by adding at the end the following new section:

**“§910. Replacement of lost income: involuntarily mobilized reserve component members subject to extended and frequent active duty service**

“(a) PAYMENT REQUIRED.—The Secretary concerned shall pay to an eligible member of a reserve component of the armed forces an amount equal to the monthly active-duty income differential of the member, as determined by the Secretary. The payments shall be made on a monthly basis.

“(b) ELIGIBILITY.—Subject to subsection (c), a reserve component member is entitled to a payment under this section for any full month of active duty of the member, while on active duty under an involuntary mobilization order, following the date on which the member—

“(1) completes 180 continuous days of service on active duty under such an order;

“(2) completes 24 months on active duty during the previous 60 months under such an order; or

“(3) is involuntarily mobilized for service on active duty six months or less following the member's separation from the member's previous period of active duty.

“(c) MINIMUM AND MAXIMUM PAYMENT AMOUNTS.—(1) A payment under this section shall be made to a member for a month only if the amount of the monthly active-duty income differential for the month is greater than \$50.

“(2) Notwithstanding the amount determined under subsection (d) for a member for a month, the monthly payment to a member under this section may not exceed \$3,000.

“(d) MONTHLY ACTIVE-DUTY INCOME DIFFERENTIAL.—For purposes of this section, the monthly active-duty income differential of a member is the difference between—

“(1) the average monthly civilian income of the member; and

“(2) the member's total monthly military compensation.

“(e) DEFINITIONS.—In this section:

“(1) The term ‘average monthly civilian income’, with respect to a member of a reserve component, means the amount, determined by the Secretary concerned, of the earned income of the member for either the 12 months preceding the member's mobilization or the 12 months covered by the member's most recent Federal income tax filing, divided by 12.

“(2) The term ‘total monthly military compensation’ means the amount, computed on a monthly basis, of the sum of—

“(A) the amount of the regular military compensation (RMC) of the member; and

“(B) any amount of special pay or incentive pay and any allowance (other than an allowance included in regular military compensation) that is paid to the member on a monthly basis.”.

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

“910. Replacement of lost income: involuntarily mobilized reserve component members subject to extended and frequent active duty service.”.

(c) EFFECTIVE DATE.—Section 910 of title 37, United States Code, as added by subsection (a), shall apply for months after December 2005.

(d) LIMITATION ON FISCAL YEAR 2006 OBLIGATIONS.—During fiscal year 2006, obligations incurred under section 910 of title 37, United States Code, to provide income replacement payments to involuntarily mobilized members of a reserve component who are subject to extended and frequent active duty service may not exceed \$60,000,000.

Mr. DURBIN. Mr. President, let me say at the outset that Senator BAYH and I are offering this amendment. It turns out that we have had the same basic concept and idea. We kind of came at it a little differently. I spoke to him on the telephone a few moments ago. I am going to defer to him in allowing him to be the lead sponsor on this amendment because together we might have a better chance of success, and that, of course, is the ultimate test of the wisdom of this concept.

I especially salute Robert Preiss of my staff, who is a fellow serving in my office who has come to us from the military and has worked night and day in trying to make certain that we help those who are in the Guard and Reserve and Active military. He has put an

awful lot of time into this amendment. When some procedural questions came up that were important to be resolved, we turned it over to Robert Preiss, and he did an excellent job. That is the reason we can come before you today with confidence that this amendment can be considered under this important Defense authorization bill. It is critically important. I would like to explain it for my colleagues to understand why Senator BAYH and I decided to offer it and now offer it together.

The Department of Defense status of forces survey of Reserve component members, released in September 2004, revealed that 51 percent of our National Guard and Reserve said they suffer a loss in income when mobilized for long periods of active duty because their military pay is less than what they were receiving in their civilian job. The average reservist says that he or she loses \$368 a month, but 11 percent report losing more than \$2,500 a month. Imagine that you joined the Guard and Reserve, volunteered to serve the country, and then you are activated. You leave your job and family, go overseas and risk your life and worry about coming home safe. Many of our Guard and Reserve members are also worried about what is happening to the family back home. There is less money for the monthly budget, less money for the mortgage, less money to pay gasoline bills. It all adds up.

If you take a look, this is kind of an illustration that 51 percent of the reservists lose income when mobilized, and 11 percent lose more than \$2,500 per month. This income loss represents a disparity in the ranks and poses on reservists a burden not experienced by many Active-Duty troops. Many Active-Duty troops experience increases in income during deployments due to tax advantages, hazardous duty pay, family separation allowances, and other special pay enhancements. Those reservists with incomes higher than the deployed military suffer a loss. Their ongoing financial commitments continue for their children, for their families, for their homes, their automobiles. You know the list as well as I do. Their basic expenses are based on civilian income, but when they are activated, they are receiving military income. The resulting financial problems on the homefront can distract a man or woman who has said: I am ready to serve my country and even risk my life.

The amendment I offer with Senator BAYH allows reservists mobilized for extended periods to receive up to \$3,000 per month in extra pay to make up for differences between their military and civilian salaries. To qualify, a reservist must have a pay gap of at least \$50 a month.

The language I offer today is identical to that in the House bill, with one exception. This amendment provides these income replacement payments for Reserve component members mobilized for 6 months or more. The House



bill says that you have to be called up for 18 months or more to qualify for this income supplement. That is entirely too long. It is rare that a reservist is going to be called up for 18 months. So the bill as it comes from the House really doesn't do much. This is entirely too long, to expect a reservist to wait 18 months before we give them some income supplement. Indeed, with most callups currently lasting around 18 months, the practical effect of a qualification period that long would be that few reservists would ever get a dime of help. We can do a lot better than that. America can do better for its men and women in uniform. I urge my Senate colleagues to pull together. The House plan is good, but the qualification period is unrealistically long. We can make it better.

This language was proposed by Congressman MCHUGH. He is the Republican chairman of the House Armed Services Committee Subcommittee on Personnel. He originally proposed a 12-month qualification period. It was extended to 18 months through hasty action in the committee that may not have been carefully considered. As I have said, the language I offer today with Senator BAYH is the same with the exception that this version we offer calls for a 6-month qualification period.

According to an Army Times article about this provision, Chairman MCHUGH said something needs to be done. I agree with him. He said: "We have a crisis." I agree with that. He repeated that the extended deployments are raising this issue time and time again for many of the very best who serve our country. I have to agree with Chairman MCHUGH 100 percent. We have made a sound proposal because we do, indeed, have a crisis. Recruiting numbers are down for our military. That is a fact of life. With the Reserve components missing their recruitment targets, we must look to the retention of existing members to keep up force strength.

So far, retention has been pretty good. I salute the men and women for staying on in the military even though we ask more and more of them each day. But the existence of this income loss is going to hurt us with retention. Let's be honest about it. Of the top 10 reasons cited in the status of forces survey for leaving the National Guard and Reserve, income loss was No. 4. The others are obvious: family burden, too many activations and deployments, activations are too long, and loss of income. We ask a lot of sacrifice from the men and women in uniform. They march off and do their duty, whether it is responding to Hurricane Katrina at home or going over to risk their lives in Iraq or Afghanistan. We understand that we can do something about the income loss. That is what this amendment seeks to do.

I urge my colleagues on both sides to support this measure. Pass this amendment and include it in our Senate bill

language so that when we get together with the House of Representatives, we can ensure that something does get done this year to eliminate or at least reduce the income loss suffered by families of some of our guardsmen and reservists. By standing behind a qualification period of 6 months, we lay down a clear marker that we in the Senate stand for more than just symbolism. We really want to help. We stand for real help in addressing the pay gap for the good of the members of our Reserve components, for the good of their families, for the long-term good of the force, and for the good of our Nation.

I urge my colleagues, if they think this is a worthy amendment and will join us in it, Senator BAYH and I would welcome their support. This should be a bipartisan amendment. I don't know how we can argue over whether we should protect the income of the men and women who fight for us. If they are going to be away from their families and separated, not there for the important decisions that are being made by their families, the least we can do is make sure they don't face some unreasonable hardship because of income loss.

I see Senator LANDRIEU is here. I salute her. She has done so many things recently on Hurricane Katrina and other issues. But she has been one of the strongest voices in the Senate for the Guard and Reserve and our military. She and I spoke the other day about this issue. She said: We have to have an amendment to help Guard and Reserve. I am glad she has come to the Chamber at this moment because it is timely. We are trying to make sure this bill doesn't leave the Senate without a provision in it that is going to help these men and women in uniform.

Ms. LANDRIEU. Will the Senator yield?

Mr. DURBIN. I am happy to yield.

Ms. LANDRIEU. I know the Senator is wrapping up his remarks, but I would like to ask the Senator, is he aware that a complementary amendment we have worked on for a couple of years, giving a tax credit to employers who are filling that pay gap, is the Senator aware that has still not passed this Congress?

Mr. DURBIN. I was aware of it. I say to the Senator from Louisiana, a lot of people are not aware of it. They think we have already done these things. We make these proposals on the floor of the Senate. Some of them pass the Senate, then they disappear in conference committees. We all pat ourselves on the back and say we are standing up for the men and women in uniform. At the end of the day, there is no law for the President to sign.

A lot of our colleagues, myself included, will be at Veterans Day events this week. I will be traveling all over Illinois. We are going to stand there. We may be holding the flag. We will say we are for our soldiers and our veterans. But the real proof is in our

votes. That is a good one to say to employers: If you are willing to stand behind that man or woman in uniform who is leaving your employment for a short period to do their duty for our country, why shouldn't we stand behind you with the Tax Code?

Ms. LANDRIEU. I thank the Senator from Illinois. I ask him, is there any reason he could believe or think the American people wouldn't put the Guard and Reserve at the top of the list for a tax cut or a tax credit? Is there any other group you can think of that is more deserving than the men and women who leave their homes, put on the uniform, leave their jobs, leave their businesses, and go to the front-line to take the bullets? Would the Senator be able to identify any other group that would be more worthy of a tax credit or a tax cut if we had extra money to give?

Mr. DURBIN. From my point of view, absolutely none. But it is interesting, what a timely question. We are about to consider a tax bill. This tax bill will give a break to millionaires. If you happen to be a millionaire in America, we think you need a tax break of \$35,000 a year. Poor souls. If you happen to be making between \$50 and \$200,000, the tax break turns into \$112 dollars; under \$50,000, \$6. The point is, we are going to spend billions of dollars giving tax breaks to the wealthiest people and not giving a helping hand to the men and women in uniform and the employers who patriotically stand behind them.

I say to the Senator from Louisiana, she couldn't have a more timely observation.

Ms. LANDRIEU. I thank the Senator from Illinois. I would just like to add my few remarks to support his amendment.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, the Senator from Illinois has come to the floor again this afternoon and has spent literally hours over the last 2 years, in particular, speaking about the importance of supporting our Guard and Reserve.

Mr. WARNER. Mr. President, will the distinguished Senator from Louisiana allow me to propound a question to the distinguished Senator from Illinois before he departs the floor?

Ms. LANDRIEU. Mr. President, I will be happy to yield to the chairman.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. I thank the Presiding Officer.

Mr. President, I have just gotten this amendment and I am looking it over. It is not unlike similar provisions that have been before the Senate. As a matter of fact, it has been passed by the Senate but dropped in conference.

Here is the problem based on, again, very modest military experience of my own, but a lifetime of association with the men and women in the military. I have come to learn the importance of

pay. Pay to an individual is a tremendous symbolism. I remember when we advanced from private to private first class or, in my case, from seaman to seaman second class, seaman first class, and so on. I got \$4 a month in one pay increase, I remember, in World War II. And then the wife at home often is struggling to make ends meet. Boy, that pay is important.

Picture that today we have a total force concept. It is not Reserves serving over here and regulars serving over here. Fortunately, we mix. The units are merged together. When we go to Iraq, as all of us go now, we will find Reserves and regulars performing the same duties commensurate with their rank and their technical experience. Reserves and regulars are subject to the same threat to life and limb from an IED, from the missiles coming in, subject to the same arduous hardships and living conditions both in Iraq and Afghanistan.

Then along comes this amendment, no matter how well-intentioned, and suddenly the Reservist gets a significant amount of money in addition to his monthly pay to the regular who is serving right with him, living in the same tent, eating the same food, and taking the same risks.

For those of us who have had the opportunity to serve in the ranks, that begins to breed tension and inequities. You don't want those types of tensions as these young men and women are courageously performing their military duties. This is my concern.

Mr. DURBIN. Mr. President, may I respond to the Senator?

Mr. WARNER. Yes, of course.

Mr. DURBIN. First, I have the greatest respect for the Senator from Virginia, who served his country not only in the Navy but as Secretary of the Navy, and also as the longest serving Senator in Virginia. Didn't the Senator from Virginia break the record recently?

Mr. WARNER. I am No. 2 for life.

Mr. DURBIN. And very popular in the State of Virginia.

I say to him, consider two things. Let's assume the Senator is in a unit that is in combat and he learns the fellow next to him who has been activated as a Guardsman used to work for Sears Roebuck, a Chicago-based company. And because Sears Roebuck is such a good and patriotic corporation, they have decided they are going to protect his income. They are going to give him more than his military pay. They are going to keep him at the same level of pay he received before he was activated.

Will I think less of that fellow soldier because he is receiving some money from Sears and think maybe we shouldn't eat at the same mess table, or stand together and fight together? I don't think so. I think people will say that is good fortune for you.

The second point I would like to raise is this: A person who is active military—I have a nephew who just en-

listed in the Marine Corps—a person who is in the active military knows what his or her life is going to be and builds his or her life accordingly in terms of expenses incurred. A person in the Guard and Reserve has a civilian life and civilian financial obligations that he or she knows may come when they are activated and a hardship may come from separation. But they are in different circumstances as they go into this field of combat. One comes from an active military life with a family budget accordingly, and the other comes from the private sector with another family budget.

It seems to me what I am asking is, since we now rely more than ever on the Guard and Reserve, shouldn't we be more sensitive to that? Shouldn't we say that if you are willing to sacrifice your time and your life for your country, we are willing to sacrifice, too, to make sure there is no unnecessary economic hardship?

I don't think the two observations I made are unreasonable. The Senator from Virginia knows better than I because he has been in the military and I have not served. But I would think in a unit, people would be more sensitive to that. To think that soldier who left that job in the private sector or the Federal Government is next to me worried because they missed the second mortgage payment back home wouldn't make me feel any better about my unit and wouldn't make me feel any better to know that is going on.

Mr. WARNER. Mr. President, I think we have different perspectives. But pay is a very significant thing in every military person's life. We have to adjust. We certainly have to recognize.

What you are in a sense doing, Sears has opted as an employer to do as you state, not let their employee accept the consequences, and there is a category of persons coming in from the Reserve and Guard who simply do not have employers such as Sears Roebuck; for whatever reason their employer won't do it.

I don't know, I am concerned about building tensions into these young people in these units.

Mr. DURBIN. May I ask the Senator, in this colloquy through the Chair, consider this whole question about retention. That is a big issue now. We need these men and women in the Guard and Reserve, even active duty, who have developed the skills, understand the mission, can be combat ready in an instant. We need them to stick around. We need them to reup. If they have been through a bitter experience—personal experience, financial experience, separated from their family—we know it lessens that likelihood. If we want the very best to continue serving, I think this is an incentive for that to happen.

Mr. WARNER. Mr. President, the Senator is absolutely correct. I could even take it a step further. If we didn't have the Guard and Reserve, we would have to carry in peacetime, as well as

wartime, a much larger active force. We are fortunate that in wartime conditions, we have these men and women who will respond, and do so willingly and subject their families. The Senator from Illinois is correct on that point.

I have to dwell on this amendment. I just read it. I wanted to have this colloquy, and I appreciate the courtesies the Senator always extends.

Mr. DURBIN. I thank the Senator.

Mr. WARNER. The Senator from Louisiana has the floor.

Mr. LEVIN. Will the Senator from Louisiana yield for a question to Senator DURBIN?

Ms. LANDRIEU. I would like to ask the Senator from Virginia a question before he leaves the floor.

Mr. WARNER. I will be here when the Sun comes up tomorrow.

Mr. LEVIN. Mr. President, it is my recollection that the Senate already passed an amendment in one of the previous bills where we made up the difference for Federal employees; is that not correct?

Mr. DURBIN. That is correct. We passed it for the third or fourth time. It goes into this strange world of conference committees and disappears.

Mr. LEVIN. In which all of us have participated. We have seen the parts that emerge and the parts that do not, and it is always a little mystery as to what emerges and what does not emerge.

My understanding is that clearly is a precedent for treating all employees. Everybody is activated the same way as Federal employees. That is No. 1. So I think that is a good argument for the amendment. But also the cost of this amendment, it seems to me, given the qualification period of 6 months, as I understand it, the cost over 5 years would be \$295 million which would be a little under \$60 million a year; is that correct?

Mr. DURBIN. That is correct.

Mr. LEVIN. I thank the Senator.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I point out, yes, the Senate has passed it, but for various reasons, conferences have not accepted it, so it is not in law today.

Mr. LEVIN. That is correct.

Mr. DURBIN. That is true.

Mr. WARNER. We do not have any of these.

Mr. DURBIN. The Senator might say it is pending in the Defense appropriations conference.

Ms. LANDRIEU. Will the Senator from Virginia yield?

Mr. WARNER. Mr. President, the distinguished Senator from Louisiana had the floor. She very graciously allowed me to intervene. I am happy to take a question.

Ms. LANDRIEU. I do so through the Chair. I first say how much I appreciate the exchange between the Senator from Virginia and the Senator from Illinois. I hope we can find a way to move forward on this very important issue because it is so crucial to

the security of our Nation, to the security of these Guard and Reserve families. It seems the right thing for us to do.

My question to the Senator from Virginia, because he has so much experience in warfighting as the Secretary of the Department of Navy and as the chairman of the Committee on Armed Services, is: When we created the Guard and Reserve Force, did we anticipate that so many would be called up for such a long period of time? That is an important answer to have because my sense of it is that we didn't completely anticipate these numbers and these lengths of deployment.

I ask the Senator, several decades ago, did we foresee this dependency?

Mr. WARNER. Mr. President, the Senator raises a very interesting historical perspective. During World War II, the National Guard was mobilized early on and amalgamated with the regular forces. The Reserves likewise were brought in. So everybody was in World War II for the duration.

