

SEC. 2862. MODIFICATION OF LAND MANAGEMENT RESTRICTIONS APPLICABLE TO UTAH NATIONAL DEFENSE LANDS.

Section 2815 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 113 Stat. 852) is amended—

(1) in subsection (a), by striking “that are adjacent to or near the Utah Test and Training Range and Dugway Proving Ground or beneath” and inserting “that are beneath”; and

(2) by adding at the end the following new subsection:

“(e) **SUNSET DATE.**—This section shall expire on October 1, 2013.”.

AMENDMENT NO. 3044

(Purpose: To prohibit the use of earmarks for awarding no-bid contracts and non-competitive grants)

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

SEC. 827. PROHIBITION ON USE OF EARMARKS TO AWARD NO BID CONTRACTS AND NONCOMPETITIVE GRANTS.

(a) **PROHIBITION.**—

(1) **CONTRACTS.**—

(A) **IN GENERAL.**—Notwithstanding any other provision of this Act, all contracts awarded by the Department of Defense to implement new programs or projects pursuant to congressional initiatives shall be awarded using competitive procedures in accordance with the requirements of section 2304 of title 10, United States Code, and the Federal Acquisition Regulation.

(B) **BID REQUIREMENT.**—Except as provided in paragraph (3), no contract may be awarded by the Department of Defense to implement a new program or project pursuant to a congressional initiative unless more than one bid is received for such contract.

(2) **GRANTS.**—Notwithstanding any other provision of this Act, no funds may be awarded by the Department of Defense by grant or cooperative agreement to implement a new program or project pursuant to a congressional initiative unless the process used to award such grant or cooperative agreement uses competitive or merit-based procedures to select the grantee or award recipient. Except as provided in paragraph (3), no such grant or cooperative agreement may be awarded unless applications for such grant or cooperative agreement are received from two or more applicants that are not from the same organization and do not share any financial, fiduciary, or other organizational relationship.

(3) **WAIVER AUTHORITY.**—

(A) **IN GENERAL.**—If the Secretary of Defense does not receive more than one bid for a contract under paragraph (1)(B) or does not receive more than one application from unaffiliated applicants for a grant or cooperative agreement under paragraph (2), the Secretary may waive such bid or application requirement if the Secretary determines that the new program or project—

(i) cannot be implemented without a waiver; and

(ii) will help meet important national defense needs.

(B) **CONGRESSIONAL NOTIFICATION.**—If the Secretary of Defense waives a bid requirement under subparagraph (A), the Secretary must, not later than 10 days after exercising such waiver, notify Congress and the Committees on Armed Services of the Senate and the House of Representatives.

(4) **CONTRACTING AUTHORITY.**—The Secretary of Defense may, as appropriate, utilize existing contracts to carry out congressional initiatives.

(b) **ANNUAL REPORT.**—

(1) **IN GENERAL.**—Not later than December 31, 2008, and December 31 of each year there-

after, the Secretary of Defense shall submit to Congress a report on congressional initiatives for which amounts were appropriated or otherwise made available for the fiscal year ending during such year.

(2) **CONTENT.**—Each report submitted under paragraph (1) shall include with respect to each contract, grant, or cooperative agreement awarded to implement a new program or project pursuant to a congressional initiative—

(A) the name of the recipient of the funds awarded through such contract or grant;

(B) the reason or reasons such recipient was selected for such contract or grant; and

(C) the number of entities that competed for such contract or grant.

(3) **PUBLICATION.**—Each report submitted under paragraph (1) shall be made publicly available through the Internet website of the Department of Defense.

(c) **CONGRESSIONAL INITIATIVE DEFINED.**—In this section, the term “congressional initiative” means a provision of law or a directive contained within a committee report or joint statement of managers of an appropriations Act that specifies—

(1) the identity of a person or entity selected to carry out a project, including a defense system, for which funds are appropriated or otherwise made available by that provision of law or directive and that was not requested by the President in a budget submitted to Congress;

(2) the specific location at which the work for a project is to be done; and

(3) the amount of the funds appropriated or otherwise made available for such project.

(d) **APPLICABILITY.**—This section shall apply with respect to funds appropriated or otherwise made available for fiscal years beginning after September 30, 2007, and to congressional initiatives initiated after the date of the enactment of this Act.