The next major conflict was Korea, in which I had minor participation, modest though it may be. The units I served in were quickly made an amalgamation of Reserves and regulars. I remember vividly the squadron I served in as a ground officer. The Reserve pilots, even though they had been called, some of them had only been on active duty 60 days, barely getting retraining and were flying missions with the regulars who had been on active duty for a number of years. There was no distinction between any of us. We were all treated the same. I was a Reservist called up at that time.

Then along came Vietnam, and for whatever reasons, when I was Secretary of the Navy, we didn't employ the Guard and Reserve. We relied on the draft. I would have to research some of the reasons why we didn't do it.

This country has fluctuated back and forth. But in direct answer to the Senator's important question, in this conflict, more than ever before, we have relied on the Guard and Reserve. I believe about 60 percent of the uniformed personnel in Iraq tonight, some 150,000 plus, 60 percent of them are Guard and Reserve.

So the Senator from Louisiana is very correct in her observation.

Ms. LANDRIEU. I thank the Senator from Virginia. I would like to add to that comment.

The PRESIDING OFFICER. The Senator from Louisiana is now recognized.

Ms. LANDRIEU. Mr. President, I would add to this discussion that it is important for us as leaders to be open to change and to adopt new strategies. The one thing that is certain about life is change. Those who adapt survive, and those who do not, do not survive. I believe when it comes to creating policies that secure our Nation and support our armed services, we always need to be open to those things that we need to do differently because circumstances

are different, because the challenges are different.

I would argue this is one of the issues that is at the heart of how we sustain a skilled, able, versatile, agile, and quick-to-deploy force without implementing a draft and having the ability to muster a large and effective force when necessary. This is at the heart of it. That is why Senator DURBIN continues to come to this floor and why I come to this floor, why the Senator from Indiana, Mr. BAYH, and others on the Republican side have come to the floor. Because we need to make some changes. We need to adapt to the reality.

Let me submit for the RECORD the reality of this situation. Since the Berlin crisis of 1961 through the Vietnam war, we only called from the Reserve and Guard about 200,000. From 1961 through the Vietnam war, basically to the early 1990s—I know Vietnam was over before then—but basically to the 1990s, we called up 200,000. But as the chairman knows, because he is the great distinguished chairman of our committee, he is correct, since 1990, the Persian Gulf war to the present, we are 150,000 troops strong in Iraq and we have called up 744,000 Guard and Reserve members.

As the Senator from Illinois so beautifully pointed out, these are citizen soldiers. They live in the community. Their budgets are based on their civilian jobs. Their children, their spouses, and their families have dreams and aspirations based on their civilian payrolls. They do not enter the military and decide: We are only going to make \$40,000, \$50,000, \$60,000 the rest of our life, but the benefit is we get a discount on food. We get our health insurance. We will move around every 2 years. We get a housing allowance. It is the life we have chosen. We understand the sacrifices we are making, and we budget accordingly.

These are business owners, policemen, nurses, doctors, engineers, scientists who answer the call, put the uniform on, and sometimes answer that call in 24 hours, literally, or in just a few weeks. They kiss their children goodbye—maybe the wife is the spouse who is leaving. Maybe it is the husband. They tell everyone goodbye. They leave and they are gone for 18 months.

Under our current rules, which are not working, not only does that soldier make the sacrifice but our Government is asking that family in some cases to take a 30- to 40-percent decrease in pay. I just cannot understand it. Nothing about it makes sense. It defies common sense. How can we recruit Guard and Reserve, then send them to long deployments, sometimes without even the equipment they need—which is a whole other issue—but ask their families to take a 30- and 40-percent decrease? I do not understand it.

I know we have not done this in the past, but this Senator from Louisiana thinks it is time to do it for the future.

I hope we can again take bipartisan action on this Senate floor, as we have done so many times before, to support the amendment offered by the Senator from Illinois, at least in the Federal employ, our own engineers, our own scientists, our own nurses, our own doctors, our own office administrators, when we ask them to put the uniform on and go to the frontline to take the bullets, that as an employer we do not say: And also, by the way, we would like your spouse and your children to live on 30 percent less income while you are away.

If the country was in crisis in terms of no money for anyone and we were all on rations and we were all sacrificing financially and we did not have the money, I think these families would say: Look, we are all in the same boat. We are serving the country. We will take the 30-percent cut in pay. But what gets me, what galls me, what makes me so angry is, this Congress is giving other families who do not put the uniform on, other families who are making upwards of \$350,000, \$400,000, \$500,000, tax cuts, and we cannot seem to find the will, the energy, or the focus to help the small group of families that one could argue are bearing the entire burden in some cases—let me repeat, the entire burden of the war on terror. I do not understand it. Senator DURBIN does not understand it. Senator BAYH does not understand it. The Senators have voted now unanimously.

What happens to this amendment when it goes to the House of Representatives? What should I tell the Guard and Reserve families who went to Iraq, over 6,000 of them—3,000 of them just came home and a third of the ones who just came home came home to no house, no school, and no church. Now I have to go home and say that Congress is going to get ready to pass another spending bill, another tax bill, and I am sorry, yes, you have, once again, been left out. I do not even know how to explain it because it cannot be explained.

Senator DURBIN's amendment simply says, let the Federal Government be the leader. Let the Federal Government set the pace as an employer. Let us at least do what other States and other employers are doing, fill the gap, stand in the gap for them. They are taking the bullets. They are taking the risk with their lives. Why would we ask our Federal employees to take a serious pay cut? I do not think we should. Again, if we did not have any money at all, if we were just flat broke, then maybe we would have to. We give money away to everybody, but we cannot give it to our Federal employees who are serving this country twice: as public servants so they do not get a very high salary normally, and then they go to the frontlines and take the bullets and get a salary cut even lower, and we think that is perfectly fine.

Well, this Senator does not think it is fine. This Senator thinks we can do

better. This Senator thinks we need to have better priorities. This Senator believes we need to have different priorities that support our Nation, support our services, support our Guard and Reserve, and it would ultimately support the country. And, frankly, it is the right thing to do.

I see the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, this is an important amendment. It has been offered on behalf of Senator BAYH, by Senator DURBIN. Senator LANDRIEU is a very passionate and persuasive supporter of this amendment. I think Senators BAYH, DURBIN, and LANDRIEU are right; that we basically designed the Guard and Reserve force to be a strategic reserve. As a practical matter, now they are effectively part of our operational forces. We have to change this arrangement so they do not take such a severe hit as they are being called up, and they are now in for longer and longer periods. I do not have the statistics on how long the average period of callup is now, but I am quite confident that if we could compare the length of the callup, say, during the last few years to the periods between 1973, when we ended the draft, that we would see there has been a dramatic increase in the length of the callup.

I support the amendment. I think we can make some real progress—I hope we can—this year in conference on this matter. It is a reasonable cost, a fair cost. It is something on which we can do better, and the troops deserve that we do better.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, first I commend all Senators who have participated in this debate. Each time I listen to the distinguished Senator from Louisiana, I say to my ranking member, she was a very valued member of our committee before she went AWOL.

Mr. LEVIN. She is still part of the Guard and Reserve, though.

Mr. WARNER. Yes, proceeding to the Appropriations Committee, where some think all power resides in the Senate.

Nevertheless, to think that the Senator found time to work on this amendment, as she has on a number of personnel issues through the years—I remember the last authorization bill. Does the Senator from Michigan remember that?

Mr. LEVIN. I do, indeed.

Mr. WARNER. One of the last amendments we were dealing with was on personnel issues. Anyway, the Senator from Louisiana found time to be here, given the tremendous burdens that she has in connection with the tragic suffering in her State, past, present, and possibly the future. I point out to my colleagues a provision comparable to this is in the House bill now in conference, therefore, that we go to.

Mr. BAYH. Mr. President, I rise today for a cause that is essential to

preserving our Nation's security by ensuring the Guard and Reserve remain a vital component of our national security structure. I also rise to defend our moral obligation to do right by our fellow citizens who bear the burden of battle and by their loved ones who make it possible for them to do that by supporting them here at home.

No one should be forced to choose between doing right by their family and their loved ones and doing right by their country, but too often today we have placed thousands of our fellow citizens in exactly that position. That is what this amendment is designed to correct.

We now have 145,000 guardsmen and reservists serving who have been called to active duty. Fully 35 percent of our troops in Iraq are guardsmen and reservists, many of them putting their lives in harm's way. Just this last week, I took the liberty of spending a couple of hours out at Walter Reed Army Hospital. Many of the most grievously injured there have served in the Guard and Reserve. We owe it to do right by them.

Their deployments are lasting longer than before. Since the Korean War, it is our practice to only have them called to active duty for no more than 6 months. But today, it is routine, not at all uncommon, for them to be called to active duty for more than a year and sometimes multiple calls.

Mr. President, 51 percent of these individuals whose lives we are disrupting, 51 percent who are serving, many of them in harm's way, suffer a substantial loss of income, what I have referred to as the "patriot penalty." The average loss of income is about \$4,400 per soldier—a material amount of money for many Americans. Our amendment, with the support of Senator DURBIN, Senator LANDRIEU, the active support of Senators WARNER and LEVIN, would help to correct this situation by providing up to \$3,000 per month in making up lost income for our Reserve and Guard men and women.

This is important to maintaining the Guard as a critical component of our national security structure. We are currently running, in the Army Guard, about 24 percent below our recruiting goals. The commander of the Reserve not too long ago described his force as "a broken force." At a time when we are relying upon the Guard and the Reserve more than ever before, we must ensure that we act to maintain our recruiting goals and to ensure the morale of the force.

Many laudable private firms have risen to the challenge by providing for their employees but, regrettably, not all do so. About 29 percent of employers are currently doing that, but that still leaves the bulk of our Guard men and women and our reservists without, so we have acted to make up that gap. It is not a burden they could have reasonably anticipated, given the difference in callups today versus before.

I again thank my distinguished colleagues, the Senator from Virginia and the Senator from Michigan. Once again, I thank my colleague DICK DURBIN, who has been extremely gracious and who has been a strong leader in this capacity.

I will conclude by saying the true test of a strong society is not only the armaments we purchase but how we support those who bear the burden of battle and their loved ones here at home. If we can help them pay the mortgage or keep food on the table while they are serving us in Iraq and Afghanistan and elsewhere, it is not only the intelligent thing to do, it is the morally responsible thing to do. That is what this amendment would accomplish.

I thank my colleagues for their graciousness and their support.

Mr. WARNER. I urge adoption of this amendment.

The PRESIDING OFFICER. Is all time yielded back?

Mr. LEVIN. I yield back the remainder of my time.

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

The question is on agreeing to the amendment.

The amendment (No. 2483) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. WARNER. I say to my colleagues, this is a matter that we will carefully review in conference. It has failed to survive in previous conferences, but I think this time it may, particularly because of the question of recruiting and the difficulty of the Reserves and Guard and the adjustment to family life. As the Senator pointed out, hundreds upon hundreds of thousands—700,000 I believe—have been involved in this conflict.

Mr. LEVIN. If the Senator would yield on that?

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. It seems to me, the fact that there is a provision in both bills does increase the opportunity and the likelihood this time around that we will come out of conference with something. All we can do is continue to try, but I am a little more optimistic now that this amendment passed. Again, we thank the Senators from Indiana, Illinois, and Louisiana for their leadership.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Ms. LANDRIEU. I see the lead sponsor of the amendment on the floor, so let me be brief so he can close out. I thank the leadership for accepting this amendment. I know they will fight hard to keep this in conference as we move forward because it really is an important part of our strategic alignment for the future. I thank the chairman and the ranking member for their

leadership not just today but over time, for doing the right thing by our troops and always being willing to think about new ways of making our military stronger and better.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. WARNER. If I can make one comment before our distinguished colleague from Louisiana leaves the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. There comes a time every now and then to reflect on the past with a sense of humor. When I was a young Senator many years ago, one of the Senator's predecessors was Russell Long. His expertise was in the area of taxes. How many times, I ask my good friend from Michigan, would I hear him in these vigorous floor debates come over and say: We will drop it in conference; accept it?

Mr. LEVIN. Usually with his arm around you.

Mr. WARNER. With his arm around you shaking you like a tree. But we are not saying that.

I just thought maybe that little bit of color might remind Louisianans of his proud record in the Senate.

Mr. President, this is another example of how the managers, in the course of colloquies, can work out amendments. I strongly urge colleagues to come forward because we are getting down to the few amendments that are remaining in the hopes that this bill can be acted on for final passage tomorrow, as early as possible in the day.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, my understanding is that at 5:30 there will be two votes. I am wondering if Senator LAUTENBERG's amendment has been—I know it has been offered. I am wondering whether there is further debate on the Lautenberg amendment.

Mr. WARNER. Mr. President, I wish to say to my colleague at the present time I am drafting an amendment in the second degree. As soon as I have it, I will be prepared to debate it on the floor and let the matter go to a vote.

Mr. LEVIN. I think it is very helpful that Senator LAUTENBERG be informed that there is a plan to offer a second-degree amendment so perhaps he can then be prepared to come to the floor and debate whatever that second-degree amendment is.

Mr. WARNER. I would propose to do it. I would have to check. There are three amendments, and actually the fourth is the pending amendment. I will see if he cannot possibly bring up his amendment right after the two votes.

Mr. LEVIN. Perhaps during those two votes, if the chairman so desires, we could try to line up the rest of the business for tonight.

Mr. WARNER. I thank my partner, who has been most helpful in getting this bill passed. We are going to try and facilitate that.

Mr. LEVIN. 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. BAYH. 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. BAYH. Mr. President, I have many of my colleagues to thank for their graciousness and for their attention to an issue of significant importance to our country. I would like to start with my friend and colleague, DICK DURBIN from Illinois, who has cared about this issue for many years, particularly with regard to our Federal employees who are bearing the burden of battle today on our behalf just as they work for us in their civilian capacities here at home.

Senator DURBIN has been a model of comity and accommodation and in a body that is too often driven by other interests. I thank him profusely for his consideration here today.

I also thank Senator LANDRIEU for her longstanding interest in this issue. She has had a somewhat different approach, but it would achieve the same objective—helping our Guard men and women and their families while they are serving our country.

I also express my appreciation to the two leaders on the Armed Services Committee, Senators WARNER and LEVIN, for their courtesy. I thank you for accepting our amendment. I know you share our conviction about doing right by our brave men and women in the Guard and Reserve, and I wish to express my personal appreciation for your accommodation in this regard. I know there are occasionally differences of opinion about some aspects of this, and the fact that we could work through them at this moment means a great deal to me, as I know it does to the families of the Guard men and women we are attempting to help.

Mr. WARNER. Mr. President, the distinguished Senator from Indiana has had a lot on his mind here recently with the tragic natural disaster in his State, and I thank him for finding the time to come to the Chamber and offer this amendment. I recall, during the markup of the Armed Services bill, he, being a very valued member of the committee, had this general concept in mind. The Senator advised the committee as a whole in the markup session that at the time this bill reached the floor, he would have formulated his thoughts and done his research and gathered his colleagues and would present this bill. That he has done, and in that he has succeeded. This is a matter we will take up in conference with careful consideration.

I thank our colleague.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, let me add my thanks to the Senator from Indiana

for his eloquent, passionate portrayal of the needs and responsibilities we have to carry out toward our guardsmen and reservists.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. Mr. President, it is just a matter of minutes before we start the votes. Perhaps the distinguished Senator from Georgia would like to make some explanation about the vote coming up?

AMENDMENT NO. 2433

Mr. CHAMBLISS. Mr. President, these next couple of votes involve an amendment I filed and an amendment the Senator from Illinois, Mr. DURBIN, has filed. I think the significant thing about both amendments is that we are finally starting to recognize that, because we are calling up our Guard and Reserve folks on an all too regular basis these days, and because today, as we enjoy the freedoms that we sometimes take for granted in this country, we have troops serving in Iraq, 60 percent of whom are Guard and Reserve troops, it is necessary that we continue down the path we have been down for the last several years under the leadership of Senator WARNER and Senator LEVIN, trying to increase the benefits to our Guard and Reserve and the families of those brave men and women. Both these amendments seek to do that.

There is a fundamental difference in the two amendments, though. My amendment, the underlying amendment, provides for a reduction in retirement age from 60 to 55 for reservists, based upon the activation of those reservists and Guard men and women into contingency areas. For every 3 months they have been activated and sent into a conflict, they receive a 1-for-1 or 3-month reduction in the retirement age, from 60 down to the minimum or lower level of 55. The Durbin amendment simply would not make that kind of 1-to-1 offset but would treat the Guard and Reserve the same as the Active-Duty folks. Unfortunately, the difference between the two is we cannot afford the Durbin amendment.

What my amendment does is to ultimately allow the reduction down to age 55 for those Reserve and Guard people who are activated. It has a cost, over 5 years, of about \$320 million. The Durbin amendment has a cost of about \$4.8 billion over that same 5-year period. That is such a significant difference that, in my opinion, we will never get that done.

My amendment can be done. It is a movement in the right direction, to recognize that we are calling up these folks on a more regular basis and that we should continue to provide them and their families with some security measures from the standpoint of incentivizing them to go into the Guard and Reserve and stay in the Guard and Reserve.

The PRESIDING OFFICER. All time has expired.

Mr. CHAMBLISS. The Durbin amendment would not do that. Mine would.

Mr. WARNER. Mr. President, I ask unanimous consent that the vote be delayed by 5 minutes so the Senators may have a minute or 2, I can have a minute or 2, and the Senator from Michigan can have a minute or 2.

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

Mr. CHAMBLISS. Mr. President, if we are going to call on these brave volunteers, we need to incentivize them, and my amendment does that. It seeks to call on the individual from a volunteer standpoint. It doesn't seek to protect the top level, the officers and the uppercrust, the enlisted personnel. It seeks to protect all members of the Guard and Reserve from the enlisted standpoint and give them an opportunity to reduce their retirement age from 60 down to 55.

I think it is fair. I think it is reasonable. And I think it is supportable.

I ask my colleagues to support my amendment and to vote against the Durbin amendment.

I ask unanimous consent that Senator HAGEL be added as a cosponsor of my amendment.

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

Mr. WARNER. Mr. President, I likewise ask to be added as a cosponsor of the amendment.

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

Mr. WARNER. Mr. President, I strongly support the Chambliss amendment.

I want to bring to the attention of colleagues that a minute ago we accepted another amendment which will go to conference, and I am quite confident that out of that conference will come a package of further compensation to the men and women for the Guard and Reserve for other reasons. But in this bill we are adding enormous benefits for the men and women in the Armed Forces, all of which are justified in many areas. The Senator has picked out an area which has been under consideration for some period of time. But I point out that the cost of the Durbin second degree, which vote will follow this one, must be considered in the area of \$1 billion for their 2006 and \$10 billion over the next 10 years. That is 10 times, according to my calculation, the cost to the Federal taxpayer of the amendment of the Senator from Georgia.

Am I correct?

Mr. CHAMBLISS. That is correct.

Mr. WARNER. So I urge my colleagues we must show some restraint as we are going through a number of valid and important increments in pay and benefits for the men and women in the Armed Forces. In essence, the Chambliss amendment is an adaptation of the Durbin amendment but at one-tenth the cost because I think you are more equitably treating those who have served in periods of active service.

I thank the Senator.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I support very much the Chambliss amendment. I think it makes an important statement, as well as taking an important step toward greater equity relative to retirement. The Senator from Georgia has described his amendment, and I will not describe it again because he has accurately described it.

I commend him for this amendment. It is an important amendment.

I ask the Presiding Officer whether there is time between the vote on the Chambliss amendment and the Durbin amendment for an explanation of the Durbin amendment.

The PRESIDING OFFICER. There are 2 minutes equally divided.

Mr. LEVIN. I will be in a position of supporting the Chambliss and Durbin amendments. While the Chambliss amendment takes an important step, the Durbin amendment takes three or four important steps in the right direction allowing earlier retirement. Where there has been 25 years of service, for instance, retirement would be allowed at age 55. Where there has been 24 years of service under the Durbin amendment, retirement would be allowed at age 56. There is a greater cost. I think it is justified. We will talk more about that in the minute which has been allowed on the Durbin amendment.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that a letter from the Naval Reserve Association in support of my amendment be printed in the RECORD.

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

NAVAL RESERVE ASSOCIATION,  
*Alexandria, VA, November 8, 2005.*

Sen. SAXBY CHAMBLISS,  
*Russell Senate Office Building, Washington, DC.*

DEAR SENATOR CHAMBLISS: I am writing on behalf of the members of the Naval Reserve Association in support of your amendment to reduce the age at which reserve component members receive their retirement pension.

An active component member retiring at 20 years of service receives a pension immediately upon retirement. A reserve component member serving the same number of qualifying years cannot. Reducing the age from 60, will be a positive step in mitigating this disparity. A more equitable retirement program will aid greatly in recruiting and retaining members in the Navy Reserve, and all reserve components. When the age limit for receipt of retired pay by reserve component members was set decades ago, the Navy Reserve, and other reserve components, was not relied upon the way it is today.

The objective is to support the reduction of the age for retirement eligibility from its current level to one that is consistent with today's utilization of the reserve component. Your new legislation which links that reduction to duty in a recalled to active duty status accomplishes that goal.

I look forward to working together in support of a strong and viable Navy Reserve, and all reserve components. Again, on behalf of the members of the Naval Reserve Association and members of the Navy Reserve,

thank you for all your hard work on our behalf.

Sincerely,

CASEY W. COANE,  
*RADM, USN (Ret) Executive Director.*

The PRESIDING OFFICER. All time has expired.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

Mr. WARNER. Mr. President, I also ask for the yeas and nays on the Durbin amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment of the Senator from Georgia. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

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

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 314 Leg.]

YEAS—99

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

NOT VOTING—1

Corzine

The amendment (No. 2433) was agreed to.

Mr. WARNER. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. There are now 2 minutes of debate equally divided on the upcoming amendment.

The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, we have this vote. We are making great progress on this bill. I will be consulting with the leadership. There is a



possibility we would like to continue tonight, but with regard to further rollcall votes, we will have to consult our respective leaders to determine that. We will do that as quickly as possible so as to convenience Senators. But this bill will go on tonight. It may well be we debate amendments and stack them for the morning.

Mr. LEVIN. Is there any way of determining that now?

Mr. WARNER. Well, I have to get my leader, I have to tell you. I know he came on and off the floor.

Mr. President, the managers wish to advise the Senate that this will probably be the last rollcall vote tonight. But we will continue to debate amendments and stack them for a time agreed upon by the two leaders for tomorrow morning.

#### AMENDMENT NO. 2473, AS MODIFIED

The PRESIDING OFFICER. Who yields time on the amendment?

Mr. DURBIN. Mr. President, if I could have the attention of the Chamber for 60 seconds.

The last amendment by Senator CHAMBLISS received 99 votes. We all joined in supporting it. It was a good amendment. This amendment, which I am offering, I think is better. Here is why.

Under the amendment offered by Senator CHAMBLISS, you could reduce the age at which you are eligible as a reservist to start receiving your retirement based on the time you spent mobilized, activated. This amendment says you could reduce it by the time served in the Reserve.

Right now, no matter when you start, how long you serve, you cannot draw the first dollar in retirement until you are 60 years old. Under my amendment, if you have served 25 years in the Reserve, you could start drawing it at age 55, which is the common retirement age for civil servants, for Federal employees.

My amendment is endorsed by the National Guard Association, the Military Officers Association, and the Reserve Officers Association.

Mr. President, I ask unanimous consent to add Senators Corzine and Landrieu as sponsors.

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

Who seeks time in opposition?

The Senator from Georgia is recognized.

Mr. CHAMBLISS. Mr. President, as I said earlier, while I sympathize with the Senator from Illinois, because this is a critical issue, it is simply a matter of not being able to provide the funding for this particular retirement bill.

We had this issue up last year, and we did not get the funding for it. My bill takes a more reasonable approach. It rewards those men and women who are serving in Iraq today.

I ask that we render a "no" vote against this amendment so we can make a strong move to include my amendment in the conference report that will be forthcoming.

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

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

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

The result was announced—yeas 40, nays 59, as follows:

[Rollcall Vote No. 315 Leg.]

#### YEAS—40

Akaka	Harkin	Murray
Bayh	Inouye	Nelson (FL)
Biden	Jeffords	Obama
Bingaman	Johnson	Pryor
Boxer	Kennedy	Reed
Byrd	Kerry	Reid
Cantwell	Kohl	Rockefeller
Clinton	Landrieu	Salazar
Dayton	Lautenberg	Sarbanes
Dodd	Leahy	Schumer
Dorgan	Levin	Stabenow
Durbin	Lieberman	Wyden
Feingold	Lincoln	
Feinstein	Mikulski	

#### NAYS—59

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

#### NOT VOTING—1

Corzine

The amendment (No. 2473), as modified, was rejected.

Mr. WARNER. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, I see the distinguished Senator from Missouri and the Senator from Connecticut. This is one of the amendments in the 12 on this side of the aisle. I would like to have this amendment move forward.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

#### AMENDMENT NO. 2477

Mr. TALENT. Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri [Mr. TALENT], for himself, Mr. WARNER, Mr. STEVENS, Mr. CHAMBLISS, Mr. CORNYN, Mr. LIEBERMAN, Mrs. BOXER, Mrs. FEINSTEIN, and Ms. COLLINS, proposes an amendment numbered 2477.

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

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

The amendment is as follows:

(Purpose: To modify the multiyear procurement authority for C-17 aircraft)

Strike section 131 and insert the following:  
**SEC. 131. C-17 AIRCRAFT PROGRAM AND INTER-THEATER AIRLIFT REQUIREMENTS.**

(a) **MULTIYEAR PROCUREMENT AUTHORIZED.**—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 2006 program year, for the procurement of up to 42 additional C-17 aircraft.

(b) **CERTIFICATION REQUIRED.**—Before the exercise of the authority in subsection (a), the Secretary of Defense shall submit to the congressional defense committees a certification that the additional airlift capacity to be provided by the C-17 aircraft to be procured under the authority is consistent with the quadrennial defense review under section 118 of title 10, United States Code, to be submitted to Congress with the budget of the President for fiscal year 2007 (as submitted under section 1105(a) of title 31, United States Code), as qualified by subsection (c).

(c) **ADDITIONAL EXPLANATION OF INTER-THEATER AIRLIFT REQUIREMENTS.**—

(1) **INCLUSION IN QUADRENNIAL DEFENSE REVIEW.**—The Secretary of Defense shall, as part of the quadrennial defense review in 2005 and in accordance with the provisions of section 118(d)(9) of title 10, United States Code, carry out an assessment of the inter-theater airlift capabilities required to support the national defense strategy.

(2) **ADDITIONAL INFORMATION.**—In including the assessment required by paragraph (1) in the quadrennial defense review as required by that paragraph, the Secretary shall explain how the recommendations for future airlift force structure requirements in that quadrennial defense review take into account the following:

(A) The increased airlift demands associated with the Army modular brigade combat teams.

(B) The objective to deliver a brigade combat team anywhere in the world within four to seven days, a division within 10 days, and multiple divisions within 20 days.

(C) The increased airlift demands associated with the expanded scope of operational activities of the Special Operations forces.

(D) The realignment of the overseas basing structure in accordance with the Integrated Presence and Basing Strategy.

(E) Adjustments in the force structure to meet homeland defense requirements.

(F) The potential for simultaneous homeland defense activities and major combat operations.

(G) Potential changes in requirements for intra-theater airlift or sealift capabilities.

(d) **MAINTENANCE OF C-17 AIRCRAFT PRODUCTION LINE.**—In the event the Secretary of Defense is unable to make the certification specified in subsection (b), the Secretary of the Air Force should procure sufficient C-17 aircraft to maintain the C-17 aircraft production line at not less than the minimum sustaining rate until sufficient flight test data regarding improved C-5 aircraft mission capability rates as a result of the Reliability Enhancement and Re-engining Program and Avionics Modernization Program have been obtained to determine the validity of assumptions concerning the C-5 aircraft used in the Mobility Capabilities Study.

Mr. TALENT. Mr. President, Senator LIEBERMAN and I are offering an amendment that we believe is crucial to providing our Armed Forces with the air transport capabilities they

need. The amendment has been cosponsored by Chairman WARNER and Senators STEVENS, BOXER, FEINSTEIN, CORNYN, CHAMBLISS, and others. In addition, we have worked closely with the chairman and Senator LEVIN and committee staff, and the amendment has been cleared on both sides. I am grateful to the managers of the bill for their work on this important legislation.

The Defense Department's current intertheater airlift requirement was established by the Mobility Requirement Study, called MRS-05, which was released in December 2000. That study identified the airlift necessary to conduct high-priority missions in support of two major theater wars. That was the national military strategy at the time, to be able to conduct two major theater wars at the same time.

Even back in 2001, recently retired TRANSCOM Commander, GEN John Handy, identified the Department's pre-September 11 intertheater airlift requirements as inadequate. He characterized that study, which was a pre-9/11 study, shortly after its release as a historical document, not of great value, because in his judgment it significantly underestimated the true airlift requirements of the Department even at that time. I will expand on this point in a few minutes.

We are now learning that the Department's most recent study has completely failed to readjust the airlift requirement in light of all the different missions in which the United States is now and will be engaged for years to come—the global war on terror, international humanitarian relief missions, expanded special operations and training, to say nothing of our need to support the underlying national military strategy needs.

The C-17 is the primary intertheater air transport used by the United States to deploy and sustain forces overseas. It has delivered 70 percent of the cargo airlifted into Iraq. It has turned in stellar performances in theaters from Kosovo to Afghanistan to the global war on terror in all its various locations. In addition, the C-17 played a key role in several recent humanitarian relief missions, including the response to the gulf coast hurricanes and the earthquake in Pakistan.

The Chief of Staff for the Air Force, GEN Michael Moseley, recently said that the C-17 has "proven its worth in gold."

The real question before the Senate is not whether we need additional intertheater airlift but how much more airlift is required. The Air Force's longstanding position, reiterated time and again over the last few years, has been at least 222 C-17s—42 more than the planned procurement of 180 aircraft—are needed to meet growing airlift requirements. General Handy repeatedly testified that 222 C-17s would be the minimum necessary to meet our airlift requirements and that even more may be needed, and this is in ad-

dition to other programs for increasing the lift capabilities of the Department.

The Department's decision regarding future C-17 production is, we believe, imminent. Senator LIEBERMAN and I believe if we do not procure additional transports, our intertheater airlift capabilities will be inadequate to meet our military's needs. We will lack the lift capability needed to deploy and adequately sustain forces overseas.

While our primary responsibilities must be to our military personnel and national security, there is also a significant economic stake for many States. C-17 production generates approximately \$8.4 billion in economic activity and is supported by 702 suppliers in 42 States. This is a major industrial base issue. St. Louis is one of the essential suppliers of components for the C-17. I have had the privilege of visiting workers who build parts for the plane.

There are over 1,800 people throughout Missouri who help build the C-17, which generates more than \$776 million in economic impact. States such as California, New York, Illinois, Iowa, Connecticut, Florida, and Washington have over 491 C-17 suppliers that generate over \$5.5 billion of economic activity in these States alone.

Despite the facts I recited before about airlift, it has been reported that the draft version of the new Mobility Capabilities Study recommends no further C-17 production beyond 180 aircraft, at least 42 transports short of the minimum number required. Incredibly, the new Mobility Capabilities Study calls for the same transport force structure planned before 9/11, and it sets forth the same airlift requirement in the pre-9/11 days. Again, even before 9/11, the head of TRANSCOM, General Handy, said the Department's estimate of its airlift requirement was out of date. Yet the draft study doesn't increase that requirement, even given the undeniable additional needs since the global war on terror began.

The Talent-Lieberman amendment would accomplish three objectives to protect the lift capability needed to deploy and sustain forces overseas.

First, it would authorize a multiyear contract for the purchase of up to 42 additional C-17 aircraft.

Second, the amendment urges the Secretary of the Air Force to sustain the production line by procuring a minimum sustaining production rate of C-17s per year at least until further assessment of airlift needs are completed.

Third, it requires the Secretary of Defense to certify whether there is a need for additional C-17s by assessing the additional intertheater airlift requirements generated by seven factors which have to be considered but which were not considered, we believe, in the flawed mobility study, including the Army's shift to brigade combat teams, its goal of deploying a brigade anywhere in the world in 4 to 7 days, and a division anywhere in the world in 10

days, our increased involvement in international humanitarian relief missions and deployment back to the United States of forces as part of the Global Posture Review.

We cannot pull back from forward bases around the world. We cannot adapt increased requirements for being able to move substantial forces of the Army around the world. We cannot fight a global war on terror everywhere and perform humanitarian relief functions around the world. We cannot do these things without adequate lift.

What is at stake is the ability of the United States to project its military power on the world and to project aid where necessary on a humanitarian basis around the world. It is this airlift which enables us to do the other transformational things in the military which are the way we hope to sustain an adequate military force while also having some economies.

Senator LIEBERMAN and I offer this amendment because intertheater airlift is the means by which our forces deploy on short notice anywhere in the world and a primary means by which we sustain deployed forces. When the Chief of Staff of the Air Force, the recently retired head of TRANSCOM, and others who understand the central importance of airlift for our services tell us about how vital this aircraft is to the military's air transport needs, we believe it is prudent to take their word for it and plan accordingly.

It is my understanding this amendment has been agreed to on both sides. We are certainly grateful for that. I appreciate the leadership of the floor managers in being able to reach that agreement.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who seeks time? The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I rise to speak in favor of the amendment that I am privileged to cosponsor with my friend from Missouri. He spoke very comprehensively and eloquently about it. I will say a few words and associate myself with everything he has said.

This is all about strategic airlift. It is all about the ability to deploy our forces and the equipment and materials to sustain them to battlefields around the world. The C-17, a remarkable aircraft, has done that with enormous efficiency, reliability, and skill.

I have been around here long enough now that I remember when the military was pleading with us in Congress to authorize and appropriate for the development of a new strategic airlift capacity. It became the C-17. I remember the arguments. The strategic airlift is like the long pole in a tent. If the pole is gone, the tent collapses. If you cannot get your forces, material, and equipment to support them to the field of battle around the world—the fields of battle are not only dispersed around the world but in very different circumstances often without typical or

conventional airfields on which to land—then you can't fight the battle.

From that plea over a period of years came the design and construction of the C-17. I remember the first day I saw the first C-17 fly into an airfield in East Hartford, associated with Pratt & Whitney who, I am proud to say, builds the engines for these planes. It is remarkable. It is an enormous plane. The pilots flew it with an ease and mobility that made it seem like a much smaller plane.

It has performed admirably over the years. Time after time, members of the Armed Services Committee, on which the Senator from Missouri and I are privileged to serve, have heard our warfighting commanders tell us that they don't have enough strategic airlift.

I am privileged to serve as the ranking Democrat on the Airland Subcommittee of the Armed Services Committee. We authorize strategic airlift, and here, too, we have heard over and over, one, about the need and, two, about the enormously impressive performance of the C-17.

It is the heart of our strategic airlift. The Air Force, as my friend from Missouri, Senator TALENT, has said, has contended over and over—and this reaches a level of a plea also—that we need 222 C-17s. That is a position held by the U.S. Transportation Command, which is responsible for the planning and providing of strategic transportation for our military.

Here is the problem and what brings Senator TALENT and I and a very broad group of Senators of both parties to offer this amendment.

A study has recently been completed by the Department of Defense called the Mobility Capabilities Study. It concludes, uniquely—no one else has—that the need now is only for 180 C-17s; again, at odds with the Transportation Command. Here is the problem. If that position holds and we stop production of the C-17 at 180, that would mean production would end in 2008 and the production line would close. It is hard to start it up again—impossible to start it up again. A lot of people around the country, including in Connecticut, will lose their jobs.

There is a fundamental flaw to the Mobility Capabilities Study. It is simply that the case has not been made that we are going to adequately support our military with 180 of these planes. We need 222.

The Mobility Capabilities Study has serious limits and flaws. The first point is that it started several years ago, and its conclusions are based on assumptions that I contend are no longer valid.

Among these that concern me most are the assumptions that the planning scenarios in place during the study, the war situation scenarios, need situation scenarios, are still valid. Also, that there will be no increase in demand from revisions in those planning scenarios, that there will be no increase in

what we call intertheater demand—within the theater—demand for strategic airlift, and there will be no significant increase in concurrent demand associated with homeland defense at the same time there are major combat operations overseas underway.

Senator TALENT pointed out that recently the C-17s were used to bring critically important materials into the gulf coast area after Hurricane Katrina struck.