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. REID. 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. REID. Mr. Chairman, there will be no more votes tonight. We have tried to work something out on the Kyl-Lieberman amendment and the Biden amendment. We have been unable to do that.

We have been very close a few times, but we have just been informed that Senator BIDEN will not have a vote anytime in the near future. There will not be a vote on the other one anytime in the near future. We hope tonight will bring more clearness on the issue.

But right now, I think it is fair to say there will be no votes tonight.

Does the Senator from South Dakota have any comments?

Mr. THUNE. No, I do not. I would say to the leader, that is good for our Members to know. We have Members who have been inquiring whether they will be able to vote.

Mr. REID. Let me say this: One thing I have done is, anytime I know there is going to be no votes, Senator MCCONNELL is the first to know. If there is a Monday we are not going to have votes, I let everybody know; nighttime vote. I

think that has worked pretty well. There are no surprises.

Now, sometimes things just do not work out. But anytime we decide, on this side, the majority, there are not going to be votes, Senator MCCONNELL knows. That is an arrangement I made with him. I have stuck to that for the last 8 months.

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

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

MORNING BUSINESS

Mr. DURBIN. 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.

BURMA

Mr. DURBIN. Mr. President, for the last several months I have been coming to the floor with some frequency to speak about the tragic events in Darfur. That ongoing humanitarian crisis is a constant reminder of how many in this world still live under tragic circumstances and brutal governments.

Yet the human spirit continues to fight for change, even under these difficult conditions, something that has been so movingly evident in the recent days in the country of Burma. During the last week, the world has watched as thousands of Burmese have peacefully called for political change in one of the world's most repressive countries. Reuters reported today that 10,000 Buddhist monks continue to march through the largest city, Rangoon, chanting “democracy, democracy.”

The streets are lined with between 50,000 to 100,000 clapping, cheering supporters. I speak today to lend my support to these peaceful protests and call on the Burmese military to immediately begin working with Nobel Prize winner Aung San Suu Kyi and U.N. Envoy Ibrahim Gambari to bring about a peaceful transition to real democracy in Burma. It should also unconditionally release all political prisoners.

I also call on the Government of China to use its special relationship with the Burmese Government to constructively foster these long overdue changes. As a permanent member of the U.N. Security Council, China has a particular responsibility to take action and to do it rapidly.

Sadly, this tragedy has been going on for way too long. Following decades of totalitarian rule, the Burmese people,

in 1998, began widespread protests for greater democracy, 9 years ago.

The military responded by seizing power and brutally suppressing the popular movement. Two years later, the military government allowed relatively free elections. Aung San Suu Kyi, despite being under house arrest, led her National League for Democracy Party to an overwhelming victory that captured more than 80 percent of the seats in Parliament. Yet to this date, 16 years later, the military has refused to recognize the sweeping democratic mandate by the Burmese people. Sixteen years after a landslide victory, they still wait for the results of the election to be followed.

Can any one of my colleagues in the Senate even imagine being so brazenly denied representation. Following the vote, those elected from her party attempted to take office. The military responded by detaining hundreds of members of the Parliament-elect and other democracy activists. Many remain under arrest even today, with estimates of well over 1,000 political prisoners. Conditions for these prisoners are horrible. Aung San Suu Kyi has been under house arrest for the majority of the last 16 years.

During the last two decades, the Burmese military has created an Orwellian state, one where simply owning a fax machine can lead to a harsh prison sentence. Government thugs beat a Nobel laureate for simply speaking in public. Forced labor and resettlement are widespread. Government-sanctioned violence against ethnic minorities, rape and torture are rampant.

The military suddenly moved the capital 300 miles into the remote interior out of fear of its own people, and the state watches over all aspects of daily life in a way we thought was almost forgotten in today's world.

Under military rule the country has plunged into tragic poverty and growing isolation. The educational and economic systems have all but collapsed. The military is hidden under the facade of a prolonged constitutional drafting process that is a sham.

The junta has no intention of ever allowing a representative government. All the while, it displays its naked fear of its own people as it keeps Aung San Suu Kyi under house arrest. It is understandable that the Burmese people are demanding change. Even after Suu Kyi's husband Michael Aris was diagnosed with cancer in London in 1997, the military would not allow him to visit his wife. The junta would allow her to leave Burma to visit him but, undoubtedly, would never let her return.