I say that all of these assumptions of the Mobility Capabilities Study, which reached this unique conclusion that we will be safe with 180 C-17s, are suspect. The fact is, the Department of Defense is now looking at some very different military planning scenarios which would occasion very significant demand for the C-17 strategic airlift capacity.

We know that in-theater demand for this capacity has obviously increased in Iraq because of the danger of ground movement, and the C-17s have met that need brilliantly and reliably.

Subsequent insurgencies, the kinds of unconventional conflicts and threats we are likely to face in the years ahead, will also require the kind of unique capacity that this aircraft has to carry an enormous amount of material or personnel and land in very unconventional and different topographies.

There is now, as we know, a Quadrennial Defense Review underway. That is done every 4 years within the Pentagon to sketch out—more than sketch out—to define and delineate the strategic and specific materiel needs of our military to execute the national military strategy. That QDR is underway and probably will address these issues. I personally believe that the QDR will increase the requirement for strategic airlift, not decrease it, as the Mobility Capabilities Study suggests.

This amendment is protection against the implementation of the Mobility Capabilities Study numbers prematurely, of the shutting down of these production lines, of the loss of jobs, and of the inability to meet the strategic airlift needs of our military.

The amendment says the Secretary of the Air Force may execute a multiyear contract for the 42 more airplanes that would bring us to the 222 standing requirement, that the Department of Defense must reconsider the validity of those Mobility Capabilities Study assumptions during the QDR, and that the production line for the C-17s and all component parts must be kept operating at least at a minimum sustaining rate until we are confident of what we need.

This is a hedge against a precipitous and, I would say, dangerous decision made based on a single study done within the Pentagon.

I am grateful for the encouragement and, I hope and believe, support of the chairman of the Armed Services Committee and the ranking Democrat. I thank Senator TALENT for all the work

he has done to bring this forward. It has been a pleasure working with him.

I ask my colleagues to support the amendment.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I strongly endorse the amendment by our colleagues, both the Senator from Missouri and the Senator from Connecticut. They have carefully discussed with us the process by which they arrived at this conclusion. I must say, putting aside a little modesty, years and years ago, I was the one who on several occasions worked with others in this Senate to save the C-17 from even coming into being. We could see the needs into the future.

This plane has been an absolute, rock-solid performer in our inventory of airlift. I think this amendment comes at a critical time, expressing the desires of the Congress. It gives flexibility to the Secretary of the Air Force and the Secretary of Defense to proceed. I strongly support it.

At this time, it may be necessary to put in a quorum call so the matter can be discussed. Is that correct?

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that my friend and colleague from Connecticut, Senator DODD, be added as an original cosponsor of the amendment.

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

Mr. LIEBERMAN. He has been a steadfast and I would go so far as to say a fervent supporter of the C-17 over the years of the existence of this program, and on behalf of Senator TALENT, I ask that when a vote is taken on this amendment, it be taken by rollcall.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, we support this amendment. The Secretary's certification that is involved should not be related to the mobility capability study because that will not make any recommendations for changing airlift requirements. The certification should be related to the Quadrennial Defense Review because if there are changes in the national military strategy that affect airlift requirements, those should be reflected in the QDR.

If the Air Force does not buy any more C-17 aircraft after 2007, Boeing may have to close down its production line after delivering the last of 180 C-17s. That would be before we have the testing data on the C-5 upgrades because that data will not be available until 2008.

Given the fact there are some risks those upgrades will not achieve the mission-capable rates the DOD expects and then make it possible for us to meet our lift requirements, this is a positive amendment. It gives some real flexibility and discretion to the Secretary of Defense.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, do I understand the Senators desire a rollcall vote?

Mr. TALENT. That is correct.

Mr. WARNER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. WARNER. We will schedule this vote at a time in consultation with our respective leaders. There may be some other matters that we have.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. TALENT. Mr. President, I again thank the chairman and ranking member for their hard work. The Senator from Connecticut and I talked about it. We thought this measure, going to the heart of such an important requirement, was worthy of a rollcall vote. I do appreciate the chairman's patience on that.

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

The PRESIDING OFFICER (Mr. DEMINT). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. WARNER. The Senate is now in session on the bill; is that correct?

The PRESIDING OFFICER. The Senator is correct.

#### AMENDMENT NO. 2478

Mr. LAUTENBERG. Mr. President, I want to amend my amendment, No. 2478, which I introduced earlier, to include another paragraph to clarify exactly what we mean. I listened to recommendations that we use other language that again further clarifies the intent here.

The intent, very simply, is to say if someone violates the rules for transferring classified information knowingly, then we think they should lose that opportunity for access to that.

That was the sole purpose. I offer it.

Mr. WARNER. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent to second-degree my amendment. I send it to the desk for consideration.

Mr. LEVIN. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Parliamentary inquiry: It is my understanding the Senator has a right to send a second-degree amendment to the desk without consent.

The PRESIDING OFFICER. The Senator may second-degree his own amendment without consent.

Mr. WARNER. Mr. President, my understanding of the parliamentary situation is that the ruling of the Chair is correct, that a Senator may send an

amendment in the second degree. But under the underlying unanimous consent agreement on which we are operating on this bill, all time has to be yielded back before the second-degree amendment may be offered.

The PRESIDING OFFICER. The Senator from New Jersey asked consent to second-degree his amendment. The amendment is not currently the pending question, nor has all time expired on the first-degree amendment, so it is appropriate to ask consent at this time.

Is there objection?

Mr. WARNER. Objection.

The PRESIDING OFFICER. Objection is heard.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. 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.

AMENDMENTS NOS. 1316, AS MODIFIED; 1329, AS MODIFIED; 1382, AS MODIFIED; 1410, 1438, 1444, 1469, AS MODIFIED; 1471, 1534, 1543, 1544, AS MODIFIED; 1550, AS MODIFIED; 1559, AS MODIFIED; 1560, AS MODIFIED; 1562, 1567, AS MODIFIED; 1885, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499 TO 1396; 2500, 2501, 2502, 2503, 2504, 2505, AND 2506, EN BLOC

Mr. WARNER. Mr. President, in consultation with the distinguished Senator from Michigan, I send a managers' package of some 40 amendments to the desk which have been cleared by myself and the ranking member.

Mr. LEVIN. Mr. President, the amendments have been cleared on our side.

Mr. WARNER. Mr. President, I ask unanimous consent the Senate consider those amendments en bloc, the amendments be agreed to, and the motions to reconsider be laid upon the table. Finally, I ask unanimous consent that any statements relating 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 en bloc, as follows:

#### AMENDMENT NO. 1316, AS MODIFIED

(Purpose: To authorize, with an offset, an additional \$5,000,000 for research, development, test, and evaluation for the Army for the Joint Service Small Arms Program)

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

#### SEC. 213. JOINT SERVICE SMALL ARMS PROGRAM.

(a) INCREASED 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.—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 Joint Service Small Arms Program.

(c) OFFSET.—The amount authorized to be appropriated by section 301(4) is hereby reduced by \$5,000,000.

#### AMENDMENT NO. 1329, AS MODIFIED

(Purpose: To authorize, with an offset, an additional \$1,000,000 for procurement for the Marine Corps for General Property for Field Medical Equipment for the Rapid Intravenous (IV) Infusion Pump)

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

#### SEC. 124. RAPID INTRAVENOUS INFUSION PUMP.

(a) ADDITIONAL AMOUNT FOR PROCUREMENT FOR THE MARINE CORPS.—The amount authorized to be appropriated by section 102(b) for procurement for the Marine Corps is hereby increased by \$1,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 102(b) for procurement for the Marine Corps, as increased by subsection (a), \$1,000,000 may be available for General Property for Field Medical Equipment for the Rapid Intravenous (IV) Infusion Pump.

(c) OFFSET.—The amount authorized to be appropriated by section 301(4) is hereby reduced by \$1,000,000.

#### AMENDMENT NO. 1382, AS MODIFIED

(Purpose: To require a report on the aircraft of the Army to perform the High-altitude Aviation Training Site of the Army National Guard)

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

#### SEC. 330. REPORT ON AIRCRAFT TO PERFORM HIGH-ALTITUDE AVIATION TRAINING SITE

Not later than December 15, 2005, the Secretary of the Army shall submit to the congressional defense committee a report containing the following:

(1) An evaluation of the type of aircraft available in the inventory of the Army that is most suitable to perform the High-altitude Aviation Training Site (HAATS) mission.

(2) A determination of when such aircraft may be available for assignment to the HAATS.

#### AMENDMENT NO. 1410

(Purpose: To express the sense of Congress concerning actions to support the Nuclear Non-Proliferation Treaty)

On page 296, after line 19, add the following:

#### SEC. 1205. SENSE OF CONGRESS ON SUPPORT FOR NUCLEAR NON-PROLIFERATION TREATY.

Congress—

(1) reaffirms its support for the objectives of the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (the "Nuclear Non-Proliferation Treaty");

(2) expresses its support for all appropriate measures to strengthen the Nuclear Non-Proliferation Treaty and to attain its objectives; and

(3) calls on all parties to the Nuclear Non-Proliferation Treaty—

(A) to insist on strict compliance with the non-proliferation obligations of the Nuclear Non-Proliferation Treaty and to undertake effective enforcement measures against states that are in violation of their obligations under the Treaty;

(B) to agree to establish more effective controls on enrichment and reprocessing technologies that can be used to produce materials for nuclear weapons;

(C) to expand the ability of the International Atomic Energy Agency to inspect and monitor compliance with safeguard agreements and standards to which all states should adhere through existing authority

and the additional protocols signed by the states party to the Nuclear Non-Proliferation Treaty;

(D) to demonstrate the international community's unified opposition to a nuclear weapons program in Iran by—

(i) supporting the efforts of the United States and the European Union to prevent the Government of Iran from acquiring a nuclear weapons capability; and

(ii) using all appropriate diplomatic means at their disposal to convince the Government of Iran to abandon its uranium enrichment program;

(E) to strongly support the ongoing United States diplomatic efforts in the context of the six-party talks that seek the verifiable and irreversible disarmament of North Korea's nuclear weapons programs and to use all appropriate diplomatic means to achieve this result;

(F) to pursue diplomacy designed to address the underlying regional security problems in Northeast Asia, South Asia, and the Middle East, which would facilitate non-proliferation and disarmament efforts in those regions;

(G) to accelerate programs to safeguard and eliminate nuclear weapons-usable material to the highest standards to prevent access by terrorists and governments;

(H) to halt the use of highly enriched uranium in civilian reactors;

(I) to strengthen national and international export controls and relevant security measures as required by United Nations Security Council Resolution 1540;

(J) to agree that no state may withdraw from the Nuclear Non-Proliferation Treaty and escape responsibility for prior violations of the Treaty or retain access to controlled materials and equipment acquired for "peaceful" purposes;

(K) to accelerate implementation of disarmament obligations and commitments under the Nuclear Non-Proliferation Treaty for the purpose of reducing the world's stockpiles of nuclear weapons and weapons-grade fissile material; and

(L) to strengthen and expand support for the Proliferation Security Initiative.

#### AMENDMENT NO. 1438

(Purpose: To redesignate the Naval Reserve as the Navy Reserve)

(The amendment is printed in the RECORD of July 22, 2005, under "Text of Amendments.")

#### AMENDMENT NO. 1444

(Purpose: To ensure that any reimbursement for services is retained for fire protection activity)

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

#### SEC. 1073. RETENTION OF REIMBURSEMENT FOR PROVISION OF RECIPROCAL FIRE PROTECTION SERVICES.

Section 5 of the Act of May 27, 1955 (chapter 105; 69 Stat. 67; 42 U.S.C. 1856d) is amended—

(1) by striking "Funds" and inserting "(a) Funds"; and

(2) by adding at the end the following new subsection:

"(b) Notwithstanding the provisions of subsection (a), all sums received for any Department of Defense activity for fire protection rendered pursuant to this Act shall be credited to the appropriation fund or account from which the expenses were paid. Amounts so credited shall be merged with funds in such appropriation fund or account and shall be available for the same purposes and subject to the same limitations as the funds with which the funds are merged."

#### AMENDMENT NO. 1469, AS MODIFIED

(Purpose: To renew the moratorium on the return of veterans memorial objects to foreign nations without specific authorization in law)

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

#### SEC. 1073. RENEWAL OF MORATORIUM ON RETURN OF VETERANS MEMORIAL OBJECTS TO FOREIGN NATIONS WITHOUT SPECIFIC AUTHORIZATION IN LAW.

Section 1051(c) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 113 Stat. 763; 10 U.S.C. 2572 note) is amended by inserting "and during the period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2006 and ending on September 30, 2010."

#### AMENDMENT NO. 1471

(Purpose: To require a study on the deployment times of members of the National Guard and Reserves in the global war on terrorism)

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

#### SEC. 538. DEFENSE SCIENCE BOARD STUDY ON DEPLOYMENT OF MEMBERS OF THE NATIONAL GUARD AND RESERVES IN THE GLOBAL WAR ON TERRORISM.

(a) STUDY REQUIRED.—The Defense Science Board shall conduct a study on the length and frequency of the deployment of members of the National Guard and the Reserves as a result of the global war on terrorism.

(b) ELEMENTS.—The study required by subsection (a) shall include the following:

(1) An identification of the current range of lengths and frequencies of deployments of members of the National Guard and the Reserves.

(2) An assessment of the consequences for force structure, morale, and mission capability of deployments of members of the National Guard and the Reserves in the course of the global war on terrorism that are lengthy, frequent, or both.

(3) An identification of the optimal length and frequency of deployments of members of the National Guard and the Reserves during the global war on terrorism.

(4) An identification of mechanisms to reduce the length, frequency, or both of deployments of members of the National Guard and the Reserves during the global war on terrorism.

(c) REPORT.—Not later than May 1, 2006, the Defense Science Board shall submit to the congressional defense committees a report on the study required by subsection (a). The report shall include the results of the study and such recommendations as the Defense Science Board considers appropriate in light of the study.

#### AMENDMENT NO. 1534

(Purpose: To permit the Department of Defense and other Federal agencies to enter into reciprocal agreements with fire organizations for emergency medical services, hazardous material containment, and other emergency services)

On page 286, between lines 7 and 8, insert the following:

#### SEC. 1073. EXPANSION OF EMERGENCY SERVICES UNDER RECIPROCAL AGREEMENTS.

Subsection (b) of the first section of the Act of May 27, 1955 (69 Stat. 66, chapter 105; 42 U.S.C. 1856(b)) is amended by striking "and fire fighting" and inserting "fire fighting, and emergency services, including basic and advanced life support, hazardous material containment and confinement, and special rescue events involving vehicular and water mishaps, and trench, building, and confined space extractions".

#### AMENDMENT NO. 1543

(Purpose: To authorize the Secretary of Energy to carry out certain new plant projects for defense nuclear non-proliferation activities)

On page 372, line 3, insert after "\$1,637,239,000" the following: "of which amount \$338,565,000 shall be available for project 99-D-143, the Mixed Oxide Fuel Fabrication Facility, Savannah River Site, Aiken, South Carolina, and \$24,000,000 shall be available for project 99-D-141, the Pit Disassembly and Conversion Facility, Savannah River Site, Aiken, South Carolina".

#### AMENDMENT NO. 1544, AS MODIFIED

(Purpose: To authorize, with an offset, an additional \$6,000,000 for Research, Development, Test, and Evaluation, Navy, for research and development on Long Wavelength Array low frequency radio astronomy instruments)

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

#### SEC. 213. LONG WAVELENGTH ARRAY LOW FREQUENCY RADIO ASTRONOMY INSTRUMENTS.

(a) 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 \$6,000,000.

(b) AVAILABILITY OF AMOUNT.—

(1) IN GENERAL.—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), \$6,000,000 may be available for research and development on Long Wavelength Array low frequency radio astronomy instruments.

(2) CONSTRUCTION WITH OTHER AMOUNTS.—The amount available under paragraph (1) for the purpose set forth in that paragraph is in addition to any other amounts available under this Act for that purpose.

(c) OFFSET.—The amount authorized to be appropriated by section 301(4) for operation and maintenance for the Air Force is hereby reduced by \$6,000,000.

#### AMENDMENT NO. 1550, AS MODIFIED

(Purpose: To improve national security through the establishment of a Civilian Linguist Reserve Corps Pilot Project within the Department of Defense comprised of citizens fluent in foreign languages who would be available to provide translation services and related duties, as needed)

On page 48, line 21, strike "\$18,584,469,000" and insert "\$18,581,369,000".

At the appropriate place, insert the following:

#### SEC. \_\_\_\_ PILOT PROJECT FOR CIVILIAN LINGUIST RESERVE CORPS.

(a) ESTABLISHMENT.—The Secretary of Defense (referred to in this section as the "Secretary"), through the National Security Education Program, shall conduct a 3-year pilot project to establish the Civilian Linguist Reserve Corps, which shall be composed of United States citizens with advanced levels of proficiency in foreign languages who would be available, upon request from the President, to perform any services or duties with respect to such foreign languages in the Federal Government as the President may require.

(b) IMPLEMENTATION.—In establishing the Civilian Linguist Reserve Corps, the Secretary, after reviewing the findings and recommendations contained in the report required under section 325 of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107-306; 116 Stat. 2393), shall—

(1) identify several foreign languages that are critical for the national security of the

United States and the relative priority of each such language;

(2) identify United States citizens with advanced levels of proficiency in those foreign languages who would be available to perform the services and duties referred to in subsection (a);

(3) cooperate with other Federal agencies with national security responsibilities to implement a procedure for calling for the performance of the services and duties referred to in subsection (a); and

(4) implement a call for the performance of such services and duties.

(c) **CONTRACT AUTHORITY.**—In establishing the Civilian Linguist Reserve Corps, the Secretary may enter into contracts with appropriate agencies or entities.

(d) **FEASIBILITY STUDY.**—During the course of the pilot project, the Secretary shall conduct a study of the best practices in implementing the Civilian Linguist Reserve Corps, including—

(1) administrative structure;

(2) languages to be offered;

(3) number of language specialists needed for each language;

(4) Federal agencies who may need language services;

(5) compensation and other operating costs;

(6) certification standards and procedures;

(7) security clearances;

(8) skill maintenance and training; and

(9) the use of private contractors to supply language specialists.

(e) **REPORTS.**—

(1) **EVALUATION REPORTS.**—

(A) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, and annually thereafter until the expiration of the 3-year period beginning on such date of enactment, the Secretary shall submit to Congress an evaluation report on the pilot project conducted under this section.

(B) **CONTENTS.**—Each report required under subparagraph (A) shall contain information on the operation of the pilot project, the success of the pilot project in carrying out the objectives of the establishment of a Civilian Linguist Reserve Corps, and recommendations for the continuation or expansion of the pilot project.

(2) **FINAL REPORT.**—Not later than 6 months after the completion of the pilot project, the Secretary shall submit to Congress a final report summarizing the lessons learned, best practices, and recommendations for full implementation of the Civilian Linguist Reserve Corps.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated \$3,100,000 for fiscal year 2006 to carry out the pilot project under this section.

(g) **OFFSET.**—The amounts authorized to be appropriated by section 301(4) are hereby reduced by \$3,100,000 from operation and maintenance, Air Force.

#### AMENDMENT NO. 1559, AS MODIFIED

(Purpose: To increase by \$1,000,000 the amount authorized to be appropriated to the Army for research, development, test, and evaluation, to be available for research on and facilitation of technology for converting obsolete chemical munitions to fertilizer, and to provide an offset)

On page 28, between lines 10 and 11, insert the following:

#### SEC. 203. FUNDING FOR DEVELOPMENT OF DISTRIBUTED GENERATION TECHNOLOGIES.

(a) **INCREASE IN FUNDS AVAILABLE TO ARMY FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.**—The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army maybe increased by \$1,000,000, with the

amount of such increase to be available for research on and facilitation of technology for converting obsolete chemical munitions to fertilizer.

(b) **REDUCTION IN FUNDS AVAILABLE TO AIR FORCE.**—The amount authorized to be appropriated by section 301(4) for the Air Force is hereby reduced by \$1,000,000.

#### AMENDMENT NO. 1560, AS MODIFIED

(Purpose: To increase by \$1,500,000 the amount authorized to be appropriated to the Navy for research within the High-Brightness Electron Source program, and to provide an offset)

On page 28, between lines 10 and 11, insert the following:

#### SEC. 203. FUNDING FOR RESEARCH AND TECHNOLOGY TRANSITION FOR HIGH-BRIGHTNESS ELECTRON SOURCE PROGRAM.

(a) **INCREASE IN FUNDS AVAILABLE TO NAVY FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.**—The amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy maybe increased by \$1,500,000.

(b) **REDUCTION IN FUNDS AVAILABLE TO ARMY FOR PROCUREMENT, AMMUNITION.**—The amount authorized to be appropriated by section 301(4) for the Air Force is hereby reduced by \$1,500,000.

#### AMENDMENT NO. 1562

(Purpose: To designate the annex to the E. Barrett Prettyman Federal Building and United States Courthouse located at 333 Constitution Avenue Northwest in the District of Columbia as the “William B. Bryant Annex”)

On page 371, between lines 8 and 9, insert the following:

#### SEC. 2887. DESIGNATION OF WILLIAM B. BRYANT ANNEX.

(a) **DESIGNATION.**—The annex to the E. Barrett Prettyman Federal Building and United States Courthouse located at 333 Constitution Avenue Northwest in the District of Columbia shall be known and designated as the “William B. Bryant Annex”.

(b) **REFERENCES.**—Any reference in a law, map, regulation, document, paper, or other record of the United States to the annex referred to in subsection (a) shall be deemed to be a reference to the “William B. Bryant Annex”.

#### AMENDMENT NO. 1567, AS MODIFIED

(Purpose: To modify the exclusion from officer distribution and strength limitations of officers serving in intelligence community positions)

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

#### SEC. 509. APPLICABILITY OF OFFICER DISTRIBUTION AND STRENGTH LIMITATIONS TO OFFICERS SERVING IN INTELLIGENCE COMMUNITY POSITIONS.

(a) **IN GENERAL.**—Section 528 of title 10, United States Code, is amended to read as follows:

#### “§ 528. Exclusion: officers serving in certain intelligence positions

“(a) **EXCLUSION OF OFFICER SERVING IN CERTAIN CIA POSITIONS.**—When either of the individuals serving in a position specified in subsection (b) is an officer of the armed forces, one of those officers, while serving in such position, shall be excluded from the limitations in sections 525 and 526 of this title while serving in such position.

“(b) **COVERED POSITIONS.**—The positions referred to in this subsection are the following:

“(1) Director of the Central Intelligence Agency.

“(2) Deputy Director of the Central Intelligence Agency.

“(c) **ASSOCIATE DIRECTOR OF CIA FOR MILITARY SUPPORT.**—An officer of the armed

forces serving in the position of Associate Director of the Central Intelligence Agency for Military Support, while serving in that position, shall be excluded from the limitations in sections 525 and 526 of this title while serving in such position.

“(d) **OFFICERS SERVING IN OFFICE OF DNI.**—Up to 5 general and flag officers of the armed forces assigned to positions in the Office of the Director of National Intelligence designated by agreement between the Secretary of Defense and the Director of National Intelligence shall be excluded from the limitations in sections 525 and 526 of this title while serving in such positions.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 32 of such title is amended by striking the item relating to section 528 and inserting the following new item:

“528. Exclusion: officers serving in certain intelligence positions.”.

#### AMENDMENT NO. 1885

(Purpose: To authorize the Secretary of the Navy to provide for the welfare of Special Category Residents at Naval Station Guantanamo Bay, Cuba)

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

#### SEC. 330. WELFARE OF SPECIAL CATEGORY RESIDENTS AT NAVAL STATION GUANTANAMO BAY, CUBA.

(a) **IN GENERAL.**—The Secretary of the Navy may provide for the general welfare, including subsistence, housing, and health care, of any person at Naval Station Guantanamo Bay, Cuba, who is designated by the Secretary, not later than 90 days after the date of the enactment of this Act, as a so-called “special category resident”.

(b) **PROHIBITION ON CONSTRUCTION OF FACILITIES.**—The authorization in subsection (a) shall not be construed as an authorization for the construction of new housing facilities or medical treatment facilities.

(c) **CONSTRUCTION OF PRIOR USE OF FUNDS.**—The provisions of chapter 13 of title 31, United States Code, are hereby deemed not to have applied to the obligation or expenditure of funds before the date of the enactment of this Act for the general welfare of persons described in subsection (a).

#### AMENDMENT NO. 2484

(Purpose: To authorize, with an offset, an additional \$1,000,000 for research, development, test, and evaluation for the Army for Warhead/Grenade Scientific Based Manufacturing Technology)

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

#### SEC. 213. WARHEAD/GRENADE SCIENTIFIC BASED MANUFACTURING TECHNOLOGY.

(a) **ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR THE 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 Weapons and Ammunition Technology (PE#602624A) for Warhead/Grenade Scientific Based Manufacturing Technology.

(c) **OFFSET.**—The amount authorized to be appropriated by section 301(4) for operation and maintenance, Air Force activities is hereby reduced by \$1,000,000.

#### AMENDMENT NO. 2485

(Purpose: To establish the National Foreign Language Coordination Council to develop and implement a foreign language strategy)

(The amendment is printed in today's Record under “Text of Amendments.”)



## AMENDMENT NO. 2486

(Purpose: To provide, with an offset, an additional \$16,000,000 for Operation and Maintenance, Army, for the Point of Maintenance/Arsenal/Depot AIT Initiative)

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

**SEC. 330. POINT OF MAINTENANCE/ARSENAL/DEPOT AIT INITIATIVE.**

(a) **ADDITIONAL AMOUNT FOR OPERATION AND MAINTENANCE, ARMY.**—The amount authorized to be appropriated by section 301(1) for operation and maintenance for the Army is hereby increased by \$10,000,000.

(b) **AVAILABILITY OF AMOUNT.**—Of the amount authorized to be appropriated by section 301(1) for operation and maintenance for the Army, as increased by subsection (a), \$16,000,000 may be available for the Point of Maintenance/Arsenal/Depot AIT (AD-AIT) Initiative.

(c) **OFFSET.**—The amount authorized to be appropriated by section 301(4) is hereby reduced by \$10,000,000, with the amount of the reduction to be derived from amounts authorized to be appropriated by that section for the Air Force.

## AMENDMENT NO. 2487

(Purpose: To provide, with an offset, an additional \$4,500,000 for Operation and Maintenance, Army, for procurement of the RI-2200 and RI-2400 Long Arm High-Intensity Arc Metal Halide Handheld Searchlight)

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

**SEC. 330. LONG ARM HIGH-INTENSITY ARC METAL HALIDE HANDHELD SEARCHLIGHT.**

(a) **ADDITIONAL AMOUNT FOR OPERATION AND MAINTENANCE, ARMY.**—The amount authorized to be appropriated by section 301(1) for operation and maintenance for the Army is hereby increased by \$4,500,000.

(b) **AVAILABILITY OF AMOUNT.**—Of the amount authorized to be appropriated by section 301(1) for operation and maintenance for the Army, as increased by subsection (a), \$4,500,000 may be available for the Long Arm High-Intensity Arc Metal Halide Handheld Searchlight.

(c) **OFFSET.**—The amount authorized to be appropriated by section 301(4) is hereby reduced by \$4,500,000, with the amount of the reduction to be derived from amounts authorized to be appropriated by that section for the Air Force.

## AMENDMENT NO. 2488

(Purpose: To support the acquisition of foreign language skills among participants in the Reserve Officers' Training Corps)

On page 92, after line 25, add the following:

**SEC. 538. PROMOTION OF FOREIGN LANGUAGE SKILLS AMONG MEMBERS OF THE RESERVE OFFICERS' TRAINING CORPS.**

(a) **IN GENERAL.**—The Secretary of Defense shall support the acquisition of foreign language skills among cadets and midshipmen in the Reserve Officers' Training Corps, including through the development and implementation of—

(1) incentives for cadets and midshipmen to participate in study of a foreign language, including special emphasis for Arabic, Chinese, and other "strategic languages", as defined by the Secretary of Defense in consultation with other relevant agencies; and

(2) a recruiting strategy to target foreign language speakers, including members of heritage communities, to participate in the Reserve Officers' Training Corps.

(b) **REPORT REQUIRED.**—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 the actions taken to carry out this section.

## AMENDMENT NO. 2489

(Purpose: To make available, with an offset, \$3,000,000 for Research, Development, Test, and Evaluation, Air Force, for assurance for the Field Programmable Gate Array)

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

**SEC. 213. FIELD PROGRAMMABLE GATE 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 Space Technology (PE # 0602601F) for research and development on the reliability of field programmable gate arrays for space applications, including design of an assurance strategy, reference architectures, research and development on reliability and radiation hardening, and outreach to industry and localities to develop core competencies.

(c) **OFFSET.**—The amount authorized to be appropriated by section 301(4) is hereby reduced by \$3,000,000.

## AMENDMENT NO. 2490

(Purpose: To provide for Department of Defense support of certain Paralympic sporting events)

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

**SEC. \_\_\_\_ DEPARTMENT OF DEFENSE SUPPORT FOR CERTAIN PARALYMPIC SPORTING EVENTS.**

(a) **PROVISION OF SUPPORT.**—Subsection (c) of section 2564 of title 10, United States Code, is amended by adding at the end the following new paragraphs:

"(4) A sporting event sanctioned by the United States Olympic Committee through the Paralympic Military Program.

"(5) A national or international Paralympic sporting event (other than one covered by paragraph (3) or (4))—

"(A) which is—

"(i) held in the United States or any of its territories or commonwealths;

"(ii) governed by the International Paralympic Committee; and

"(iii) sanctioned by the United States Olympic Committee; and

"(B) for which participation exceeds 100 amateur athletes."

(b) **FUNDING AND LIMITATIONS.**—Such section is further amended—

(1) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively; and

(2) by inserting after subsection (c) the following new subsection:

"(d) **FUNDING FOR SUPPORT OF CERTAIN EVENTS.**—(1) Funds to provide support for a sporting event described in paragraph (4) or (5) of subsection (c) shall be derived from the Support for International Sporting Competitions, Defense account established by section 5802 of Public Law 104-208 (110 Stat. 3009-522), notwithstanding any limitation in such section relating to the availability of funds in such account for support of international sporting competitions.

"(2) The total amount that may be expended in any fiscal year to provide support for a sporting event described in paragraph (5) of subsection (c) may not exceed \$1,000,000."

## AMENDMENT NO. 2491

(Purpose: To delay until September 30, 2007, the limitation on the procurement by the Department of Defense of systems that are not equipped with the Global Positioning System)

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

**SEC. 244. DELAYED EFFECTIVE DATE FOR LIMITATION ON PROCUREMENT OF SYSTEMS NOT GPS-EQUIPPED.**

(a) **DELAYED EFFECTIVE DATE.**—Section 152(b) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 107 Stat. 1578), as amended by section 218(e) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 112 Stat. 1952; 10 U.S.C. 2281 note), is further amended by striking "2005" and inserting "2007".

(b) **RATIFICATION OF ACTIONS.**—Any obligation or expenditure of funds by the Department of Defense during the period beginning on October 1, 2005, and ending on the date of the enactment of this Act to modify or procure a Department of Defense aircraft, ship, armored vehicle, or indirect-fire weapon system that is not equipped with a Global Positioning System receiver is hereby ratified.

## AMENDMENT NO. 2492

(Purpose: To make available, with an offset, additional amounts for defense basic research programs)

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

**SEC. 213. DEFENSE BASIC RESEARCH PROGRAMS.**

(a) **ARMY PROGRAMS.**—(1) 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) 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 0601103A for University Research Initiatives.

(b) **NAVY PROGRAMS.**—(1) The amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy is hereby increased by \$5,000,000.

(2) 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), \$5,000,000 may be available for Program Element 0601103N for University Research Initiatives.

(c) **AIR FORCE PROGRAMS.**—(1) 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) 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 0601103F for University Research Initiatives.

(d) **DEFENSE-WIDE ACTIVITIES.**—(1) The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-wide activities is hereby increased by \$15,000,000.

(2) 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)—

(A) \$10,000,000 may be available for Program Element 0601120D8Z for the SMART National Defense Education Program; and

(B) \$5,000,000 may be available for Program Element 0601101E for the Defense Advanced Research Projects Agency University Research Program in Computer Science and Cybersecurity.

(e) OFFSETS.—(1) The amount authorized to be appropriated by section 301(c), Operation and Maintenance, Navy, is hereby reduced by \$40,000,000.

## AMENDMENT NO. 2493

(Purpose: To improve the provision relating to clarification of authority of military legal assistance counsel)

On page 96, strike lines 19 and 20 and insert the following:

“(2) Military legal assistance may be provided only by a judge advocate or a civilian attorney who is a member of the bar of a Federal court or of the highest court of a State.

“(3) In this subsection, the term ‘military legal assistance’ includes—

## AMENDMENT NO. 2494

(Purpose: To provide an education loan repayment program for chaplains in the Selected Reserve)

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

**SEC. 653. EDUCATION LOAN REPAYMENT PROGRAM FOR CHAPLAINS IN THE SELECTED RESERVE.**

(a) IN GENERAL.—Chapter 1609 of title 10, United States Code, is amended by adding at the end the following new section:

**“§ 16303. Education loan repayment program: chaplains serving in the Selected Reserve**

“(a) AUTHORITY TO REPAY EDUCATION LOANS.—Under regulations prescribed by the Secretary of Defense and subject to the provisions of this section, the Secretary concerned may, for purposes of maintaining adequate numbers of chaplains in the Selected Reserve, repay a loan that—

“(1) was used by a person described in subsection (b) to finance education resulting in a Masters of Divinity degree; and

“(2) was obtained from an accredited theological seminary as listed in the Association of Theological Schools (ATS) handbook.

“(b) ELIGIBLE PERSONS.—(1) Except as provided in paragraph (2), a person described in this subsection is a person who—

“(A) satisfies the requirements specified in subsection (c);

“(B) holds, or is fully qualified for, an appointment as a chaplain in a reserve component of an armed force; and

“(C) signs a written agreement to serve not less than three years in the Selected Reserve.

“(2) A person accessioned into the Chaplain Candidate Program is not eligible for the repayment of loans under subsection (a).

“(c) ACADEMIC AND PROFESSIONAL REQUIREMENTS.—The requirements specified in this subsection are such requirements for accessioning and commissioning of chaplains as are prescribed by the Secretary concerned in regulations.

“(d) LOAN REPAYMENT.—(1) Subject to paragraph (2), the repayment of a loan under this section may consist of payment of the principal, interest, and related expenses of such loan.

“(2) The amount of any repayment of a loan made under this section on behalf of a person may not exceed \$20,000 for each three year period of obligated service that the person agrees to serve in an agreement described in subsection (b)(3). Of such amount, not more than an amount equal to 50 percent of such amount may be paid before the completion by the person of the first year of obligated service pursuant to such agreement. The balance of such amount shall be payable at such time or times as are prescribed by the Secretary concerned in regulations.

“(e) EFFECT OF FAILURE TO COMPLETE OBLIGATION.—A person on behalf of whom repayment of a loan is made under this section who fails, during the period of obligated

service the person agrees to serve in an agreement described in subsection (b)(3), to serve satisfactorily in the Selected Reserve may, at the election of the Secretary concerned, be required to pay the United States an amount equal to any amount of repayments made on behalf of the person in connection with the agreement.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1609 of such title is amended by adding at the end the following new item:

“16303. Education loan repayment program: chaplains serving in the Selected Reserve.”.

## AMENDMENT NO. 2495

(Purpose: To modify and improve the National Call to Service program)

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

**SEC. 573. NATIONAL CALL TO SERVICE PROGRAM.**

(a) LIMITATION TO DOMESTIC NATIONAL SERVICE PROGRAMS.—Subsection (c)(3)(D) of section 510 of title 10, United States Code, is amended by striking “in the Peace Corps, Americorps, or another national service program” and inserting “in Americorps or another domestic national service program”.

(b) ADMINISTRATION OF EDUCATION INCENTIVES BY SECRETARY OF VETERANS AFFAIRS.—Paragraph (2) of subsection (h) of such section is amended to read as follows:

“(2)(A) Educational assistance under paragraphs (3) or (4) of subsection (e) shall be provided through the Department of Veterans Affairs under an agreement to be entered into by the Secretary of Defense and the Secretary of Veterans Affairs. The agreements shall include administrative procedures to ensure the prompt and timely transfer of funds from the Secretary concerned to the Secretary of Veterans Affairs for the making of payments under this section.