She refused to leave because of her dedication to the Burmese people. Sadly, her husband, Michael Aris, died in 1999 without having seen his wife for more than 3 years. Leaders from around the world have spoken in support of her and about the need for change in Burma. Presidents George Bush and Bill Clinton, as well as Sen-

ators FEINSTEIN and MCCAIN, have all voiced repeated concerns. Earlier today, my colleague, Senator MCCONNELL, shared similar concerns on the floor of the Senate.

In 1995, then U.S. Ambassador to the U.N. Madeleine Albright became the first Cabinet level official to visit Aung San Suu Kyi in Burma since the original Democratic upheavals. Later, as Secretary of State, she continued to advocate for change in Burma, at one point saying its government was "among the most repressive and intrusive on earth."

The sweeping calls for change are truly global. South African archbishop and Nobel laureate Desmond Tutu and former Czech President Vaclav Havel have called on the U.N. to take action in Burma.

In December 2000, all living Nobel Peace laureates gathered in Oslo to honor fellow laureate Aung San Suu Kyi. In May of this year, the Norwegian Prime Minister released a letter he organized with 59 former heads of state from five continents calling for her release and the release of all Burmese political prisoners. Now thousands of extraordinarily brave Burmese monks and everyday citizens are filling the streets of Burma. They are saying it is time for peaceful change. In recent days, the monks even reached Suu Kyi's heavily guarded home where witnesses said she greeted them at her gate in tears.

One need only look at the dramatic images being shown on television and on the front pages of newspapers around the world to see the bravery and dignity of these peaceful protesters.

This is a Reuters photograph. It is so touching to look at this demonstration in Burma, monks and supporters literally risking their lives fighting for democracy, fighting for the release of Aung San Suu Kyi and the Burmese prisoners. We are hoping this force in the streets, a force for peace, a force for change, will prevail. We salute their courage, and let the Burmese military know they can't get by with this forever. I want the Burmese people to know the world knows what is happening in their country. There is strong support in the Senate among Republicans and Democrats for peaceful change and democratic government. To those in Burma fighting for peaceful democratic change, our message is simple—we are with you. I call on the Burmese military to immediately release Aung San Suu Kyi and all Burmese political prisoners, to respect peaceful protests of its own citizens, and begin a timely transition to democratic rule. The eyes of the world are watching.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

DEFENSE AUTHORIZATION

Mr. THUNE. Mr. President, this is now day 14 of debate on the Defense authorization bill. It is day 14 of the current debate. We have all been on this bill for a good number of days previously earlier this year. During the same time that we have been debating this for the past 14 days and over the course of the several months that have languished in between our last debate on Defense authorization, we have commanders and troops in the field who have been fighting bravely our terrorist enemies and fulfilling their mission with courage and professionalism.

By contrast, we in the Senate are re-debating old arguments and revoting on amendments that have previously been rejected. In fact, last week most of the amendments offered by our colleagues on the Democratic side had previously been voted on, and the result this time around was essentially the same as the result when we voted on these amendments previously. In fact, we voted now for the second and third time on arbitrary withdrawal dates, on cutting off funding for our war efforts, on changing the mission from that recommended by our commanders, and on other attempts to micromanage our war efforts from the floor of the Senate. Now we may be forced to vote on hate crimes legislation which has no relevance to or place in the Defense authorization bill.

Congress should not and Congress cannot legislate our war strategy, nor do we have the expertise or constitutional authority to micromanage the war. American generals in Iraq, not politicians in Washington, should decide how to fight this war.

I don't condemn my colleagues for a minute for their legitimate Iraq policy positions. As Senators, we have the right to offer amendments. But again, this is not the time to abandon our military efforts in Iraq or to attempt to micromanage our military strategy from thousands of miles away. The current Iraq policy debate taking place on the Defense authorization bill has already dangerously delayed this critical legislation. We all support our troops. This bill contains critical provisions that directly support our men and women in uniform.

Specifically, while we have been re-debating and revoting on amendments for the second and third time, the Defense authorization bill waits for final action. What does it do? This bill directly supports our men and women in uniform. It increases the size of the Army and the Marine Corps. It provides increased authorization to purchase more Mine Resistant Ambush Protected armored vehicles, otherwise known as MRAPs, which will save more lives. It provides a much needed 3.5-percent pay raise for our troops. It further empowers the Army and Air