“(B) Except as otherwise provided in this section, the provisions of sections 503, 511, 3470, 3471, 3474, 3476, 3482(g), 3483, and 3485 of title 38 and the provisions of subchapters I and II of chapter 36 of such title (with the exception of sections 3686(a), 3687, and 3692) shall be applicable to the provision of educational assistance under this chapter. The term ‘eligible veteran’ and the term ‘person’, as used in those provisions, shall be deemed for the purpose of the application of those provisions to this section to refer to a person eligible for educational assistance under paragraph (3) or (4) of subsection (e).”.

## AMENDMENT NO. 2496

(Purpose: To provide for the policy of the Department of Defense on the recruitment and enlistment of home schooled individuals in the Armed Forces)

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

**SEC. 522. RECRUITMENT AND ENLISTMENT OF HOME SCHOOLED STUDENTS IN THE ARMED FORCES.**

(a) POLICY ON RECRUITMENT AND ENLISTMENT.—

(1) POLICY REQUIRED.—The Secretary of Defense shall prescribe a policy on the recruitment and enlistment of home schooled students in the Armed Forces.

(2) UNIFORMITY ACROSS THE ARMED FORCES.—The Secretary shall ensure that the policy prescribed under paragraph (1) applies, to the extent practicable, uniformly across the Armed Forces.

(b) ELEMENTS.—The policy under subsection (a) shall include the following:

(1) An identification of a graduate of home schooling for purposes of recruitment and enlistment in the Armed Forces that is in accordance with the requirements described in subsection (c).

(2) Provision for the treatment of graduates of home schooling with no practical limit with regard to enlistment eligibility.

(3) An exemption of graduates of home schooling from the requirement for a secondary school diploma or an equivalent (GED) as a precondition for enlistment in the Armed Forces.

(c) HOME SCHOOL GRADUATES.—In prescribing the policy, the Secretary of Defense shall prescribe a single set of criteria to be utilized by the Armed Forces in determining whether an individual is a graduate of home schooling. The Secretary concerned shall ensure compliance with education credential coding requirements.

(d) SECRETARY CONCERNED DEFINED.—In this section, the term “Secretary concerned” has the meaning given such term in section 101(a)(9) of title 10, United States Code.

## AMENDMENT NO. 2497

(Purpose: To make available, with an offset, \$10,000,000 for Project Sheriff)

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

**SEC. 213. PROJECT SHERIFF.**

(a) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-wide activities, the amount available for the Force Transformation Directorate may be increased by \$10,000,000, with the amount of the increase to be available for Project Sheriff.

(b) OFFSET.—Of the amount authorized to be appropriated by section 301(4) is hereby reduced by \$10,000,000.

## AMENDMENT NO. 2498

(Purpose: To make available, with an offset, an additional \$5,000,000 for Research, Development, Test, and Evaluation, Army, for Medium Tactical Vehicle Modifications)

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

**SEC. 213. MEDIUM TACTICAL VEHICLE MODIFICATIONS.**

(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.—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 Medium Tactical Vehicle Modifications.

(c) OFFSET.—The amount authorized to be appropriated by section 301(4) for Operation and Maintenance for the Air Force is hereby reduced by \$5,000,000.

## AMENDMENT NO. 2499 TO AMENDMENT NO. 1396

(Purpose: To make a technical correction)  
On page 2, line 16, strike “\$3,008,982,000” and insert “\$3,108,982,000”.

## AMENDMENT NO. 2500

(Purpose: To extend by one year the date of the final report of the advisory panel on laws and regulations on acquisition practices and to require an interim report)

At the end of subtitle E of title VIII, add the following:

**SEC. 846. REPORTS OF ADVISORY PANEL ON LAWS AND REGULATIONS ON ACQUISITION PRACTICES.**

(a) EXTENSION OF FINAL REPORT.—Section 1423(d) of the Services Acquisition Reform Act of 2003 (title XIV of Public Law 108-136; 117 Stat. 1669; 41 U.S.C. 405 note) is amended by striking “one year” and inserting “two years”.

(b) REQUIREMENT FOR INTERIM REPORT.—That section is further amended—

(1) by inserting “(1)” before “Not later than”; and

(2) by adding at the end the following new paragraph:

“(2) Not later than one year after the date of the establishment of the panel, the panel shall submit to the official and committees referred to in paragraph (1) an interim report on the matters set forth in that paragraph.”.

AMENDMENT NO. 2501

At the appropriate place, insert the following:

(a) FINDINGS.—

(1) According to the Department of State, drug trafficking organizations shipped approximately nine tons of cocaine to the United States through the Dominican Republic in 2004, and are increasingly using small, high-speed watercraft.

(2) Drug traffickers use the Caribbean corridor to smuggle narcotics to the United States via Puerto Rico and the Dominican Republic. This route is ideal for drug trafficking because of its geographic expanse, numerous law enforcement jurisdictions and fragmented investigative efforts.

(3) The tethered aerostat system in Lajas, Puerto Rico contributes to deterring and detecting smugglers moving illicit drugs into Puerto Rico. The aerostat's range and operational capabilities allow it to provide surveillance coverage of the eastern Caribbean corridor and the strategic waterway between Puerto Rico and the Dominican Republic, known as the Mona Passage.

(4) Including maritime radar on the Lajas aerostat will expand its ability to detect suspicious vessels in the eastern Caribbean corridor.

(b) SENSE OF THE SENATE.—Given the above findings, it is the Sense of the Senate that—

(1) Congress and the Department of Defense fully fund the Counter-Drug Tethered Aerostat program.

(2) Department of Defense install maritime radar on the Lajas, Puerto Rico aerostat.

AMENDMENT NO. 2502

(Purpose: To modify the designation of facilities and resources constituting the Major Range and Test Facility Base)

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

**SEC. 244. DESIGNATION OF FACILITIES AND RESOURCES CONSTITUTING THE MAJOR RANGE AND TEST FACILITY BASE.**

(a) DEPARTMENT OF DEFENSE TEST RESOURCE MANAGEMENT CENTER.—Section 196(h) of title 10, United States Code, is amended by striking “Director of Operational Test and Evaluation” and inserting “Secretary of Defense”.

(b) INSTITUTIONAL FUNDING OF TEST AND EVALUATION ACTIVITIES.—Section 232(b)(1) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314; 116 Stat. 2490) is amended by striking “Director of Operational Test and Evaluation” and inserting “Secretary of Defense”.

AMENDMENT NO. 2503

(Purpose: To authorize the Secretary of Energy to purchase certain essential mineral rights and resolve natural resource damage liability claims)

On page 378, between lines 10 and 11, insert the following:

**SEC. 3114. ROCKY FLATS ENVIRONMENTAL TECHNOLOGY SITE.**

(a) DEFINITIONS.—In this section:

(1) ESSENTIAL MINERAL RIGHT.—The term “essential mineral right” means a right to mine sand and gravel at Rocky Flats, as depicted on the map.

(2) FAIR MARKET VALUE.—The term “fair market value” means the value of an essential mineral right, as determined by an appraisal performed by an independent, certified mineral appraiser under the Uniform

Standards of Professional Appraisal Practice.

(3) MAP.—The term “map” means the map entitled “Rocky Flats National Wildlife Refuge”, dated July 25, 2005, and available for inspection in appropriate offices of the United States Fish and Wildlife Service and the Department of Energy.

(4) NATURAL RESOURCE DAMAGE LIABILITY CLAIM.—The term “natural resource damage liability claim” means a natural resource damage liability claim under subsections (a)(4)(C) and (f) of section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607) arising from hazardous substances releases at or from Rocky Flats that, as of the date of enactment of this Act, are identified in the administrative record for Rocky Flats required by the National Oil and Hazardous Substances Pollution Contingency Plan prepared under section 105 of that Act (42 U.S.C. 9605).

(5) ROCKY FLATS.—The term “Rocky Flats” means the Department of Energy facility in the State of Colorado known as the “Rocky Flats Environmental Technology Site”.

(6) SECRETARY.—The term “Secretary” means the Secretary of Energy.

(7) TRUSTEES.—The term “Trustees” means the Federal and State officials designated as trustees under section 107(f)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607(f)(2)).

(b) PURCHASE OF ESSENTIAL MINERAL RIGHTS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, such amounts authorized to be appropriated under subsection (c) shall be available to the Secretary to purchase essential mineral rights at Rocky Flats.

(2) CONDITIONS.—The Secretary shall not purchase an essential mineral right under paragraph (1) unless—

(A) the owner of the essential mineral right is a willing seller; and

(B) the Secretary purchases the essential mineral right for an amount that does not exceed fair market value.

(3) LIMITATION.—Only those funds authorized to be appropriated under subsection (c) shall be available for the Secretary to purchase essential mineral rights under paragraph (1).

(4) RELEASE FROM LIABILITY.—Notwithstanding any other law, any natural resource damage liability claim shall be considered to be satisfied by—

(A) the purchase by the Secretary of essential mineral rights under paragraph (1) for consideration in an amount equal to \$10,000,000;

(B) the payment by the Secretary to the Trustees of \$10,000,000; or

(C) the purchase by the Secretary of any portion of the mineral rights under paragraph (1) for—

(i) consideration in an amount less than \$10,000,000; and

(ii) a payment by the Secretary to the Trustees of an amount equal to the difference between—

(I) \$10,000,000; and

(II) the amount paid under clause (i).

(5) USE OF FUNDS.—

(A) IN GENERAL.—Any amounts received under paragraph (4) shall be used by the Trustees for the purposes described in section 107(f)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607(f)(1)), including—

(i) the purchase of additional mineral rights at Rocky Flats; and

(ii) the development of habitat restoration projects at Rocky Flats.

(B) CONDITION.—Any expenditure of funds under this paragraph shall be made jointly by the Trustees.

(C) ADDITIONAL FUNDS.—The Trustees may use the funds received under paragraph (4) in conjunction with other private and public funds.

(6) EXEMPTION FROM NATIONAL ENVIRONMENTAL POLICY ACT.—Any purchases of mineral rights under this subsection shall be exempt from the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(7) ROCKY FLATS NATIONAL WILDLIFE REFUGE.—

(A) TRANSFER OF MANAGEMENT RESPONSIBILITIES.—The Rocky Flats National Wildlife Refuge Act of 2001 (16 U.S.C. 668dd note; Public Law 107-107) is amended—

(i) in section 3175—

(I) by striking subsections (b) and (f); and

(II) by redesignating subsections (c), (d), and (e) as subsections (b), (c), and (d), respectively; and

(ii) in section 3176(a)(1), by striking “section 3175(d)” and inserting “section 3175(c)”.

(B) BOUNDARIES.—Section 3177 of the Rocky Flats National Wildlife Refuge Act of 2001 (16 U.S.C. 668dd note; Public Law 107-107) is amended by striking subsection (c) and inserting the following:

“(c) COMPOSITION.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the refuge shall consist of land within the boundaries of Rocky Flats, as depicted on the map—

“(A) entitled ‘Rocky Flats National Wildlife Refuge’;

“(B) dated July 25, 2005; and

“(C) available for inspection in the appropriate offices of the United States Fish and Wildlife Service and the Department of Energy.

“(2) EXCLUSIONS.—The refuge does not include—

“(A) any land retained by the Department of Energy for response actions under section 3175(c);

“(B) any land depicted on the map described in paragraph (1) that is subject to 1 or more essential mineral rights described in section 3114(a) of the National Defense Authorization Act for Fiscal Year 2006 over which the Secretary shall retain jurisdiction of the surface estate until the essential mineral rights—

“(i) are purchased under subsection (b) of that Act; or

“(ii) are mined and reclaimed by the mineral rights holders in accordance with requirements established by the State of Colorado; and

“(C) the land depicted on the map described in paragraph (1) on which essential mineral rights are being actively mined as of the date of enactment of the National Defense Authorization Act for Fiscal Year 2006 until—

“(i) the essential mineral rights are purchased; or

“(ii) the surface estate is reclaimed by the mineral rights holder in accordance with requirements established by the State of Colorado.

“(3) ACQUISITION OF ADDITIONAL LAND.—Notwithstanding paragraph (2), upon the purchase of the mineral rights or reclamation of the land depicted on the map described in paragraph (1), the Secretary shall—

“(A) transfer the land to the Secretary of the Interior for inclusion in the refuge; and

“(B) the Secretary of the Interior shall—

“(i) accept the transfer of the land; and

“(ii) manage the land as part of the refuge.”.

(c) FUNDING.—Of the amounts authorized to be appropriated to the Secretary for the Rocky Flats Environmental Technology Site

for fiscal year 2006, \$10,000,000 may be made available to the Secretary for the purposes described in subsection (b).

AMENDMENT NO. 2504

(Purpose: To authorize, with an offset, an additional \$4,000,000 for research, development, test, and evaluation for the Air Force for Aging Military Aircraft Fleet Support)

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

**SEC. 213. AGING MILITARY AIRCRAFT FLEET SUPPORT.**

(a) **ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR THE 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 \$4,000,000.

(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), \$4,000,000 may be available for Program Element #63112F for Aging Military Aircraft Fleet Support.

(c) **OFFSET.**—The amount authorized to be appropriated by section 301(4) for operation and maintenance for Air Force activities is hereby reduced by \$4,000,000.

AMENDMENT NO. 2505

(Purpose: To make United States nationals eligible for appointment to the Senior Reserve Officers' Training Corps)

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

**SEC. 537. ELIGIBILITY OF UNITED STATES NATIONALS FOR APPOINTMENT TO THE SENIOR RESERVE OFFICERS' TRAINING CORPS.**

(a) **IN GENERAL.**—Section 2107(b)(1) of title 10, United States Code, is amended by inserting "or national" after "citizen".

(b) **ARMY RESERVE OFFICERS TRAINING PROGRAMS.**—Section 2107a(b)(1) of such title is amended by inserting "or national" after "citizen".

(c) **ELIGIBILITY FOR APPOINTMENT AS COMMISSIONED OFFICERS.**—Section 532(f) of such title is amended by inserting "or for a United States national otherwise eligible for appointment as a cadet or midshipman under section 2107(a) of this title or as a cadet under section 2107a of this title," after "for permanent residence".

AMENDMENT NO. 2506

(Purpose: To require a report on cooperation between the Department of Defense and the National Aeronautics and Space Administration on research, development, test, and evaluation activities)

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

**SEC. 244. REPORT ON COOPERATION BETWEEN THE DEPARTMENT OF DEFENSE AND THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION ON RESEARCH, DEVELOPMENT, TEST, AND EVALUATION ACTIVITIES.**

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Administrator of the National Aeronautics and Space Administration shall jointly submit to Congress a report setting forth the recommendations of the Secretary and the Administrator regarding cooperative activities between the Department of Defense and the National Aeronautics and Space Administration related to research, development, test, and evaluation on areas of mutual interest to the Department and the Administration.

(b) **AREAS COVERED.**—The areas of mutual interest to the Department of Defense and the National Aeronautics and Space Administration referred to in subsection (a) may

include, but not be limited to, areas relating to the following:

- (1) Aeronautics research.
- (2) Facilities, personnel, and support infrastructure.
- (3) Propulsion and power technologies.
- (4) Space access and operations.

Mr. WARNER. Mr. President, I ask unanimous consent that time until 11:30 a.m. tomorrow be equally divided in the usual form, and that at 11:30 the Senate proceed to a vote in relation to the Dorgan amendment No. 2476, to be followed by a vote in relation to the Talent amendment No. 2477, with no second degrees in order to those amendments prior to the votes; further, that there be 3 minutes equally divided between the votes.

Mr. LEVIN. No objection.

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

Mr. BYRD. Mr. President, the Senate will soon vote to approve the fiscal year 2006 Defense authorization bill. The passage of this legislation is important to all Americans who are now serving in the U.S. Armed Forces, but especially to those who are serving in harm's way.

Our troops in Iraq and Afghanistan require all the support that our Nation can give them until the day that they can return to their homes. Our military prides itself in being the most capable and the best trained fighting force in the entire world. The Constitution places in Congress the responsibility to "raise and support armies" and to "provide and maintain a navy." It is therefore of the greatest importance that Congress provide our troops with the equipment that they need for their dangerous missions.

The wars that continue in Iraq and Afghanistan are unlike the conflicts that the United States has fought in the past two decades. In the first Persian Gulf War or Kosovo, our military depended on high-tech aircraft and smart bombs to quickly overwhelm our enemies. Today, in Iraq, our awesome airpower is of limited use. The wars in Iraq and Afghanistan are, by and large, the wars of the soldier and the marine. These are the wars of the foot soldier, carried out in the hostile streets of foreign cities. These troops do not enjoy the near-invulnerability of stealth aircraft or cruise missiles. Our troops do not see the enemy as a blip on a radar screen, because often the enemy is seen eye to eye.

With this being the reality of urban warfare, there must be a new focus on providing our ground troops with the equipment that they need to fight and survive in the urban combat environment. The Defense authorization bill reported by the Armed Services Committee makes steps in this direction. It authorizes \$1.4 billion in spending to protect our troops serving overseas. This figure includes \$500 million to detect and destroy roadside bombs, \$344 million for up-armored HMMWVs, and \$118 million for body armor.

But more must be done to provide our troops with the next generation of

weapons that will help our troops prevail in ground combat. More needs to be done to apply the technology that allows our military to dominate the air and the seas to build a new generation of weapons that will allow our troops to dominate the ground. One such technology that deserves investigation is the SPIKE missile system currently being developed by the Navy. The SPIKE missile is designed to be a low-cost, lightweight, precision-guided rocket that would allow our troops to accurately engage enemies at great range. If this technology is successful, it could provide our ground troops with the same sort of revolutionary advantage that precision-guided munitions provided to our advanced aircraft a decade ago.

There are also emerging opportunities for the use of unmanned aerial vehicles to support the warfighter on the ground. While important UAVs like Global Hawk provide intelligence about what is going on in large sections of a country, our ground troops often need to know what is happening on the other side of a hill. Smaller UAVs can provide our troops with a decisive advantage in urban environments. Important projects like SWARM, being developed by Augusta Systems in Morgantown, are exploring ways to allow small UAVs to work together to seek out our enemies on the battlefield, eliminating the chance that our troops could be taken by surprise. The next step is to use small UAVs as ways to strike first, before our ground troops come into the range of our enemy's weapons. Our military is only beginning to tap the growing potential of UAV technology to support our troops on the ground.

The Department of Defense is currently engaged in the Quadrennial Defense Review, a top-to-bottom study of our military strategy, posture, and equipment that will guide this Nation's defense research and development and procurement policies for the next 4 years. With this review underway, it is an ideal opportunity to place a new emphasis on bringing cutting-edge technology to our troops on the ground in Iraq and Afghanistan. I urge the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and the other Pentagon officials who are carrying out this study to broaden their view of what our troops require.

The QDR should propose new technologies to protect our troops from the threats that they face in combat, and it should also accelerate the development of new weapons systems that allow our soldiers to dominate the battlefield in urban environments. The Department of Defense should place these efforts on the top of its priorities: we should not wait for the next war to give our troops the advantage of new, high-tech weapons. Instead, the Pentagon and Congress should make every effort to arm our troops with the next generation of technology, today. For so long as our troops are serving in

harm's way, we must give them not only the armor and protection, but also the weapons, that they need to ensure that they will come home safely.

Mr. FEINGOLD. Mr. President, last night the Senate passed an amendment that I offered to this bill that represents another step toward enhancing and strengthening transition services that are provided to our military personnel and builds upon an amendment that I offered to this bill last year. I want to thank the chairman and the ranking member of the Armed Services Committee for working with me to accept this amendment.

As the Senate conducts its business today, thousands of our brave men and women in uniform are in harm's way in Iraq, Afghanistan, and elsewhere around the globe. These men and women serve with distinction and honor, and we owe them our heartfelt gratitude.

We also owe them our best effort to ensure that they receive the benefits to which their service in our Armed Forces has entitled them. I have heard time and again from military personnel and veterans who are frustrated with the system by which they apply for benefits or appeal claims for benefits. I have long been concerned that tens of thousands of our veterans are unaware of Federal health care and other benefits for which they may be eligible, and I have undertaken numerous legislative and oversight efforts to ensure that the Department of Veterans Affairs makes outreach to our veterans and their families a priority.

While we should do more to support our veterans, we must also ensure that the men and women who are currently serving in our Armed Forces receive adequate pay and benefits, as well as services that help them to make the transition from active duty to civilian life. I am concerned that we are not doing enough to support our men and women in uniform as they prepare to retire or otherwise separate from the service or, in the case of members of our National Guard and Reserve, to demobilize from active-duty assignments and return to their civilian lives while staying in the military or preparing to separate from the military. We must ensure that their service and sacrifice, which is much lauded during times of conflict, is not forgotten once the battles have ended and our troops have come home.

Earlier this year I introduced legislation, the Veterans Enhanced Transition Services Act, VETS Act, which would help to ensure that all military personnel have access to the same transition services as they prepare to leave the military to reenter civilian life, or, in the case of members of the National Guard and Reserve, as they prepare to demobilize from active-duty assignments and return to their civilian lives and jobs or education while remaining in the military.

I have heard from a number of Wisconsinites and members of military

and veterans service organizations that our men and women in uniform do not all have access to the same transition counseling and medical services as they are demobilizing from service in Iraq, Afghanistan, and elsewhere. I have long been concerned about reports of uneven provision of services from base to base and from service to service. All of our men and women in uniform have pledged to serve our country, and all of them, at the very least, deserve to have access to the same services in return.

I am pleased that the VETS Act is supported by a wide range of groups that are dedicated to serving our men and women in uniform and veterans and their families. These groups include: the American Legion; the Enlisted Association of the National Guard of the United States; the National Coalition for Homeless Veterans; the Paralyzed Veterans of America; the Reserve Officers Association; the Veterans of Foreign Wars; the Wisconsin Department of Veterans Affairs; the Wisconsin National Guard; the American Legion, Department of Wisconsin; Disabled American Veterans, Department of Wisconsin; the Wisconsin Paralyzed Veterans of America; the Veterans of Foreign Wars, Department of Wisconsin; and the Wisconsin State Council, Vietnam Veterans of America.

I introduced similar legislation during the 108th Congress, and I am pleased that a provision that I authored which was based on that bill was enacted as part of the fiscal year 2005 Defense authorization bill.

In response to concerns I have heard from a number of my constituents, my amendment, in part, directed the Secretaries of Defense and Labor to jointly explore ways in which DoD training and certification standards could be coordinated with Government and private sector training and certification standards for corresponding civilian occupations. The Secretaries of Defense and Labor submitted their report, "Study on Coordination of Job Training Standards with Certification Standards for Military Occupational Specialties," in September of this year. It is my hope that this report will serve as a useful tool as the Departments seek to help military personnel who wish to pursue civilian employment related to their military specialties to make the transition from the military to comparable civilian jobs.

In addition, this amendment required the Government Accountability Office, GAO, to undertake a comprehensive analysis of existing transition services for our military personnel that are administered by the Departments of Defense, Veterans Affairs, and Labor, and to make recommendations to Congress on how these programs can be improved. My amendment required GAO to focus on two issues: how to achieve the uniform provision of appropriate transition services to all military personnel, and the role of post-deployment and predischarge health assessments as

part of the larger transition program. GAO released its study "Military and Veterans' Benefits: Enhanced Services Could Improve Transition Assistance for Reserves and National Guard" in May 2005, and it plans to release its study on health assessments in the near future.

In July of this year, GAO provided testimony on its transition services report to the House Committee on Veterans Affairs Subcommittee on Economic Opportunity. That hearing could not have been more timely. We owe it to our men and women in uniform to improve transition programs now as we continue to welcome home thousands of military personnel who are serving our country in Iraq, Afghanistan, and elsewhere. I commend the Departments of Defense, Veterans Affairs, and Labor for the steps they have taken thus far to improve these important programs. We should not miss an opportunity to help the men and women who are currently serving our country, and I am pleased that the chairman and the ranking member agreed to accept a number of provisions from my legislation as an amendment to the fiscal year 2006 Defense authorization bill.

Under current law, the Department of Defense, together with the Departments of Veterans Affairs, VA, and Labor, provide preseparation counseling for military personnel who are preparing to leave the Armed Forces through the Transition Assistance Program/Disabled Transition Assistance Program, TAP/DTAP. This counseling provides servicemembers with valuable information about benefits that they have earned through their service to our country such as education benefits through the GI Bill and health care and other benefits through the VA. Personnel also learn about programs such as Troops to Teachers and have access to employment assistance for themselves and, where appropriate, their spouses.

My amendment would ensure that National Guard and Reserve personnel who are on active duty for at least 180 days are able to participate in this important counseling prior to being demobilized. In its recent report on transition services, GAO found that "[d]uring their rapid demobilization, the Reserve and National Guard members may not receive all the information on possible benefits to which they are entitled. Notably, certain education benefits and medical coverage require servicemembers to apply while they are still on active duty. However, even after being briefed, some Reserve and National Guard members were not aware of the timeframes within which the needed to act to secure certain benefits before returning home. In addition, most members of the Reserves and National Guard did not have the opportunity to attend an employment workshop during demobilization."

In response to these findings, GAO recommended that "DoD, in conjunction with DoL and the VA, determine

what demobilizing Reserve and National Guard members need to make a smooth transition and explore options to enhance their participation in TAP." GAO also recommended that "VA take steps to determine the level of participation in DTAP to ensure those who may have especially complex needs are being served."

In addition to ensuring that all discharging and demobilizing military personnel are able to participate in TAP/DTAP, we should take steps to improve the uniformity of services provided to personnel by ensuring that consistent transition briefings occur across the services and at all demobilization/discharge locations. In its report, GAO noted that "[t]he delivery of TAP may vary in terms of the amount of personal attention participants receive, the length of the components, and the instructional methods used." We should make every effort to ensure that those who have put themselves in harm's way on our behalf have access to the same transition services no matter their discharge/demobilization location or the branch of the Armed Forces in which they serve. I look forward to reviewing the Department's progress on GAO's recommendations in this area.

In order to improve the breadth of information provided to Members during TAP/DTAP, my amendment would require pre-separation counseling programs to include the provision of information regarding certification and licensing requirements in civilian occupations and information on identifying military occupations that have civilian counterparts, information concerning veterans small business ownership and entrepreneurship programs offered by the Federal Government, information concerning employment and reemployment rights and veterans preference in Federal employment and Federal procurement opportunities, information concerning housing counseling assistance, and a description of the health care and other benefits to which the member may be entitled through the Department of Veterans Affairs.

In addition to the uneven provision of transition services, I have long been concerned about the immediate and long-term health effects that military deployments have on our men and women in uniform. I regret that, too often, the burden of responsibility for proving that a condition is related to military service falls on the personnel themselves. Our men and women in uniform deserve the benefit of the doubt, and should not have to fight the Department of Defense or the VA for benefits that they have earned through their service to our Nation.

Since coming to the Senate in 1993, I have worked to focus attention on the health effects that are being experienced by military personnel who served in the Persian Gulf war. More than 10 years after the end of the gulf war, we still don't know why so many veterans of that conflict are experiencing med-

ical problems that have become known as gulf war illness. Military personnel who are currently deployed to the Persian Gulf region face many of the same conditions that existed in the early 1990s. I have repeatedly pressed the Departments of Defense and Veterans Affairs to work to unlock the mystery of this illness and to study the role that exposure to depleted uranium may play in this condition. We owe it to these personnel to find these answers, and to ensure that those who are currently serving in the Persian Gulf region are adequately protected from the many possible causes of gulf war illness.

Part of the process of protecting the health of our men and women in uniform is to ensure that the Department of Defense carries out its responsibility to provide post-deployment physicals for military personnel. I am deeply concerned about stories of personnel who are experiencing long delays as they wait for their post-deployment physicals and who end up choosing not to have these important physicals in order to get home to their families that much sooner. I am equally concerned about reports that some personnel who did not receive such a physical—either by their own choice or because such a physical was not available—are now having trouble as they apply for benefits for a service-connected condition.

I firmly believe, as do the military and veterans groups that support my bill, that our men and women in uniform are entitled to a prompt, high quality physical examination as part of the demobilization process. These individuals have voluntarily put themselves into harm's way for our benefit. We should ensure that the Department of Defense makes every effort to determine whether they have experienced, or could experience, any health effects as a result of their service. Thus I am pleased that the fiscal year 2005 defense authorization bill included a provision to tighten the requirement for a pre-discharge/post-demobilization health assessment.

It is vitally important that these assessments include a mental health component. Our men and women in uniform serve in difficult circumstances far from home, and too many of them witness or experience violence and horrific situations that most of us cannot even begin to imagine. I have heard concerns that these brave men and women, many of whom are just out of high school or college when they sign up, may suffer long-term physical and mental fallout from their experiences and may feel reluctant to seek counseling or other assistance to deal with their experiences.

Some Wisconsinites have told me that they are concerned that the multiple deployments of our National Guard and Reserve could lead to chronic post-traumatic stress disorder, PTSD, which could have its roots in an experience from a previous deployment and which could come to the surface by

a triggering event that is experienced on a current deployment. The same is true for full-time military personnel who have served in a variety of places over their careers. I am pleased that the Senate has already accepted an amendment offered by the Senator from Louisiana, Ms. LANDRIEU, that will require that personnel receive mental health screenings prior to deployment into a combat zone, not later than 30 days after return from such a deployment, and not later than 120 days after return from such a deployment.

We can and should do more to ensure that the mental health of our men and women in uniform is a top priority, and that the stigma that is too often attached to seeking assistance is ended. One step in this process is to ensure that personnel who have symptoms of PTSD and related illnesses have access to appropriate clinical services, through DoD, the VA, or a private sector health care provider. To that end, my amendment would require that the health care professionals who are assessing demobilizing military personnel provide all personnel who may need followup care for a physical or psychological condition with information on appropriate resources through DoD or the VA and in the private sector that these personnel may use to access additional followup care if they so choose.

I commend the Assistant Secretary of Defense for Health Affairs for issuing in March 2005 a memorandum to the Assistant Secretaries for the Army, Navy, and Air Force directing them to extend the Pentagon's current post-deployment health assessment process to include a reassessment of "global health with a specific emphasis on mental health" to occur 3 to 6 months post-deployment. At a hearing of the Senate Armed Services Committee's Personnel Subcommittee earlier this year, the Assistant Secretary stated that the services were in the process of implementing a program that would include a "screening procedure with a questionnaire and a face-to-face interaction at about three months" post-deployment. He also noted that the idea for this program came from "front line people" and that he "asked them . . . 'do you think we should make it mandatory?' and the answer was: yes." This sentiment makes it even more important that the initial post-deployment mental health assessment be strengthened and that it be mandatory as well so that health care professionals have a benchmark against which to measure the results of the followup screening process. I am pleased that the Pentagon has undertaken this effort, and I believe that the provisions in Senator LANDRIEU's amendment and in my amendment will further enhance this process and help to ensure that we are properly caring for the mental health of our men and women in uniform.

In addition, in order to ensure that all military personnel who are eligible



for medical benefits from the VA learn about and receive these benefits, my amendment would require that, as part of the demobilization process, assistance be provided to eligible members to enroll in the VA health care system.

Finally, my amendment will require the Secretary of Defense, in consultation with the Secretaries of Labor and Veterans Affairs, to report to Congress on the actions taken by those Departments to ensure that the Transition Assistance Program is functioning effectively to provide members with timely and comprehensive transition assistance. As part of the report, the Secretary will be required to include a review of transition assistance that has been/is being provided to members deployed as part of Operation Iraqi Freedom, Operation Enduring Freedom, in support of other contingency operations, and members of the National Guard who were activated in support of relief efforts following Hurricanes Katrina and Rita. I look forward to reviewing this report.

Again, I thank the chairman and the ranking member for their assistance on this important issue.

Mr. LIEBERMAN. Mr. President, I rise to bring my colleagues' attention to a provision in sections 231–235 in the Defense authorization bill titled “High Performance Defense Manufacturing Technology Research and Development.”

I introduced this legislation with my colleague Senator COLLINS to address erosion in our defense manufacturing base that threatens our national security and ultimately our economy overall. We are running major deficits with China in defense critical manufacturing areas, such as computer hardware—\$25 billion—and electronics machinery and parts—\$23 billion—as U.S. production drifts offshore. We are transferring major portions of our circuit board, semiconductor, machine tool, and weapon system metal casting manufacturing to China and other nations because of lower wage and lower production costs. Without productivity breakthroughs, the U.S. defense manufacturing base will continue to erode.

In the high-tech sector, manufacturing needs and research and development needs are highly correlated. As a result, research and development, R&D, centers are often located near manufacturing facilities. If we continue to lose the manufacturing base, we may well lose over time critical research and development capabilities and damage our ability to innovate. And if we hurt both of those we may also lose our military technical leadership. This ultimately puts our warfighters in harms way. Clearly, the Department of Defense (DOD) has a huge stake in rebuilding the defense manufacturing base.

The DOD needs advanced manufacturing technologies and processes to achieve productivity breakthroughs to drive down costs in mature defense supply sectors. But it also needs ad-

vanced manufacturing techniques to spark the next generation of advances in defense related technologies; technologies that our warfighters deserve. This legislation proposes four basic things.

One, it calls, in section 231, for a R&D effort focused on developing new advanced manufacturing technology and information technology, IT, operating models. The Under Secretary of Defense for Acquisition, Technology, and Logistics, acting through the Director of Defense Research and Engineering and with other appropriate defense programs and agencies such as the Manufacturing Technology Program, the Defense Advanced Research Projects Agency, DARPA, and other defense research activities, is to undertake research and development to develop critical manufacturing productivity breakthrough approaches and the technologies and systems to support them—section 231(b)(1). These could include such breakthrough opportunity areas as distributed and desktop manufacturing, quality inspection that is built into the production process, small lot manufacturing that is as cost-efficient as mass production, use of revolutionary materials and methods of fabrication, and the ability to manufacture devices and machines at the nanoscale. Productivity breakthroughs will ultimately help reduce weapon systems costs and support surge capacity.

The legislation also directs the Under Secretary of the Defense for Acquisition, Technology, and Logistics to undertake R&D to develop a new model, an extended production enterprise—section 231(b)(2)—using IT and new business models, that integrates services, design, and manufacturing stages, to achieve major new efficiencies and cost savings. Included as part of this research effort, the development of the interoperable software for the extended production enterprise, and the corresponding interoperability standards behind it should also be a focus working with the defense industries to develop the organizational model required.

Two, the legislation directs DOD's Manufacturing Technology Program, ManTech, to undertake technology transition including prototyping and test beds—section 232(a) and (b)—for new manufacturing processes and technologies that emerge from this R&D effort. Collaboration established through a memorandum of agreement—section 232(a)(2)—between DDRE, ManTech, and other appropriate DOD organizations is needed to ensure an efficient transition of manufacturing technologies from the research stage described above to ManTech, which will undertake the development of prototypes and testbeds—section 232(b). ManTech currently is funded at \$237 million for fiscal year 2005, all of which is directly tied to the near term needs of the Services. The Joint Defense Manufacturing Technology Panel,

which has coordination responsibility for manufacturing research in DOD, does not have funding independent of the Services to initiate new efforts focusing on longer term, higher risk, higher payoff technologies and processes. Thus, the programs currently underway at ManTech are short-term focused projects addressing immediate needs. ManTech needs to balance the current shorter term portfolio by including a focus on longer term, higher risk manufacturing processes and technology development that are industry game changers and yield big efficiencies and cost savings to DOD.

Additionally, the Under Secretary of Defense for Acquisition, Technology, and Logistics should coordinate activities within ManTech—section 232(b)(2)—with activities under the Small Business Innovation Research Program, SBIR, and the Small Business Technology Transfer Program, STTR. Executive Order 13329, entitled “Encouraging Innovation in Manufacturing,” requires all SBIR/STTR Programs to give priority to research programs that help to advance innovation in manufacturing. ManTech could benefit significantly from this work currently underway.

Working with industry, ManTech should develop a new program to utilize these new manufacturing improvements and processes in the defense manufacturing base—section 232(c). A key way for ManTech to achieve this would be by collaboratively developing and issuing a new performance threshold—a new benchmark system—to ensure ongoing quality and continuous focus on improved and innovative manufacturing procedures developed through the R&D and prototyping described above. Results from the R&D on manufacturing technologies and processes and on the extended production enterprise would be incorporated into the new performance threshold which could become a new DOD acquisition standard—section 232(c)—for procurement. Similar to the quality focused initiative, 6 Sigma, a program aimed to improve process reproducibility and reliability by eliminating defects and process output variation, this new standard would be disseminated into industry where similar efficiencies and productivity gains could be realized. In order to encourage full adoption of the new manufacturing improvements and processes, including a new performance standard, incentives for contractors in the defense manufacturing base to incorporate and utilize the manufacturing enhancements should subsequently be developed by ManTech—section 232(d)(4).

Third, it establishes mechanisms to efficiently disseminate technological developments to the broader defense manufacturing base—section 232(d)—including outreach through the Department of Commerce's Manufacturing Partnership program, section 232(d)(2), an established program proven to be effective in assisting small and mid-sized

American manufacturers, including numerous defense manufacturers and suppliers. It has traditionally focused on providing technical assistance in manufacturing operational efficiency and quality and is now evaluating additional roles in providing tools and assistance to promote innovation. DOD could use this existing mechanism to help it reach its defense manufacturing base with these advances.

The Under Secretary of Defense for Acquisition, Technology, and Logistics should also consider outreach through public-private partnerships—section 232(d)(1). Because the prototyping and engineering development stages are extremely expensive, collaborative facilities and testbeds—section 232(b)(1)—should be established to severely reduce the risk, cost, and time of development for new technologies important for national defense. These centers should also educate and train researchers and employees to help assure smooth production process implementation. Such shared facilities, cost shared with both large and small participating firms that are world-class centers for production development, could potentially solve a key DOD problem in technology transition.

Specifically, in implementing the prototype and testbed provisions, section 232(b), the Under Secretary of Defense for Acquisition, Technology, and Logistics can consider establishing one or more pilot manufacturing centers in manufacturing fields important to the production of advanced defense technologies. These centers can be shared production facilities of the Federal Government and the private sector that focus on production development including the invention prototyping and engineering development stages. For example, the Under Secretary of Defense for Acquisition, Technology, and Logistics could permit the participation of State and local governments and could carry out a competition to determine the optimal private sector participants in any manufacturing center.

Fourth, the legislation—section 233—directs the Under Secretary of Defense for Acquisition, Technology, and Logistics to identify and develop a strategy working with industry in a technology area beneficial to the military where a technology development roadmap and strategy is needed to ensure the manufacturing technologies and processes are available to support this breakthrough technology. Consideration should be given to next generation technologies such as advanced micro-manufacturing and nanomanufacturing, other emerging process technologies, model based enterprise, intelligent systems, enterprise integration and knowledge applications. A task force should be established, in cooperation with the private sector, to map a cross-service strategy for fabrication processes and technologies needed to support the roadmaps identified.

Importantly, this legislation not only would fund the needed research in

manufacturing technologies and processes but provides the structure to bring the technology to utilization, to avoid the problem of leaving valuable technology “on the shelf.” Additionally, it initiates the development of a long-term vision for the Department around manufacturing technologies and processes needed for our military.

I would like to point out that this legislation is based on the manufacturing recommendations from the National Innovation Initiative report released by the Council on Competitiveness in December, a report supported by prominent business, academic, and government leaders.

Additionally, I received letters from two key manufacturing organizations supporting this proposal, the Association for Manufacturing Technology, AMT, and National Coalition for Advanced Manufacturing, NACFAM, which stress the critical importance of passing this legislation.

And lastly, I would like to reiterate that this legislation is in line with the Executive order issued by President Bush to encourage innovation in manufacturing in Federal agencies, including through SBIR and STTR to assist the private sector, especially small businesses in manufacturing innovation efforts.

This legislation will help move the U.S. defense manufacturing base ahead of global competition as well as provide support for new technologies that we are at risk of losing. The aim of this legislation is a first step in an overall effort needed to preserve our military excellence and national security.

Mr. McCAIN. Mr. President, I want to speak briefly in favor of a provision in the Department of Defense authorization bill that would require the Department to study the feasibility of procuring satellite capacity through multiyear contracts. I worked with Chairman WARNER and Ranking Member LEVIN to address this issue in the underlying bill, and while I am pleased that the committee's leadership has accepted the provision, I am disappointed that Congress must once again request the Department to study this issue.

Last year, Congress included a provision in the Department of Defense authorization bill to require the Department to scrutinize its commercial satellite capacity procurement practices and report to Congress its findings and recommendations. That study was completed, albeit after the statutory deadline and too late for many of the recommendations to be implemented in this year's authorization bill. The study also failed to specifically review the issue of multiyear contracting. Therefore, Congress will be more explicit this year in its request and will once again await the Department's findings.

The study on multiyear contracting is necessary because many in the satellite industry and the Government question whether the Department of Defense's general policy of procuring

leased satellite capacity on a year-to-year basis is resulting in the best price for the Government and the taxpayers. In contrast to the Government, other entities purchasing leased satellite capacity for communications services, such as CNN and FOX, negotiate multiyear contracts and are receiving lower prices for the same services. The Federal Government, with the Department of Defense as the main buyer, is the world's largest consumer of leased satellite capacity and, as such, the Government should be able to negotiate the lowest price and the most flexible terms for leased satellite capacity.

Last year, the Government Accountability Office studied the Department's procurement process for leased satellite capacity and found that the Department's procedures were uncoordinated, frustrating for military commanders, and overly expensive to U.S. taxpayers. Using the results of the GAO study, along with the Department's study completed this year and the findings on the multiyear contract issue, I hope Congress will finally have the necessary information to consider wholesale satellite procurement reforms during next year's authorization process.

Mr. SESSIONS. Mr. President, when the Senate was considering S. 1042, the National Defense Authorization Act for fiscal year 2006, earlier this year, there was rather extensive debate over a \$4 million funding item called the Robust Nuclear Earth Penetrator, RNEP. This item was a feasibility study to be conducted by the Department of Energy to determine whether an existing nuclear weapon could be modified so that it could destroy hardened and deeply buried targets.

Since the time of our earlier debate on this matter, our colleagues on the Appropriations Committee have completed work on the conference report for Energy and Water appropriations. The conferees have reached agreement on appropriations for the Department of Energy and have agreed to eliminate funding for continued research on the Robust Nuclear Earth Penetrator at the request of the National Nuclear Security Administration.

In light of this outcome and the elimination of funding, an amendment to S. 1042 has been cleared on both sides which will remove the authorization for the Department of Energy to continue the feasibility study.

I note for my colleagues, however, that the Senate Armed Services Committee received a letter from Gen. James Cartwright, the Commander of U.S. Strategic Command, dated November 1, 2005, which emphasizes the need for continued work on earth penetrating weapons which can be either nuclear or conventional. General Cartwright states his support for research to validate computer models of the impact physics of penetrating warheads into hard surface geologies. What the general is essentially saying is: Just

because the funds have gone away doesn't mean that the problem has gone away.

I think the general's statement is very reasonable. I would hope that with the tremendous investment that this Congress directs into defense research and development, at some point and in some fashion, we could work together to address the military need the general has identified.

Mr. KOHL. Mr. President, the decisions made by the Base Realignment and Closure Commission are final. All around the country communities are now forced to deal with the difficult reality of how to approach the redevelopment and transfer of a local military facility that is being closed. In my State of Wisconsin, the city of Milwaukee is faced with the difficult prospect of what to do after the 440th Airlift Wing leaves Mitchell Field. The community, the State, and our congressional delegation fought long and hard to protect the proud men and women of the 440th, but we were not able to convince the Commission that closing the 440th would be a mistake.

Senator SNOWE offered an amendment that I believe will make the process of transferring and redeveloping base properties easier and faster. Senator SNOWE proposed to allow the property to go directly to a local redevelopment agent and avoid the current complicated and time consuming process. A faster process means a quicker return to economic vitality, and I support that.

Senator SNOWE also proposed that the local community not have to pay for the land the Federal Government is giving up. It is only fitting that in these communities that have given so much to our military men and women that we give something back. Pulling up stakes and removing an important economic engine is bad enough, but to then expect the redevelopers to pay for the land as well just adds insult to injury. It is unfortunate that this amendment that will make the transition process easier for Milwaukee and communities around the country was not accepted.

Mr. LIEBERMAN. Mr. President, U.S. competitiveness in the high-tech sector of semiconductors, an important enabler in today's world providing the basis for nearly all electronic products and systems used in both consumer and military applications, is at risk. As we all are aware, global competition is on the rise, U.S. basic research investment is on the decline, and there is serious concern regarding the U.S. science and technology talent base. These issues have long been a concern of mine not only for the health of our economy but also for maintaining and preserving our national security. I released a whitepaper back in June of 2003 titled "National Security Aspects of the Global Migration of the U.S. Semiconductor Industry" that discusses and highlights the importance of addressing the accelerating shift in

manufacturing overseas. Historically, shifts in manufacturing result over time in migration of research and development which, unfortunately, means we will be essentially offshoring our innovation capacity itself. In the March 21, 2005, edition of Business Week, the cover story article titled "Outsourcing Innovation" exactly addresses this issue. The article discusses how Western corporations began offshoring manufacturing in the 1980s and 1990s to increase efficiency and to focus on research and development and proceeds to say how "that pledge has now passed." Companies such as Dell, Motorola, and Phillips are buying designs of digital devices from abroad, slightly altering the device, and then branding the product with their name.

In addition, there is another aspect of the semiconductor industry that cannot be overlooked, the limitation of Moore's Law. There will soon be physical barriers blocking the continued diminution of transistor size, and the financial barriers will become even more extraordinary. This situation would inevitably lead to the slowing or stopping of chip manufacturer's progress unless we bring nanotechnology to fruition in the semiconductor world.

I think it is pretty clear that it is more important than ever to create an environment in the United States which promotes research and development and fosters innovation. The Defense Science Board Task Force released to the Congress in April 2005 the final report titled "High Performance Microchip Supply" which was in part a response to the issues I raised in my 2003 report. The report outlines a series of recommendations to help ensure the long-term health of the U.S. microchip design, development, and manufacturing industries. The report emphasizes the importance of maintaining technical superiority in the semiconductor industry in order to lead in the application of electronics to support the warfighter. This lead is critical to the foundation of the next generation of U.S. security strategy network centric warfare superiority. The report specifically stresses the need for trusted and assured suppliers of integrated circuit components and emphasizes that "trust cannot be added to integrated circuits after fabrication; electrical testing and reverse engineering cannot be relied upon to detect undesired alterations in military integrated circuits." Beyond highlighting the threat of IC device compromise, the report also highlights the risk associated with reliance on foreign suppliers to access high-performance microelectronics in time of war when quick response or surge capacity is needed and additionally, the report stresses the longer term risk of losing leading edge R&D in a technology area central to our economy. This latter point was a particular emphasis of my 2003 report referenced previously and this new report agrees.

The DSB report calls for the Department of Defense's senior officials to advocate that a strongly competitive U.S. semiconductor base is not only a Department of Defense goal but should also be a national priority. Because DSB finds that research and development is closely coupled with a solid manufacturing base, and the U.S. semiconductor manufacturing base is going abroad, the United States will soon start to lose its R&D skill base which is essential for not only U.S. defense systems but general economic competitiveness.

Given the low production volume of Department of Defense microelectronics parts, the report also recommends that the Department of Defense, working with the semiconductor industry and fabrication equipment suppliers, develops a cost-effective technology for the design and fabrication of low production volume, leading edge technology given the low volume demands of the Department of Defense.

It states that an overall vision is needed that develops an approach to meet Department of Defense needs before a supply source becomes an emergency. This requires funding research that will sustain our technical superiority; the trusted foundry agreements assist in solving the immediate problems, not the longer term. Included in the overall vision, a plan is needed specifically for a Department of Defense acquisition strategy that encompasses both short- and long-term technology, acquisition and manufacturing capabilities to assure an ongoing supply of trusted microelectronic components.

Although U.S. leadership in chip design does not in and of itself assure the trustworthiness of the microelectronic parts, it does put the Department of Defense in a superior position to potential adversaries whose systems rely on U.S. based suppliers. The Department of Defense needs to sustain this U.S. leadership by investing in research programs and ensuring a domestic supply of scientists and engineers who are skilled in this area. New programmable chip technology, which has intricate designs and therefore is more difficult to validate, is needed and efforts to develop next generation technologies in this area should be pursued.

This DSB report clearly stresses the need for immediate action and lists key recommendations to help the Department of Defense develop not only a short-term plan to address the immediate needs but, importantly, a longer term vision as well. By the end of 2005, there will be 59 300 mm fabrication plants worldwide with only 16 of these located in the United States. The United States cannot wait much longer; we need to address the global competitiveness issue today.

The Department of Defense has been telling us for a year or more to wait for the Defense Science Board report. It has now finally arrived and an actual Department of Defense "action plan" to implement these recommendations

is needed. This is why I along with Senator CORNYN proposed an amendment, No. 2446, to the Defense Authorization Act, S. 1042, asking the Department of Defense to develop this action plan. I am pleased to see this amendment has been adopted unanimously by the Senate.

The United States historically has lost manufacturing sectors as product cycles matured but our innovation system always filled that void by creating new sectors, opportunities, jobs and higher standards of living. I want to see that trend continue, and this amendment asks the Department of Defense to form a sound plan in this technology area.

#### MORNING BUSINESS

Mr. WARNER. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

#### ENERGY PRICES

Mr. DORGAN. Madam President, we have come from a Commerce-Energy Committee joint hearing with the CEOs of the major energy companies. They came to talk to us about the price of energy.

I made the point this morning—I know the Presiding Officer was also there and made the points she wished to make—as we go into the winter season, those who are trying to figure out how they afford home heating fuel, natural gas, propane, and so on, take a look at the newspapers and see the highest profits in history for the oil companies. They are the ones, the consumers, who will have to bear the pain. Heat your home in the winter or try to figure out how you are going to pay the fuel bill in the spring if you are a farmer or a rancher. These prices are going to eat away all the profit that existed, and then some, with respect to family farmers in my State. That is according to estimates that come from the farm organization and from economists who have looked at it.

The question for family farmers who are being ripped by these energy prices or people who drive to the gas pumps or people who are figuring out how to heat their homes is, Is anybody going to do anything about it? You have all the gain on this side and all the pain on this side. All the gain with the big energy companies, the big oil companies, the major integrated oil companies, bigger, stronger, with more raw muscle power in the marketplace because of block buster mergers, and all the pain on the other side, the consumers.

Especially in a State that is an agricultural State where we rely on family farmers as a significant part of our economic base, knowing that those family farmers operate on a thin margin,

knowing that they are trying to figure out how to pay energy costs going into spring planting and fertilizer costs and so on, knowing that it is going to wipe away any net profit they would have, any opportunity for a net profit next year, they are saying to this Congress: Talk is cheap. What are you going to do? Will Congress take some action? Will Congress take action to ease the pain and provide some fairness and restore fairness? I hope so.

I won't go into great detail about the action I think we should take. I have done that many times on the floor with respect to a Windfall Profits Rebate Act, to rebate to consumers a portion of these profits.

My hope is that in the shadow of the hearings we held today, Congress will be ready to take some action with respect to energy price issues.

#### FIRING OF DAVID GUNN

Mr. DORGAN. Madam President, I have received a press statement, issued moments ago, from the Amtrak National Rail Passenger Corporation board of directors. Four members on the board of directors represent membership appointed by the President. Two of them are recess appointments not given the stamp of approval by the Senate. The four members of the board of directors at Amtrak this morning decided to fire David Gunn, president of Amtrak.

David Gunn is not anybody's crony. He happens to be an appointment that is smart, tough, with experience in the area. He has run Amtrak like a true champion. He ran afoul of the White House when the White House decided they wanted to shut down Amtrak, shut down long-distance trains and effectively get rid of Amtrak.

David Gunn was the president of Amtrak. He and others fought to maintain rail passenger service and fought to persuade this Congress to fund Amtrak. The administration recommended zero funding for Amtrak. The Congress didn't agree. So the Congress funded Amtrak in a manner that would allow it to continue to be a national rail passenger system. Apparently, David Gunn doesn't measure up to the White House, and so they got the board of directors this morning to fire him. Incidentally, two of the recess appointments on the board of directors, one from New Jersey, one from Florida, will have some kind of rail passenger service no matter what happens to Amtrak. All those folks who live on the east coast, from Boston to Florida, they probably are always going to have a train running down that little strip on the eastern seaboard. I can understand these two members of the board, neither of whom were confirmed by the Senate, both of whom were given recess appointments by the President and cannot continue beyond this Congress, I can understand if the President or somebody in the White House said: Let's get rid of this David Gunn. They

say: That's all right because even if we get rid of Amtrak, we will have rail passenger service on the east coast.

I wish to say what a horrible mistake it was for the board of directors of Amtrak to do this. I understand where it came from. It came from the White House. It came from the Secretary of Transportation. I understand meetings were held in recent days, and the decision was made. That decision was carried out by the President's board of directors.

I am saying this: A national rail passenger system, Amtrak, is beneficial to this country. In my State, 100,000 people used Amtrak last year. Many of those people don't have alternative transportation opportunities. Yet when Amtrak, the Empire Builder, in this case, runs from Chicago to Seattle, 100,000 North Dakotans have used it. It is an important part of our Nation's transportation system. But there is a disagreement about Amtrak. The President wants to shut it down. He doesn't want it. That is why he proposed no funding for it. The Congress, the majority from his own party, said: No, we want to fund it. We believe Amtrak advances this country's transportation system. We believe it is worthy, something we should do.

The president of Amtrak, David Gunn, is a first-rate executive. He has experience. He has done a great job. I say that as a member of the committee that authorizes Amtrak, so I have watched this enterprise. I have spent time with Mr. Gunn. I have spent time with Amtrak officials. I know what is happening there. This guy is nobody's crony. As a result, he gets fired.

The "you are doing a great job, Brownie stuff," I am sick of that. I would like to see people who are qualified to run things running things in this Government. They had one running Amtrak. Today he gets fired because somebody got their nose out of joint and decided, apparently, the Congress won't allow us to shut down Amtrak so we will fire the president of Amtrak.

It is a big mistake for the country. I don't know how others in Congress will react, but for me, this is a setback and a setback for those who care about rail passenger service. It was a travesty to treat David Gunn, an executive who came out of retirement to run Amtrak and who did a first-rate job, this way. Shame on those who made that decision. This is all about politics. It has nothing to do with performance. I thought, especially in the wake of what happened with Hurricane Katrina, maybe we would get back to performance and decide that when people know how to do things and organize well, they are appreciated. That is not the case with respect to the decision by the board of directors at Amtrak this morning.

Those of us who feel that way probably won't have a chance to overturn this because the board of directors made the decision coming from the